LEGISLATIVE COUNCIL

Wednesday 24 March 1982

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

QUESTIONS

DRUNKENNESS

The Hon. C. J. SUMNER: Has the Attorney-General an answer to a question I asked on 16 September 1981 about drunkenness?

The Hon. K. T. GRIFFIN: The Government does intend to proclaim the legislation which abolishes the offence of public drunkenness. This will be done when funds are available to implement the scheme which will come into operation at the time of proclamation. Consideration is being given to the provision of funds in 1982-83.

SOUTH AUSTRALIAN JOCKEY CLUB

The Hon. C. J. SUMNER: Has the Attorney-General an answer to a question I asked on 11 February 1982 about the South Australian Jockey Club?

The Hon. K. T. GRIFFIN: The Government is aware of the financial difficulties of S.A.J.C. The Industries Development Commission is currently examining the financial affairs of S.A.J.C. and it is anticipated that its report will be submitted to the Government in about a week's time.

KANGAROO ISLAND STRUCTURE

The Hon. C. J. SUMNER: Has the Attorney-General a reply to a question I asked on 11 February 1982 about a Kangaroo Island structure?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Negotiations between the State Planning Authority and Mr Zealand have resulted in him giving an undertaking to move the offending structure from its location on top of a foredune to a site acceptable to the authority on the understading that consideration would then be given to the authority withdrawing proceedings.

2. The structure was moved to the agreed site on 15 February 1982, its positioning being verified by an officer of the authority on 17 February 1982.

3. The authority has accordingly withdrawn its proceedings against Mr Zealand and will issue planning consent for the new siting.

MARKET GARDENERS

The Hon. B. A. CHATTERTON: I seek leave to make an explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about loans to market gardeners in Virginia.

Leave granted.

The Hon. B. A. CHATTERTON: About two years ago growers in the Virginia area suffered from a very severe hailstorm that went through that area. At the time the South Australian Government made loans available to growers to help them pay for repairs to their glasshouses. The growers had to pay 10 per cent interest on the loans that were made to them. Wheat and sheep farmers who faced severe losses from drought were given grants and were allowed to take out loans, under the same Act, at a 4 per cent interest.

Virginia growers now have to repay the capital and interest on the loans that they took out for their glasshouse repairs. At this time, they are in a very desperate situation because of poor crops and unprofitable market returns. The South Australian Department of Agriculture has tried to improve the profitability of properties in the areea by encouraging growers to use a hybrid seed imported from Holland. This seed is extremely expensive—I was told that it was $190 per 10 grams. Germination of the seed has proved to be somewhat eratic and growers have incurred further debts in following this particular advice from the department.

The Rural Reconstruction Scheme, which is also administered by the Department of Agriculture, has a debt reconstruction programme designed to allow selected growers to reschedule high interest short-term loans from commercial borrowers to longer-term loans at more reasonable interest rates. This scheme was used in South Australia in the 1970s to save many sheep farmers from bankruptcy when the wool market was in trouble.

Growers from Virginia who have applied for assistance under this scheme have been told that they cannot be allocated such help because, if their applications were approved, there would be a flood of requests from the Virginia area that would embarrass the Government. Growers are now unable to plant for next year because all sources of credit are denied to them. They are no longer able to purchase seed, fuel for their tractors, fertiliser or fumigants for the soil. They have been told that they will face bankruptcy if nothing is done to pay their debts.

The growers are angry at the way in which the debt reconstruction scheme is being denied to them but was made readily available to wheat and sheep farmers in the past. Will the Minister of Agriculture postpone the repayments due on the loans made under the Primary Producers Emergency Assistance Act? Will he review the high interest rate charged on these loans, as he is able to do under the provisions of the Act? Will he accept the eligibility of these growers under the terms of the debt reconstruction provisions of the rural adjustment legislation, and provide skilled interpreters to growers to assist them in their applications?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

KANGAROO ISLAND STRUCTURE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the Kangaroo Island structure owned by Mr Zealand. This question is supplementary to the answer which I have just received from the Attorney a short time ago.

Leave granted.

The Hon. C. J. SUMNER: Honourable members will recall that this structure, which was placed by Mr Zealand on Kangaroo Island in a place prohibited by the State Planning Authority, was the place at which the Premier, Mr Tonkin, spent some of his Christmas holidays. We have now been advised that this structure has been shifted following court proceedings taken by the State Planning Authority against Mr Zealand. Court proceedings were taken and court costs were incurred by the S.P.A.

I am reliably informed that costs of the court proceedings following the resolution of the case were agreed between the solicitors concerned. I am further advised that, when the solicitors acting for Mr Zealand advised him of the costs that had to be paid, he approached the Minister of Agriculture, Mr Chapman, who intervened in the situation,

such that the claim for costs, which the S.P.A. was making against Mr Zealand, has now been dropped. Did the Attorney-General or any other Government authority agree to drop a claim for legal costs against Mr Zealand following a settlement of the case involving the structure on Kangaroo Island? If so, why was the claim for costs not pursued? Was this because of the personal friendship between the Premier (Mr Tonkin), the Minister of Agriculture (Mr Chapman), and Mr Zealand?

The Hon. K. T. GRIFFIN: I have no knowledge of the allegations made by the honourable member. Certainly, I have not been involved in a decision about a prosecution by the State Planning Authority, and normally, as Attorney-General, I would not be involved. Accordingly, I will have to make inquiries in respect to the first question. The second question is dependent on the first question, and I will make inquiries in that regard. I would certainly be most surprised if any aspect of a personal relationship was to impinge on a decision about whether or not costs should be recovered. If a decision was taken by the authority in respect of this matter, I would find it difficult to believe that it was based upon any personal relationship between any member of the Government and the offender. However, I will make inquiries and bring back a reply.

NURSING HOMES

The Hon. J. R. CORNWALL: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about a nursing home.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday morning on the Jeremy Cordeaux show some very serious allegations were made concerning a nursing home in the Unley council area. It was alleged that a terminally ill male patient at the home broke a bone after being thrown on to a bed and that he died the following morning; that a patient had had stitches inserted in his or her head without any local anaesthetic being used; that elderly patients were being denied fluids so that they would not wet their bed; and that tea towels were being washed with linen from the beds of incontinent patients.

Following the allegations, the Health Commission investigated to verify or otherwise the proof of the allegations, and I was told only 10 minutes ago that Dr Keith Wilson has now reported that the allegations have been largely substantiated and that the claims are valid. I want to make very clear that I believe that the majority of nursing homes maintain the highest standards. I know that the non-profit organisations (the church and charitable nursing homes), from my own investigations, certainly maintain the highest standards and most of the private profit-making nursing homes likewise maintain satisfactory standards. However, this case illustrates graphically and substantiates the widespread claims that have been made recently about some nursing homes, even if they involve a relatively small number of nursing homes that are not meeting adequate standards and are delivering very poor quality patient care.

It also substantiates my claims that the present system of monitoring the quality of patient care in nursing homes is not working. It is clear that the framework between the local boards of health and the Health Commission for regularly monitoring the quality of care and the standards in nursing homes is quite inadequate. It shows, as I have said in recent months, that that structure must be revised urgently. Will the Minister of Health name the nursing home that is involved in these activities so that the names of other nursing homes in the area which are well conducted and in which the quality of patient care is high will be cleared and so that the relatives of people who are in those nursing homes and other people can be reassured that those homes are not involved?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Minister of Health and bring back a reply.

AUSTRALIAN HISTORY

The Hon. L. H. DAVIS: Has the Minister of Local Government, representing the Minister of Education, an answer to my question of 23 February on Australian history in schools?

The Hon. C. M. HILL: Whilst it is not possible to make direct comparison between States, I am pleased to provide the following information. The Education Department has recognised the fact of limited study of Australia in the school curriculum and is taking positive action to rectify the situation. A clear policy requirement for schools to examine programmes and make adjustments where necessary is shown in the recently published 'Into the 80s' document. To assist schools in the task of encouraging the study of Australia, the following steps have been undertaken:

1. A resource paper is being produced by the curriculum directorate to give schools clear guidelines on what should be included in the Australian history and heritage component of the curriculum;
2. The Education Department is involved with the national project 'Learning Through the Historical Environment' and many important local activities are being undertaken;
3. There is an Education Officer at the Constitutional Museum working on a number of projects and activities to increase student awareness of South Australian history, such as the 1855 election in association with the 'Come Out 81' Festival;
4. The soon to be published primary social studies curriculum has a number of units relating to Australian history and heritage;
5. The Director-General of Education has recently circularised all schools to point out the importance of flying the Australian flag and ensuring that students know the history and significance of the flag;
6. The Education Department is working closely with the 'Jubilee 150' Committee;
7. The Education Department is considering ways that both 1986 and 1988 can be made significant years in our schools.

History is one of 15 subject fields used and of its 19 categories, three are relevant to Australian history. As at February 1980, 79 424 students were studying one of these three categories. This figure does not include single units coded under different areas. It should be noted that 25 per cent of the students in Years 9 or 10 are involved in the study of Australian history and that most R-7 children will also have studied certain units in their social studies course. It is considered that the actions outlined will ensure that in the future students will have an appropriate background in our Australian history, heritage and culture. A committee has been set up to discuss all components of Australian history within school curriculum.

HOSPITAL COMPUTERS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community

Welfare, representing the Minister of Health, a question on hospital computers.

Leave granted.

The Hon. J. R. CORNWALL: On Monday, the mistress of mendacity, the Minister of Health—

The PRESIDENT: Order! I do not believe that that is a Parliamentary expression. I would rather the honourable member did not use it.

The Hon. J. R. CORNWALL: Are you, Sir, referring to the expression 'the mistress of mendacity'?

The PRESIDENT: Yes.

The Hon. J. R. CORNWALL: Are you asking me to withdraw it?

The PRESIDENT: I am asking you not to use it again.

The Hon. J. R. CORNWALL: All right. It is now in *Hansard*. On Monday in the *Advertiser* she claimed:

> The Parliamentary Accounts Committee is following up its 1979 report about computing applications for patient information systems.

That is a blatant untruth. The Public Accounts Committee is investigating a massive breakdown in the entire hospital computer programme. That has occurred under the present Minister's administration, which has been a disastrous mixture of political stunts and stupidity. The present P.A.C. investigation was specifically begun following information which I gave in this Parliament on several occasions. It was initiated as a result of letters and documents which I forwarded to the Chairman of the Public Accounts Committee, Mr Heini Becker, on 10 August 1981. In that letter I stated:

> I have recently been given documented evidence which suggests that unless urgent action is taken to stop them, the South Australian Health Commission are about to embark on the greatest computer fiasco ever seen in South Australia.

I proceeded to give a summary of events since mid-1980, events which have no direct relevance to the P.A.C.'s 1979 report and which have all occurred during Mrs Adamson's period as Minister. I detailed how Mrs Adamson's statement to the House of Assembly on 4 December 1980 had been totally incorrect. She said at that time that Admissions, Transfers and Separations (A.T.S.) computers would be installed at the Royal Adelaide Hospital, Queen Elizabeth Hospital and Flinders Medical Centre. I quote directly from that statement:

> The total cost of the system, for which tenders have been called, is estimated to be between $180 000 and $260 000 per annum. The system will serve 2 000 beds. The benefits of this common patient information system will include improved management information, improved management of outpatient resources and increased bed utilisation. There will be absolutely no risk under the new system that the Flinders-Modbury debacle will be repeated. The cost estimates are realistic and the hospitals are involved in the process and committed to its success. I should also add that I was invited to visit a computer firm to examine how such systems work.

No doubt, with the Minister's great expertise in computers, she would have been able to assess that accurately. She continued as follows:

> I was very impressed with the potential and capabilities of such systems. As a result of that visit I have arranged that, when the contract is let, the Health Commission will arrange a seminar for all members of Parliament so that they can become acquainted with the use of patient and management information systems computerised for hospitals. They will have the opportunity to ask questions, become informed and see for themselves the benefit of such a system when it is properly prepared and when there are sound guidelines for its purchase.

No doubt that is one copy of *Hansard* which the Minister would like to be able to recall and pulp. In fact, I think she would eat it, if necessary, to get it off the shelf. In my letter to the P.A.C. and consistently in this Council I detailed disaster after disaster following that statement. When it was originally prepared for tender (that is, the tender for this particular A.T.S. system) two of the criteria for the A.T.S. system to which the Minister referred on 4 December 1980 were as follows:

> That is must be capable of implementation within a *known* short time frame and within a *known* low cost; and, that the system must be one proven to work in the Australian health environment. One of the mandatory conditions for the tender was that the system should be proven in Australia.

The cost estimates were for a package installed in the first hospital in January 1981 (that is 14 months ago), and all three hospitals by June 1981. On 22 January 1981 the committee handling the specifications met again. For some inexplicable reason it recommended at this time that an overseas hospital information system be acquired. Subsequently, for yet other unexplained reasons, five officers were sent to Sydney to evaluate the Royal Prince Alfred Computer System. In June 1981 Dr Sue Britton, Medical Superintendent at the Royal Adelaide Hospital, and Mr Ray Blight, Director of Management Services in the Health Commission, were sent to the United States. They toured extensively and expensively inspecting all manner of grandiose multi-million dollar computer systems. Meanwhile, Computer Sciences of Australia, one of several consultants to the Health Commission, moved the situation from confusion to chaos. They produced a massive two-volume report recommending a full hospital computer programme at an estimated cost of $20 000 000. At the same time they were highly critical of commission procedures followed over the previous 12 months in attempting and failing to install an A.T.S. computer system.

Since that time the Minister and the commission have been floundering about trying to salvage something from the wreck. In the latest proposal an I.B.M. system costing in excess of $500 000 was to be installed at one hospital only, the Royal Adelaide. But again they got their homework wrong and the Automatic Data Processing Board, which by this time had the Public Accounts Committee looking over their shoulders, recommended against this proposal. Yesterday I learned to my dismay that yet another expensive tourist has been dispatched to the United States. Mr Trevor Morgan, from accounting services at the Royal Adelaide Hospital, was sent to America three weeks ago. He is expected to be away for almost two months at inordinate further expense to South Australian taxpayers.

This bumbling ineptitude and gross waste of public funds has gone on for far too long. The Public Accounts Committee is trying very hard to unravel this multi-million dollar scandal. I have the utmost confidence in its ability and integrity. However, it is becoming clear that it does not have the time or the necessary resources to fully investigate the ramifications, the intrigue or the magnitude of the hospital computer problems. The time has come when only a Royal Commission with the widest terms of reference can sort out this horrible mismanagement. Who authorised Mr Morgan's trip to the U.S.? What is the purpose of the trip? What is the estimated cost? Will the Minister and the Government take urgent action to appoint a Royal Commission into the hospital computer scandal?

The Hon. J. C. BURDETT: I am not aware of any scandal, but I will refer the honourable member's question to the Minister of Health and bring down a reply.

PETER VARDON FAIRWEATHER

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General a question about a Mr Peter Vardon Fairweather and his involvement with a particular sporting club in Adelaide.

Leave granted.

The Hon. N. K. FOSTER: I think that most members of this Council will recall the name that I just mentioned, Peter Vardon Fairweather, and his associaton with a number of matters that have been the subject of Parliamentary and newspaper speculation. He has had his auditor's and liquidator's licence suspended by the Companies Auditors Board. He was also the subject of an *Advertiser* report as being linked with Abe Saffron on a number of occasions. The *National Times* and the Adelaide *News* have also printed reports concerning him.

The sporting club I refer to is the Norwood Redlegs Club Incorporated, which is one of the most widely known and respected clubs of its kind in this State. In saying that I am not implying that other football clubs are any less than what some members of the community consider them to be. I think all members would know that the Port Adelaide Football Club is in the Woodville-Alberton area; Glenelg is a somewhat smaller club on the western side of the city; and the Sturt Football Club is in the Unley-Mitcham and Goodwood Road area, as the member for Unley will attest. Norwood is the league club which has expanded its sphere of influence and won the respect of an area in the eastern suburbs greater than any other area of urban Adelaide. Its area extends up to Fairview Park and Tea Tree Gully in the north-east and does not begin to dissipate until it reaches Para Hills. It is a club that is indeed very widely known and widely respected.

I point out that I do not necessarily barrack for the Norwood football team. I refer to an article in the Adelaide *Advertiser* of 7 December 1979 under the heading 'Former nightclub auditor suspended'. The article states:

> Peter Vardon Fairweather, a former director of Adelaide's biggest nightclub-hotel chain, has had his auditor's and liquidator's licence suspended.
>
> Mr Fairweather was found guilty of 'conduct discreditable to an auditor' by the Companies Auditors Board on 28 November.
>
> The penalty was handed down early this week. Until 31 July 1976, Mr Fairweather was a director of the chain which included the Castle Motor Inn, Edwardstown, the Elephant and Castle Hotel, city, Pooraka Hotel, Pooraka, Jeremiah's nightclub, Rundle Mall and La Belle Cabaret, Hindley Street, city.
>
> According to the board's judgment, issued yesterday, Mr Fairweather, with Sydney associates Mr Peter Farrugia and Mr Abe Saffron, also was a director of the former Stormy Summers Restuarant, formerly Surbaia Restaurant, 173 Hindley Street, city.

The article also mentions Yangie Bay Pastoral Company and a number of other related matters. The article continues:

> The board said it was satisfied Mr Fairweather put forward a licence application to a licensing authority [referring to the Licensing Court, of course] which was intended to deceive the court as to the identity of the manager . . .

As a result, Mr Fairweather was suspended. Can the Attorney-General say whether Mr Peter Vardon Fairweather, who has nominated for election to the board of management of the Redlegs Club Incorporated, is the same Mr Peter Vardon Fairweather who was, in 1979, removed by the Licensing Court from the directorships of companies which controlled a number of licensed premises in Adelaide, namely, La Belle, the Castle Hotel, Stormy Summers Restaurant, etc. because, amongst other things, these are the interests of Mr Abe Saffron, the New South Wales businessman in licensed premises and associated with the subsequent barring of Mr Fairweather by the Companies Auditors Board of South Australia?

I raise this matter because it has been put to me that, if this person is elected to a position of control of the licensed facilities of the Norwood Football Club then, as a matter of precedent, the Licensing Court should intervene in the renewal of the club licence. The Norwood Football Club, the Redlegs Club, is held in very high regard in the community and I am sure that many club supporters and followers would appreciate hearing from the Minister on this matter.

The Hon. K. T. GRIFFIN: This matter essentially relates to the responsibility of the Minister of Consumer Affairs. Licensing jurisdiction impinges on other areas which are more within my area of responsibility. I will have inquiries made and bring back a reply.

HEALTH COSTS

The Hon. R. C. DeGARIS: Has the Attorney-General a reply to a question I asked on 11 February 1982 about health costs?

The Hon. K. T. GRIFFIN: The figures quoted in the Australian Bureau of Statistics Consumer Price Index Report for the December 1981 quarter are as follows:

September quarter, 10.57
December quarter, 14.98

However, these figures are not percentage increases in the cost of providing health services, but are indices of the health services component of the total Consumer Price Index for the six State capital cities (not just South Australia). Comparison of the health services component indices for the June, September and December 1981 quarters shows:

Quarter (1981)	Index	Increase on Previous Quarters	Percentage Increase on Previous Quarters
June	10.52	N. A.	N. A.
September	10.57	0.05	0.5
December	14.98	4.41	41.7

The percentage increase for the December quarter of 41.7 per cent comprises the following:

	Per cent
Health Insurance Costs	14.2
Net Medical Services	1.7
Net Hospital Services	25.4
Dental	0.4
	41.7

The health insurance cost increase represents higher contributions for hospital and medical benefits arising from a bi-annual increase in recognised hospital fees and an annual review of medical fees.

The net hospital services increase is a result of changes in Commonwealth health policy which means that, instead of the net cost of hospital services to individuals being nil, non-eligible persons who fail to insure for at least basic hospital benefits are now required to meet the resultant hospital costs personally. The net medical services and dental increases represent the results of the annual review of medical fees and normal increases in dental fees.

DRIVERS LICENCES

The Hon. R. C. DeGARIS: Has the Attorney-General an answer to a question I asked on 10 February 1982 about drivers licences?

The Hon. K. T. GRIFFIN: The present medical standards used by the Registrar of Motor Vehicles to issue licences to people suffering from epilepsy are provided by the South Australian Branch of the Australian Medical Association. With regard to epilepsy, the A.M.A. recommends that a licence to drive a motor vehicle may be granted to an

applicant with a history of epilepsy provided that a seizure-free period of two years has been established.

The guidelines on epilepsy, formed as a result of canvassing opinions of members of the Australian Association of Neurologists, are based on sound medical knowledge, practice and epidemiological probability of persons having an attack after being free for a period of time.

The probability of having an attack reduces with the passage of time since the last attack. After an attack-free period of two years the chances of having a further epileptic seizure are not very high. Evidence has demonstrated fairly conclusively that epileptics should not drive unless they have been free of attacks for two years.

The medical standards used in Queensland, New South Wales and Victoria to issue licences to drive to persons suffering from epilepsy are the same as those used in South Australia. The medical standards used in the United Kingdom are more stringent and require that an applicant for a driver's licence be free of epileptic attacks for three years.

The Minister of Transport is not aware of an international standard of criteria that is in operation and widely used to determine medical fitness of persons suffering from epilepsy who wish to obtain a driver's licence. The method of assessment in South Australia is essentially the same as that used in Queensland, New South Wales and Victoria and is less stringent than the assessment methods used in the United Kingdom. For this reason and the reasons outlined in determining the standards used, the Government does not believe that this State is over-cautious in its approach to the matter.

It is understood that persons suffering from epilepsy may obtain an International Driver's Licence as issued by the various State branches of the Australian Automobile Association. However, to be eligible to obtain such a licence the applicant must hold a current driver's licence issued by the State. By virtue of this fact the medical standards for epilepsy as outlined would apply before an International Driver's Licence could be issued.

SUPREME COURT CIRCUITS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about Supreme Court circuits to Port Augusta and Mount Gambier.

Leave granted.

The Hon. C. J. SUMNER: Supreme Court judges are no longer sent to sit at the circuit courts in the country centres of Port Augusta and Mount Gambier as a result of a policy adopted by the Attorney-General and the Government. It is possible on the circuit courts for part-time commissioners to be appointed to hear cases at those courts. In the past, the system of granting commissions in these courts has been used sparingly and only to assist with temporary backlogs of cases. It was normal to grant a commission to a retired judge to help out.

Since coming into office this Government has adopted a system of appointing Queen's Counsel who are actively in private practice, sometimes in partnership with other legal practitioners, to hear cases in Port Augusta and Mount Gambier for the Supreme Court. Properly appointed permanent judges of the Supreme Court are no longer sitting in these localities. Country people are getting second-class justice. The Government is providing justice on the cheap. Its financial state is so disastrous that it cannot afford to appoint a permanent Supreme Court judge. Country litigants are grossly discriminated against by this system where lawyers with no experience as judges are being asked to sit on cases, but only in the circuits of Port Augusta and Mount Gambier.

There are no restrictions on the sort of cases which these 'baby' judges (as I have heard them referred to) can hear, and they may be involved in very serious trials. A further complication is that some of the commissioners are still actively practising in firms and a conflict of interest situation can arise. One could have a situation where a commissioner is listed to hear cases in which partners in his firm are involved.

The Hon. K. T. Griffin: Have you ever found that?

The Hon. C. J. SUMNER: That has happened. If the commissioner then disqualifies himself, this disturbs the court lists and leads to inefficiencies. It may be legitimate to provide independent barristers with commissions to hear cases in some circumstances, but these commissioners should not be used as a device to deprive country people of access to a properly appointed Supreme Court judge to deal with their cases.

Does the Government intend to continue with this system of commissioners operating in country circuits? How does the Government justify the second-class treatment which country people are getting? What rules have been laid down to avoid a conflict of interest arising where a commissioner is a partner in a firm and that firm regularly acts for clients appearing before these courts?

The Hon. K. T. GRIFFIN: I categorically deny that country people are being treated as second-class citizens by the appointment of Queen's Counsel as commissioners to take circuit courts. I remind the Leader that the commission can only be issued to a person who has been approved by the Chief Justice and, on each occasion that a commission has been issued to Queen's Counsel, the approval of the Chief Justice and the judges of the Supreme Court has first been obtained. The Chief Justice has supported the appointment of Queen's Counsel as commissioners—

The Hon. C. J. Sumner: In preference to a permanent judge?

The Hon. K. T. GRIFFIN: I am not worried about preference: he has supported the appointment of Queen's Counsel as commissioners. One has to remember that Queen's Counsel are Queen's Counsel because of their established ability at the law. They are appointed on the majority recommendation of the judges of the Supreme Court making recommendations to the Governor-in-Council, through the Attorney-General.

None of the Queen's Counsel who had been appointed to take circuit courts in Mount Gambier or Port Augusta can be regarded as being anything other than recognised by their peers and by the judges of the Supreme Court as being competent for this task. In fact, they are qualified to be judges of the Supreme Court.

The Hon. Frank Blevins: Why not train them first in the metropolitan area?

The Hon. C. J. Sumner: Why don't you send a judge to Mount Gambier?

The PRESIDENT: Order! One question at a time. Let us have the answer to this question first.

The Hon. K. T. GRIFFIN: There is no power for the Government to issue commissions other than under the Supreme Court Act. Where judges serve is a matter for the Chief Justice; it is not a matter for the Government. Last night the Leader of the Opposition criticised the Government for what he alleged to be undue interference with the Judiciary, an allegation I denied and still deny categorically. Now he suggests by interjection that the Government ought to be involved in directing judges where they should sit. He cannot have it both ways. Either he accepts the independence of the Judiciary, as the Government does, or he comes out and frankly acknowledges that he is not on for independence, because he wants to have greater influence over the Judiciary than this Government exercises.

The Government intends to continue to use Queen's Counsel for as long as that may be necessary. Commissioners will continue to be appointed pursuant to the Supreme Court Act from the ranks of silks, on the approval of the Supreme Court judges, including the Chief Justice. If at some stage in the future there should be an additional appointment of judges, that practice would necessarily be reviewed. I indicated last year and again this year that the question of court lists is one which I and the Government consistently have under review and, if there appear on occasions to be difficulties in the lists, we will have to remedy that situation. That intention of the Government still applies.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. Is it the Attorney-General's intention that, for the foreseeable future, no properly appointed permanent Supreme Court judges will sit in the country circuits at Mount Gambier and Port Augusta?

The Hon. K. T. GRIFFIN: The judges of the Supreme Court have a responsibility under the Supreme Court Act, and commissions may be issued by the Governor-in-Council to judges, retired judges, Queen's Counsel, or other persons who might be suitably qualified to take the circuit courts. At present, I see no reason to depart from the practice which has been established over the last 2½ years without quibble—

The Hon. C. J. Sumner: Country people are—

The Hon. K. T. GRIFFIN:—except by the Leader. The persons who have been appointed as commissioners of the Supreme Court have discharged their duties well, responsibly and faithfully. I have not heard any criticism of the way in which they have performed those duties.

The Hon. C. J. Sumner: Why isn't it good enough to have a judge for country circuits?

The Hon. K. T. GRIFFIN: I would be interested to know if there are any particular criticisms of the individuals who have served in this capacity. The Leader of the Opposition asks, "Why isn't it good enough for the country people to have a full-time judge sitting in Mount Gambier and Port Augusta?" Of course it is. If the Chief Justice determines that one of his judges should attend on circuit, that can be arranged. Commissions can be issued. It is essentially a matter for the Judiciary as to the way in which it determines that these circuits should be served.

The citizens of Port Augusta and Mount Gambier get first-rate service from the commissioners sitting on the circuit courts of the Supreme Court. The persons who serve are competent and have the qualifications of a judge of the Supreme Court. They have been and are actively practising at the bar. I refute categorically the allegation that country people are getting second-rate justice: they are getting first-rate justice and they are first-class citizens.

WATER STORAGES

The Hon. M. B. DAWKINS: Has the Minister of Local Government a reply to my question of 24 February about water storage and the pumping situation in this State?

The Hon. C. M. HILL: As the reply is rather lengthy and is somewhat statistical in nature, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

The storage holdings in the various reservoirs at 8.30 a.m. on 22 March 1982, compared with the storage at the same time last year, are as follows:

	Capacity ML	Storage at 22.3.81 ML	Storage at 22.3.82 ML
Metropolitan Reservoirs:			
Mount Bold	47 300	12 342	9 308
Happy Valley	12 700	10 239	9 119
Myponga	26 800	12 489	13 372
Millbrook	16 500	9 077	9 745
Kangaroo Creek	24 400	3 955	5 844
Hope Valley	3 470	2 626	2 119
Little Para	20 800	6 556	12 810
Barossa	4 510	4 436	4 244
South Para	51 300	21 911	37 931
	207 780	86 631	104 492
Country Reservoirs:			
Warren	5 080	2 801	2 490
Bundaleer	6 370	2 783	3 085
Beetaloo	3 700	570	707
Baroota	6 140	1 044	2 507
Tod River	11 300	4 594	8 023
	32 590	11 792	16 812

The present storage holding in the Metropolitan Reservoirs is approximately 50 per cent of the total storage capacity, and is 17 861 megalitres more than at the same time last year. With some pumping from the Murray River, satisfactory supplies can be maintained. The present storage holding in the country reservoirs is approximately 52 per cent of total storage capacity and is 5 020 megalitres more than at the same time last year. Satisfactory supplies can be maintained with some pumping from the Murray River and underground basins.

Pumping from the Murray River during 1981-82 will be considerably less than for 1980-81, due to substantial natural intakes last winter. The anticipated approximate pumping requirements from the Murray River to meet estimated total demands in the metropolitan and northern country systems with related estimated power costs for 1981-82 compared with pumped quantities and costs for 1980-81 are as follows:

	1980-81 Pumping (Actual)		1981-82 Pumping (Estimated)	
	Mega-litres	Power Cost $	Mega-litres	Power Cost $
Mannum-Adelaide	56 656	1 697 000	27 000	1 259 000
Murray Bridge-Onkaparinga	39 176	930 700	16 400	342 000
Swan Reach-Stockwell	3 176	147 500	2 800	139 000
Morgan-Whyalla	24 695	1 124 000	21 800	1 148 000
	123 703	3 899 200	68 000	2 888 000

Pumping from Uley South Basin, with minimal pumping from Lincoln, Uley Wanilla and Polda Basins, will continue to augment offtakes from the Tod River Reservoir, to meet demands on Eyre Peninsula.

COOBER PEDY FIRES

The Hon. FRANK BLEVINS: Has the Minister of Local Government a reply to my question of 20 October 1981 concerning Coober Pedy fires?

The Hon. C. M. HILL: The Government has thoroughly examined the situation with regard to fire-fighting facilities at Coober Pedy. As a result of this investigation, the Government has now approved of the Coober Pedy Progress and Miners Association Inc. borrowing up to $150 000 for

the installation of a fire water main and associated equipment at Coober Pedy. In order to assist the local authority in providing for these new works, the Government has also agreed to pay a subsidy to the Coober Pedy Progress and Miners Association Inc. amounting to half the interest rate applying to this loan. In addition, the services of Mr G. J. Brown, Engineer and Chairman of the Building Fire Safety Committees, will be made available to supervise the installation of the services.

The new pipeline to be provided will be based on designs prepared by the Public Buildings Department in conjunction with the Department of Local Government. The design includes a new pipeline, pumping equipment and the installation of fire hydrants in the central business area of Coober Pedy. The Government considers that this positive action will provide facilities to overcome existing deficiencies in the fire-fighting capacity which presently exists in Coober Pedy.

COUNCIL HOUSES

The Hon. FRANK BLEVINS: Has the Minister of Local Government a reply to the question I asked on 2 December about council houses?

The Hon. C. M. HILL: As the reply is quite detailed and lengthy, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

I undertook to provide further information after the Whyalla City Council appointed a committee to review rentals of council cottages. The Whyalla City Council has now advised it has considered the report of the council committee.

All council officers occupying council cottages are in receipt of award salaries. A list of positions of officers who occupy these premises as well as the rentals is provided.

Titles of officers occupying council houses:

Town Clerk
Assistant Town Clerk
Senior Health Surveyor
Senior Building Inspector
Planning Inspector
Building Inspector
Works Superintendent
Maintenance Foreman
Fauna Park Ranger (on site)
Nurseryman (on site)
Caretaker, Mount Laura Homestead (on site).

List of council house rentals:

	Weekly rental $
1 Cudmore Terrace	11.90
3 Trevan Street	16.90
189 Lacey Street	16.25
35 Norrie Avenue	14.90
14 Jackson Avenue	14.90
30 Jackson Avenue	14.25
93 Hockey Street	22.75
44 Viscount Slim Avenue	15.55
34 Searle Street	16.25
Mount Laura Homestead	20.00
Fauna Park Cottage	13.00

The main issues and recommendations arising from the council committee report to council include:

1. There was no reason for council to be concerned at granting rental concessions—this practice is widespread in the private sector, in local government and in other Government circles, especially in the remote areas.
2. Such concessions were, and still are, used as means for attracting suitably experienced or qualified persons to remote areas. Whyalla is regarded as a remote area by those in the metropolitan area and interstate.
3. Many other concessions are offered to attract qualified and experienced personnel.

The committee unanimously recommended:

1. that all rental charges for council cottages as applicable at 4 February 1982 remain unchanged in respect to present occupants, thereby recognising the existing contractual arrangements.
2. that rentals of council cottages for current occupants be subject, hereafter, to annual review in April/May of each year.
3. that the basis for upward (or downward) review of rentals be the national wage variations for the full year prior to March in each year.
4. that future appointees to the staff of council who are given occupancy of council houses, whether employed locally or from afar, pay a rental for council residences equal to 75 per cent of the equivalent South Australian Housing Trust rental applicable and established at that time.
5. that all staff persons employed from outside Whyalla be offered removal expenses where occupancy of a council residence is part of the conditions of appointment.
6. that council policy be, in future, to offer to prospective appointees re-establishment expenses, to be determined in each case at the time, in lieu of substantial rental concessions, where such an inducement is considered appropriate to attract the sought after skills, qualifications and/or experience.
7. that council retain ownership of the existing dwellings but consider replacement of these in due course, provided that any offer to purchase made by a current occupant of that residence occupied by him at any time in the future will be seriously considered.

DAYLIGHT SAVING

The Hon. ANNE LEVY: Has the Attorney-General a reply to a question I asked on 4 March about daylight saving?

The Hon. K. T. GRIFFIN: Consideration will be given to the extension of daylight saving when possible referendum questions are being examined. It should be pointed out, however, that the saving of electricity is not an option in New South Wales but a necessity because of the parlous condition of electrical generating plant in that State. The major savings will be experienced by the major user, manufacturing industry. Because members of the workforce will arise from their beds in darkness in the month of March, there will be little or no saving for the domestic user of electricity, but there will be considerable inconvenience.

VIRGINIA AND TWO WELLS BY-PASS ROAD

The Hon. G. L. BRUCE: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about the Virginia and Two-Wells by-pass road.

Leave granted.

The Hon. G. L. BRUCE: An article in the *Advertiser* of 22 March 1982 stated that a slump in business had occurred

in the two towns that are affected by the Virginia and Two Wells by-pass road. It appears that Virginia and Two Wells have been by-passed by a new 15 kilometre strip of permanent deviation, which was opened last Thursday. On Monday this week, I attended a meeting at Virginia at which at least 50 people were present representing the business interests of that town. Mr Keith Russack, the member for the district, was also present, and I understand that he will convey to the Minister the wishes of the meeting, to have the Virginia and Two Wells old road incorporated as an alternative route to Port Wakefield, with adequate signposting and easy access to the road.

However, that is not what concerns me at present. In the light of the down-turn of business because of the opening of the deviation, has the Government at any time given consideration to counselling local businesses in a township such as Virginia in regard to the impact on the town's businesses, which may be faced with a down-turn because of the opening of the by-pass road? I have no doubt that past experiences could be used as a guide in such counselling. I understand that Murray Bridge, the Hills towns, Port Augusta and the southern towns have all experienced such upheavals in the past. To help allay the fears of the business sector, I believe that such counselling, with firm time factors as to when the deviation road will be opened, could help alleviate the fears that are experienced by people in such towns.

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Transport and bring back a reply.

NURSING HOMES

The Hon. J. E. DUNFORD: Has the Attorney-General a reply to a question I asked on 11 February about nursing homes?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Nursing homes are the subject of licensing and inspection by various levels of government. Local boards of health regularly inspect homes in their areas, and S.A. Health Commission staff also regularly inspect conditions in nursing homes for compliance with the Health Act and regulations.

2. The Commonwealth Department of Health is also involved as it funds nursing homes through the Nursing Home Benefits Programme and Deficit Financing Programme and inspects such homes to ensure legitimacy of claims, patient classification and the facilities provided.

In addition to this regular programme of inspections, where specific complaints are received by the Minister of Health from relatives or patients themselves, they are investigated by S.A. Health Commission staff.

3. The Minister of Health will not supply the names of nursing homes about which allegations of inadequate care have been made, as she considers it only fair and just for these allegations to be investigated first to determine their validity. The homes should be given the opportunity to respond to the allegations before being subject to adverse publicity which may be unjustified.

4. There are two working parties reviewing the regulations under the Health Act relating to nursing homes. First, there is a small group of S.A. Health Commission officers which over the last two years has reviewed the legislative provisions applying to nursing homes in South Australia, interstate and overseas. Its terms of reference require it to review completely the regulations applying in this State. The group reported to the Central Board of Health at its meeting on 10 December 1981 on the principles of proposed new regulations, and is now drafting them in legal form prior to consultation with interested parties.

The second working party, which is being established following the meeting of the Central Board of Health on 10 December, is one which includes representations of interested organisations and authorities, including unions, to review the regulatory requirements in relation to staffing of nursing homes. It is hoped this working party will report shortly on this most contentious issue, and its recommendations will form part of the new draft regulations.

5. I have stated the terms of reference of the working party in answer to question 3.

FISHERIES RESEARCH

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to a question I asked on 16 February about fisheries research?

The Hon. C. M. HILL: Officers within the Research Section of the Department of Fisheries undertake research work on the basis of funds appropriated by Parliament to the research and development budget, along with half of the total professional licence fees calculated.

SEA POLLUTION

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to a question I asked on 11 February about sea pollution?

The Hon. C. M. HILL: The answer is 'No'.

COUNCIL SALARIES

The Hon. N. K. FOSTER: Has the Minister of Local Government a reply to a question I asked on 16 February about council salaries? I shall be happy if the Minister inserts the reply in *Hansard* without reading it.

The Hon. C. M. HILL: The reply is very lengthy, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

1. Salaries of council staff:

All councils in South Australia are bound to provide minimum wages and conditions set out in the relevant awards. In the case of inside staff, councils are bound by the Municipal Officers (South Australia) Salaries Award 1981 and the Municipal Officers (South Australia) General Conditions Award 1981. They are Federal awards over which I have no jurisdiction.

The salary for a Town or District Clerk is determined by the size of the council which is measured for salary purposes in the revenue raised by the council. The scale of salaries to revenue is set out in clause 7 of the award. Revenue is defined in the award and I submit these clauses in full as there seems to be some misunderstanding that every time a council increases its rates or borrows money the clerk's salary is immediately increased and therefore the clerk has some kind of vested interest in recommending rates be increased or loans taken out.

The situation is that revenue means the average aggregate revenue for a council for each of the preceding three years. This requirement ensures that increases in council revenue in any one year are evened out to prevent an immediate increase in salary. In addition, it will be noted from the definition that loan moneys are excluded from the definition of revenue. The relevant clauses of the award are:

Clause 6—Definitions:

'(1) With special reference to sub-clause 7 (2).

(a) "Revenue" for the purpose of this award and subject to this definition shall be determined by calculating the average of the aggregate of the audited revenue received by a council of a municipality for each of the three preceding financial years.

"Average" for the purpose of this clause shall mean the arithmetical mean.

"The three preceding financial years" shall mean, in respect of the coming into operation of this award, the financial years of 1978-79, 1979-80, 1980-81. Thereafter a new revenue calculation shall be made including the revenue of the financial year last occurring. Such resultant salary shall be payable on and from the commencement of the first pay period occurring in the new financial year.'

Clause 7 of the salaries award sets out the revenue range and annual salary.

(a) Revenue in thousands of dollars		Annual salary $
Where the revenue does not exceed	64	17 740
Where the revenue exceeds:		
64 but does not exceed	75	18 539
75 but does not exceed	86	19 347
86 but does not exceed	107	20 150
107 but does not exceed	139	20 953
139 but does not exceed	172	21 753
172 but does not exceed	215	22 551
251 but does not exceed	268	23 352
268 but does not exceed	322	24 152
322 but does not exceed	429	24 958
429 but does not exceed	644	26 188
644 but does not exceed	966	27 468
966 but does not exceed	1 288	28 751
1 288 but does not exceed	1 610	30 027
1 610 but does not exceed	2 146	31 307
2 146 but does not exceed	2 683	32 585
2 683 but does not exceed	3 219	33 867
3 219 but does not exceed	3 756	35 116
3 756 but does not exceed	4 292	36 367
4 292 but does not exceed	4 829	37 615
4 829 but does not exceed	5 365	38 865'

The award also provides that the minimum salary for an Assistant Town or District Clerk and for an accountant is linked to the Town or District Clerk's salary by a factor of 80 per cent for qualified Assistant Town/District Clerks, 75 per cent for unqualified Assistant Town/District Clerks and 75 per cent for accountants, respectively. As I have stated, the award sets out minimum conditions and there is nothing to stop higher salaries or superior conditions being provided or other allowances being made. In addition, where the revenue of a council exceeds $5 365 000, the salary of the Town or District Clerk shall be fixed by an agreement between the parties concerned and in the event of any dispute the matter will be referred to the Australian Conciliation and Arbitration Commission.

Clause 8 of the general conditions award provides for overtime and penalties. Where the salary of the Town or District Clerk exceeds $26 188 per annum the overtime and penalty rates of the award do not apply provided that an agreement is reached between the parties for a suitable employment package to take account of work which is likely to be performed outside the ordinary hours and similar contingencies inherent in the work. As I have already stated this is a Federal award over which I have no jurisdiction, and as salary packages do not have to be registered I am unaware of what agreements have been reached between the parties. As you can see from the foregoing, one must know the average aggregate revenue of a council for the past three years to calculate the minimum annual salary. To do these calculations will take considerable clerical effort and even then I would only be able to ascertain the minimum salaries. As I have said, packages to cater for high revenue councils, overtime and out of hours work are subject to a private agreement between the parties.

It is not necessary for the ratepayers to be consulted about levels of salary or superannuation above the minimum prescribed. That is by negotiation in exactly the same manner as would be expected in any private sector organisation seeking to attract and maintain good executive staff.

2. Superannuation for council staff:

Section 157 of the Local Government Act obliges all councils in South Australia to provide superannuation rights to all employees in accordance with a scheme for providing superannuation rights approved by the Minister of Local Government. The minimum standards for such a scheme were last set in 1973. I have been concerned about the minimum standards and my own department has been involved in ascertaining present levels of superannuation offered by local government councils.

That survey has shown that, in general terms, superannuation provided by councils is out of touch with the present financial climate and, as I mentioned previously, the Local Government Association is presently trying to develop a common scheme which will be acceptable to local government and which reflects todays financial circumstances. The survey information does not reveal prospective benefits on early retirement and the information was supplied by councils and life offices on a strictly confidential basis. There are different schemes, and pay out figures on early retirement are simply not known until negotiations are completed between the employee and the superannuation trustees of the employing council.

Finally, I wish to refer to my answer of 10 February 1982. The honourable member asked me for the increase in tertiary staff at the District Council of Munno Para for the past five years. I took that to mean the number of tertiary educated staff and obtained the figures on staff with degrees from academic institutions. It now appears that by using the word 'tertiary' the honourable member meant inside staff as opposed to outside staff. I therefore advise that in 1976 the District Council of Munno Para employed 47 full-time inside staff and seven part-time staff, and in 1982 the council employed 49 full-time inside staff plus seven part-time staff.

PASTORAL LEASES

The Hon. N. K. FOSTER: Has the Minister of Local Government a reply to a question I asked on 3 March about pastoral leases?

The Hon. C. M. HILL: In total, there are 354 pastoral leases of which three leases expire in 1982. The balance of the leases expire between the following years:

1.1.1982—31.12.1986 (13)

1.1.1987—31.12.1991 (9)

1.1.1992—31.12.2001 (35)

1.1.2002—31.12.2021 (291)

There are six leases expiring after 31.12.2021.

USED CARS

The Hon. C. J. SUMNER: Has the Minister of Consumer Affairs a reply to a question I asked on 23 February about used cars?

The Hon. J. C. BURDETT: Ms McNamara purchased a 1970 Fiat 124 Coupe sports car for $2 990 from Showground Cars in November 1981. Her claim that it is now worth only $1 200—$1 500 as a trade-in is not supported by prices quoted in the February 1982 edition of the price guide used in the trade which shows the following prices for that model car, depending on condition:

Wholesale ..... $1 825—$2 510
Retail ..... $2 730—$3 495

It must be appreciated also that prices will vary between dealers depending on whether they handle a particular make of car or not and, of course, if one is trying to sell or trade in a motor car prices will be vastly different from those quoted when buying.

As regards the mechanical problems Ms McNamara encountered, there was some procrastination by the dealer in the initial stages, but he accepted responsibility for certain repairs on 22 December 1981 and the vehicle was picked up by the consumer on 22 January 1982. Christmas holidays and the unavailability of some spare parts contributed to this delay. On 11 February, the consumer reported faults in the electrical system but investigation revealed that these problems resulted from a new battery being fitted and one lead not being replaced with the result that some accessories did not work. Another 'fault' was due entirely to the consumer's lack of familiarity with the switches in this make of car. The department has no. received any further communication from Ms McNamara.

SCHOOL REGISTRATION BOARD

The Hon. ANNE LEVY (on notice) asked the Minister of Local Government: Which non-government schools have so far been granted registration by the Non-Government School Registration Board, and what is the latest available enrolment figure for each such school?

The Hon. C. M. HILL: The reply covers many pages, giving a long list of schools and their respective attendances. I therefore seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

	Primary	Secondary
Adelaide Adventist School		153
Annesley College	145	465
Antonio School	478	
Autistic Children's Assoc. of S.A. Inc.	22	
Bethesda Christian School	112	63
Blackfriars Priory School	252	653
Cabra Dominican College	207	695
Caritas College	251	188
Christ The King School	136	
Christian Brothers College	220	560
Christian Outreach Academy Inc. (Primary Only)	21	9
		(Currently the subject of appeal)
Collegiate School of St Peter (Boys)	324	720
Concordia College		468
Craigmore Christian School	49	40
Croydon Catholic Parish School	209	
Dominican School	287	
Eastern District Adventist Primary School	33	
Fountain Centre Christian School	8	6
Good Shepherd Lutheran, Angaston	98	
Good Shepherd Lutheran, Para Vista	166	
Hills Montessori School Inc.	14	
Holy Family Catholic Primary School	127	
Immaculate Heart of Mary	64	
Immanuel Primary School	226	
Immanuel College		643
Kalori School	52	
Kildare College	446	
Kilmara School	176	164
Kirinari School Inc.	48	
Kurralta Park/Plympton Parish School	160	
Loreto Convent	457	478
Loxton Lutheran School	178	
Maitland Lutheran School	39	
Manu High School	25	14
Marantha Christian School (Primary Only)	32	10
		(Currently the subject of appeal)
Marbury School Inc.	49	102
Mary McKillop College		542
Marymount College	171	171
Massada College	53	
Mater Christi School	174	
Mercedes College	272	295
Mt Barker Catholic Parish School	128	
Mt Carmel Primary School	210	
Mt Carmel Secondary School		128
Muirden College		182
Morphett Vale Christian School	53	9
Murray Bridge Lutheran School	197	
Noarlunga District Adventist School	35	
Northern District Adventist School	90	
Our Lady Help of Christians	271	
Our Lady of Grace School	144	
Our Lady of the Manger School	276	
Our Lady of the Pines	67	
Our Lady Queen of Peace	172	
Our Lady of the River	68	
Our Lady of the Sacred Heart College		363
Our Lady of the Visitation	208	
Pembroke School	309	853
Pilgrim School	81	
Prince Alfred College	273	728
Pulteney Grammar School	270	594
Redeemer Lutheran School	101	
Rosary School	229	
Rostrevor College	287	624
St Albert's School	47	
St Aloysius' College	75	505
St Andrew's School	282	
St Anne's School for Children with Special Needs	25	22
St Anthony's School, Edwardstown	116	
St Anthony's School, Millicent	162	
St Augustine's Memorial School	628	
St Bernadette's School	151	
St Brigid's School, Evanston	180	
St Brigid's School, Kilburn	158	
St Catherine's Stirling Catholic Parish	177	
St Columbas Memorial School	45	
St David's Parish School	595	
St Dominic's Priory College	159	333
St Francis of Assisi School	367	
St Francis School, Lockleys	202	
St Gabriel's School	230	
St Ignatius College Junior	314	
St Ignatius College Senior		512
St Jakobi's Lutheran School	47	
St James School	98	
St John Bosco School	262	
St John's College, Whyalla		341
St John the Apostle	253	
St John's Grammar School	237	
St John's Lutheran School, Eudunda	86	
St John's Lutheran School, Highgate	206	
St John's Lutheran School, Lobethal	176	
St Joseph's, Barmera	48	
St Joseph's, Clare	101	
St Joseph's, Flinders Park	151	
St Joseph's, Fullarton		16
St Joseph's, Gladstone	47	
St Joseph's, Hectorville	631	
St Joseph's, Hindmarsh	87	
St Joseph's, Kingswood	121	
St Joseph's, Murray Bridge	183	
St Joseph's, Norwood	137	

	Primary	Secondary
St Joseph's, Ottoway	91	
St Joseph's, Payneham	131	
St Joseph's, Penola	78	
St Joseph's, Peterborough	104	
St Joseph's, Pinnaroo	26	
St Joseph's, Port Lincoln	286	190
St Joseph's, Renmark	87	
St Joseph's, Richmond	146	
St Joseph's, St Peters	68	
St Joseph's, Tailem Bend	19	
St Joseph's, Tranmere	210	
St Joseph's, Woomera	72	
St Mark's Lutheran, Mount Barker	46	
St Mark's, Port Pirie	509	314
St Martin's, Greenacres	175	
St Martin's, Mount Gambier	33	
St Mary's College, Adelaide	138	454
St Mary Magdalene's School	219	
St Mary's Memorial	97	
St Michael's College, Henley Beach	248	641
St Michael's Lutheran School, Hahndorf	134	
St Monica's Parish School	79	
St Patrick's School, Mansfield Park	129	
St Patrick's School for Handicapped Children	21	17
St Paul's College Gilles Plains	106	422
St Paul's Primary School, Mount Gambier	323	
St Paul Lutheran School, Blair Athol	196	
St Peter's Grammar School, Glenelg	86	
St Peter's Collegiate Girls School	226	271
St Pius X School	365	
St Raphael's School	90	
St Teresa's School, Brighton	196	
St Teresa's School, Whyalla	168	
St Therese's, Colonel Light Gardens	137	
St Thomas School, Goodwood	172	
St Thomas More's School	254	
Sacred Heart College Junior	214	302
Sacred Heart College Senior		701
Salesian College	64	560
Scotch College	354	593
Seymour College	226	420
Siena College		543
Seventh Day Adventist, Mount Gambier	19	
School of the Nativity	92	
S.A. Oral School	41	
South Coast Christian School	25	
Southern District Adventist	14	
Springhead Lutheran School	20	
Star of the Sea School	421	
Stella Maris School	195	
Suneden Special School	30	10
Sunrise Christian School	125	
Tanunda Lutheran School	180	
Tenison College		407
Thomas More College		513
Torrens Valley Christian School	40	
Trinity Christian School	85	
Waikerie Lutheran School	42	
Waldorf School for Rudolf Steiner Education	131	
Westminister School	282	655
Whitefriars School	148	
Wilderness School	216	328
Woodlands Ceggs	173	392
Walford Ceggs	207	369

NURSE EDUCATION

The Hon. FRANK BLEVINS (on notice) asked the Minister of Community Welfare:

1. What is the present policy on the Government regarding nurse education?

2. What steps has the Government so far taken to implement its policy?

3. Are any additional costs to the community involved in implementing its policy?

The Hon. J. C. BURDETT: The replies are as follows:

1. The South Australian Health Commission has adopted a policy on nursing education and training, which includes the statements that:

(a) The future education of registered nurses should be conducted in multi-disciplinary educational institutions of tertiary standard, each of which should, for nursing education and training purposes, have a close association with a large general hospital; and

(b) (i) As soon as possible, the proportion of registered nurses being educated in hospital-based systems should be steadily decreased and the proportion in educational institutions correspondingly increased. The pace of this movement (which began in 1974) should be accelerated.

(ii) In the meantime, the needs of existing hospital-based schools of nursing should not be ignored.

2. In adopting its policy on nurse education and training, the South Australian Health Commission further recommended that a working party be established to consider policies 1 and 2 as previously stated, and to report on how best they may be implemented. The terms of reference for the working party are that they should consider, amongst other things, such matters as:

The number of additional student places that should be provided in educational institutions together with the staff, teaching facilities, clinical placements and so on that would be required, both initially and in the longer term.

The costs involved, and how they might be met.

The implications for hospitals (including country hospitals) particularly those with schools of nursing.

The steps needed in order to implement any proposals, including a suggested timetable for action.

Any other relevant matter.

3. The working party will report in due course and the Government will then further consider this matter when implementation plans and costs are more specific.

ORDER OF THE DAY DISCHARGED

Order of the Day, Private Business, No. 8: Hon. J. A. Carnie to move:

That regulations under the Surveyors Act, 1975, in respect of Fees, made on 1 October 1981, and laid on the table of this Council on 20 October 1981, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the day discharged.

SURVEYORS FEES

Adjourned debate on motion of Hon. J. R. Cornwall:

That regulations under the Surveyors Act, 1975, in respect of fees, made on 1 October 1981, and laid on the table of this Council on 20 October 1981, be disallowed.

(Continued from 17 February. Page 2901.)

The Hon. J. R. CORNWALL: My response to this debate will be short. The reasons for putting this motion on the Notice Paper were explained when it was moved. A basic principle is involved which I will reiterate very quickly, namely, that professional bodies should be charged fees in order to defray the costs of operating those bodies as they relate to the protection and privileges of the members of the professional bodies. They should not be based on the

user-pays principle to the extent that they are used for consumer protection. That is a cost which should be borne by the taxpayer generally. That was the reason for putting the motion on the Notice Paper. It was put there at request of the President of the South Australian Council of Professions. I want to make my position clear on that. I supported the contention of the Council of Professions, a contention that was made by letter to the Premier. That is all I need to say; I ask members to support the motion, which is a very good one.

The Council divided on the motion:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

Majority of 1 for the Noes.

Motion thus negatived.

NOARLUNGA ZONING

Adjourned debate on motion of Hon. J. R. Cornwall:

That the regulations under the Planning and Development Act, 1966-1980, in respect of the Metropolitan Development Plan—Corporation of Noarlunga planning regulations, zoning, made on 30 April 1981, and laid on the table of this Council on 2 June 1981, be disallowed.

(Continued from 17 February. Page 2902.)

The Hon. J. R. CORNWALL: I intend that this motion be put to the vote today. Again, I do not intend to delay the Council and I will be brief. The reason for putting this motion originally was explained by me at the time. As a result of it there has been a deal of action, I believe, down in that area and I think that the Noarlunga council may, to some extent, have seen the error of its ways. Nonetheless, I still believe I ought to proceed with this motion. I have considered withdrawing it, but there is a matter of principle involved here. In the event, I will proceed with it and it will go, if necessary, to a vote.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 24 February. Page 3063.)

The Hon. B. A. CHATTERTON: I want to speak briefly in closing this debate. I thank the Attorney for his contribution. As he said, there is no real argument over this Bill. The argument is about how the principle, to which everyone agrees, should be carried out. The Attorney raised a number of issues that he felt were deficient in this Bill, and suggested that it should be amended.

I hope that all honourable members support the second reading of this Bill so that it can go into Committee and we can look at the points raised by the Attorney-General in the second reading debate and other points that have been made to me by interested parties since the Bill was first introduced. I hope that all honourable members will support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. B. A. CHATTERTON: As I have said, the Attorney-General wishes to look at the separate clauses of this Bill and I wish to consider representations that have been made to me since the Bill was introduced. Accordingly, I ask that progress be reported.

Progress reported; Committee to sit again.

LICENSING ACT AMENDMENT BILL (1982)

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967-1981, and to make a related amendment to the Prices Act, 1948-1981. Read a first time.

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

That this Bill be now read a second time.

It makes several amendments to the Licensing Act, 1967-1981, to overcome problems that have arisen in the administration and enforcement of the Act while at the same time it enacts or amends several provisions which are designed to meet changed trading and entertainment trends. The Government believes that it is appropriate that these proposals should be dealt with now as they will have a positive benefit for the community and the liquor industry. However, it is intended that a more comprehensive review of the Licensing Act be undertaken later.

The provisions of the Bill reflect the Government's commitment to assist the tourist industry in South Australia. A new class of licence to be known as a 'tourist facility licence' is introduced and this will enable licensees to sell and dispose of liquor in specified premises that are associated with or are in the vicinity of a tourist attraction and which provide tourist facilities. Before the Licensing Court grants such a licence it must be satisfied that the interests of tourism in South Australia are likely to be enhanced. The court must also satisfy itself that no other suitable licence under the Act (apart from a full publican's licence) would be adequate because, although there are other classes of licence available, recent applications to the court have highlighted a need for a more flexible licence which can be moulded to meet the requirements of new tourist complexes. The availability of the new tourist facility licence will benefit both the needs of the public and individual tourist complexes.

As part of the Government's commitment to assist tourism in this State, it has decided to allow Sunday trading for some hotels. The Licensing Court is given power to authorise the holder of a full publican's licence to sell or dispose of liquor between certain hours on a Sunday if it is satisfied that the authorisation will satisfy a demand by tourists in the area. The Government believes that there is significant support for limited Sunday trading of this nature provided that the quiet of the locality is not disturbed, that owners of premises in the locality are not adversely affected and that persons attending a church service are not inconvenienced.

The majority of the other States now have various forms of Sunday trading in hotels and it has been found that the lack of available bar facilities on Sundays is a drawback to tourists, although patrons consuming a meal in a hotel at any time on a Sunday are presently allowed to drink liquor. The Bill further amends sections 25 and 26 of the Act to enable vignerons and distiller's storekeepers to sell and supply their product for consumption with a meal on the premises. The measure will also aid the interests of tourism in this State.

Pursuant to section 167 of the Act, the Licensing Court may grant permits authorising the tasting of liquor. The Bill amends this section to enable the more liberal issue of wine tasting permits for a wider range of circumstances. This amendment recognises the importance of the wine industry in this State. The Bill inserts in the principal Act a new provision designed to assist the combatting of noise disturbance associated with licensed premises. Since the introduction in 1976 of open ended trading hours in dining rooms, the number of complaints relating to licensed premises has increased. Although the grounds of objection to the grant or renewal of any licence were extended at that time to include disturbance to the quiet of the locality, the Act does not contain a provision to enable the Licensing Court to hear and determine noise complaints as a matter of urgency rather than having to await the annual renewal of the licence. Having regard to the evidence presented in specific cases, the court should be able to impose appropriate conditions upon a licence or suspend the licence to ensure the peace and quiet of the neighbourhood.

An inter-departmental working party, including representatives from the Department of Public and Consumer Affairs, the Department of Environment and Planning, the Police Department, and the Corporation of the City of Adelaide, was set up to examine problems arising from noise associated with entertainment. The amendments now proposed embody the recommendations of that working party considered necessary to combat effectively noise disturbance from the few problem premises licensed under the Licensing Act. A complaint may be lodged by the Superintendent of Licensed Premises, a police officer, a municipal or district council or a person who represents the interests of 20 or more persons who reside in the vicinity of the licensed premises. The court is to have power to suspend the licence or permit and attach conditions to the licence or permit. The opportunity has also been taken to insert amendments to extend the ability of the court to impose conditions on all classes of licences. At present the right of the court to impose conditions on full publicans, limited publicans, wine and theatre licences is not clearly spelt out and the court has had to resort to relying on the general discretion available to it in the Act.

The working party on noise recommended that affected persons should have the right to object when a licensee makes an application to the court which may lead to trading or entertainment changes. An amendment to section 48a will allow for objections in cases where applications, if granted, will significantly affect the nature or extent of the business carried on in pursuance of the licence. Hotels cannot sell or supply liquor between 12 midnight and 5 a.m. other than with or ancillary to a *bona fide* meal and restaurants and motels cannot sell or supply liquor at anytime other than with or ancillary to a *bona fide* meal (excepting to lodgers).

The Government believes that, given the increase in and demand for late evening entertainment such as discotheques and piano bars, patrons should be able to consume liquor in certain circumstances without also consuming a meal. To this end a new section has been inserted to enable the grant of late night permits to certain full publicans, limited publicans and restaurant licensees to apply to certain areas of suitable hotels, restaurants and motels to allow trading in liquor during a maximum period from 9 p.m. to 3 a.m. (excluding Sunday evenings), subject to specified requirements and conditions including the supply of a meal to any person on demand. A late night permit may be granted for up to 12 months and a nominal application fee will be prescribed by regulation.

Provision has also been made to allow the Superintendent of Licensed Premises to apply to the court for the licensee to appear and for the court to suspend or cancel his permit where there is reasonable cause to believe that the permit holder has breached the conditions of the permit. In effect, these new permits will be more difficult to obtain than the present section 66 permits given the criteria a licensee must meet as to standards. Any breach of the conditions of the permit by the licensee may result in the prompt suspension or cancellation of the permit.

The introduction of this new class of permit changes the concept that liquor and entertainment should be ancillary to the consumption of food in restaurants and dining areas. This new concept will assist the police in proceeding against those restaurants and hotels that supply liquor other than with a meal without having a late night permit granted by the Licensing Court.

It is desirable that the community be allowed to consume liquor legally at a wider variety of functions than is the case at present—particularly those functions held on unlicensed premises. Therefore an amendment has been made to section 66 of the Act. The Licensing Court is able to grant special permits to allow the supply and consumption of liquor in circumstances which would otherwise be unlawful, for example, 21st birthday parties or wedding receptions in the local hall. However, the Licensing Court has had to refuse some applications (which are proper functions for the consumption of liquor) because of the restrictive definition of 'entertainment' in section 66 of the Act. This definition has been broadened to allow the consumption of liquor at a wider variety of functions, for example, art displays, etc.

The Bill inserts new sections 179a and 179b to assist in controlling a number of undesirable practices and improper schemes which have been devised by a few licensees to gain an unfair advantage over competitors in the cut price war. The avoidance of State liquor licence fees is one of these practices which is becoming prevalent throughout the liquor industry and could be costing this State a substantial amount in lost revenue annually. This problem is not unique to South Australia, and other States are also endeavouring to combat the practice.

In South Australia, following a recent reorganisation of the inspectorate in the Licensed Premises Division, two officers with accounting experience and qualifications have been given a primary role of examining returns from licensees and inspecting records.

The Licensing Act requires suppliers and retailers of liquor in South Australia to submit an annual statement of liquor sold, supplied or purchased detailing the quantity, nature and price and giving particulars of the purchaser. As part of the assessment process, these returns and declarations are cross-referenced and checked. However, in practice this system has deficiencies and requires detailed examinations by the assessors.

Licence fees for vignerons, distiller's storekeepers and wholesale storekeepers are assessed on sales to unlicensed persons only and therefore there is no ready method of assessing the validity of the statutory declarations filed by these licensees. This system also has deficiencies as a simple mistake on the statutory declaration could result in a sig-

nificant loss of revenue to the Government. The assessors should have the ability to check licensees' records.

The new provisions will authorise the new examiners/inspectors to enter premises for the purpose of examining licensees' books of account to enable the proper assessment of licence fees and will require licensees to make and keep adequate records. In addition, licence fees will now be able to be reassessed on more than one occasion. This will allow wrong assessments to be corrected (both in favour of the licensee as well as the Government) in light of additional information received.

The Bill repeals section 22f of the Prices Act, 1948-1981. The provisions of this section are ineffective and have never been used. However, deletion of the section will enable the court, in appropriate cases and in regard to specific licences, to impose conditions relating to unfair pricing practices in light of evidence presented at a particular hearing.

Section 27 of the Act is amended to allow licensed clubs to purchase spirits and wine from any source. The intention is that licensed clubs that can presently purchase liquor by wholesale can continue to do so. However, there are some licensed clubs that presently have to purchase all their liquor by retail and these clubs will now be able to purchase wine and spirits by wholesale or retail while beer must still be purchased by retail. As a result of this amendment a new fee structure has been inserted in section 37 of the Act to cover clubs purchasing liquor from both wholesale and retail sources.

In amending section 27 of the Act the opportunity has been taken to repeal references to the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Inc. Club in this and other sections of the Act as this club licence was surrended on 31 December 1975. The Act presently requires the Full Court of the Supreme Court to grant leave for appeals on questions of fact. The Bill repeals section 9 (1a) of the Act to allow appeals on questions of law and fact as a right. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 inserts a definition of 'beer' into section 4 of the principal Act. This definition is made necessary by a later amendment in the Bill that will, in the future, have the effect of requiring the holder of a club licence to purchase only beer instead of all liquor from a hotel or retail store. Paragraph *(b)* clarifies the definition of 'wine' by excluding beer and spirits.

Clause 4 removes subsection (1a) from section 9 of the principal Act. This subsection required that an appeal from the Licensing Court to the Supreme Court on a question of fact or of fact and law should lie by leave only. The provision has not worked satisfactorily in practice.

Clause 5 removes from section 12 of the principal Act a reference to 'licensed auctioneer'. The Auctioneers Act, 1934-1961, has recently been repealed and references to licensed auctioneers are therefore inappropriate. Clause 6 makes consequential amendments to section 14 of the principal Act.

Clause 7 makes the amendments to section 19 of the principal Act to implement the Government's proposals as to Sunday trading. New subsection (6) is enacted to make it quite clear that the court has power to impose conditions on a full publican's licence.

Clauses 8 and 9 make amendments to sections 20 and 23 of the principal Act to make it clear that the court has power to impose conditions on a limited publican's licence and a wine licence.

Clause 10 amends section 25 of the principal Act to allow the holder of a distiller's storekeeper's licence to serve liquor with meals. Paragraph *(a)* is consequential. Paragraph *(b)* replaces subsection (4) and inserts new subsection (4a) into section 25. New subsection (4) provides for the service of liquor and meals or for tasting and subsection (4a) makes it clear that the court can authorise the licensee to undertake either one or both of the activities. A licensee wishing to take advantage of this amendment will be able to apply to the court under new section 48a (inserted by clause 17 of the Bill) for the necessary variation to his licence.

Clause 11 makes an amendment to section 26 of the principal Act which is similar in form and has the same effect, in relation to vigneron's licences as the amendments made by clause 10 have in relation to distiller's storekeeper's licences.

Clause 12 amends section 27 of the principal Act so that, in the future, the condition attached to club licences requiring liquor to be purchased from a hotel or retail store will apply to purchases of beer only. New subsection (4) makes the same change in relation to existing licences under which the licensee at the moment, must purchase all liquor from retail outlets.

Clause 13 makes an amendment to section 33 of the principal Act to make it clear that the court has power to impose conditions on a theatre licence. Clause 14 enacts new section 33a of the principal Act which establishes the new tourist facility licence. The new licence can be tailored by the court to suit the requirements of the applicant but can only be granted where special facilities or amenities that will encourage tourism are provided.

Clause 15 replaces subsection (1a) of section 37 of the principal Act. The provision relates to fees for club licences and is consequential on the change that will, in the future, require clubs to purchase beer only from hotels and retail stores. At the moment a club that is required to purchase all its liquor by retail pays a fee fixed by the court between $100 and $500 and is not liable for the fee fixed under subsection (1) as a percentage of value of liquor purchased. Where beer must be purchased by retail the club will have to pay the fee calculated under subsection (1) of section 37 for liquor purchased by wholesale where the fee is greater than the flat fee provided by paragraph *(b)* of subsection (1a). If it is less than the fee fixed by the court then the latter fee is payable.

Clause 16 makes a number of amendments to section 38 of the principal Act which make it clear that the court can make more than one reassessment of licence fees. Such a power is important because it is not always possible to guarantee that the court has before it complete information when assessing or reassessing fees under the Act.

Clause 17 replaces section 48a of the principal Act. Subsection (1) of the new section makes it clear that a licensee can apply to the court at any time to extend the operation of his licence. Subsection (1) of the previous section implied such a power but the new section specifies it clearly and widens it. For instance, it has been held that an application to the court for the designation of part of licensed premises for the purpose of supplying liquor with meals at any time (see section 19 (1) *(c)* of the principal Act) is not covered by the old section.

Consequently where such a change is likely to affect people living in the vicinity it is not possible for the court to order notice of the application to be given which in turn would allow for third party objections. Subsections (2), (3) and (4) are similar to the provisions of the old section but the obligation to give notice and the opportunity of objecting to an application will be wider because subsection (1) applies to a wider range of applications and subsection (2) now

applies to applications for a permit as well as to applications under subsection (1).

Clause 18 amends section 61 of the principal Act to make it clear that the court has a general power to attach to or remove conditions from a licence on the grant, renewal, transfer or removal of the licence.

Clause 19 replaces the definition of the term 'entertainment' used in section 66 of the principal Act. This section provides for the issue of permits by the court to applicants wishing to hold an 'entertainment'. The purpose of the change is to define the term as widely as possible so that there will be the least restriction possible on the court's power to grant permits under this section.

Clause 20 enacts new section 66b of the principal Act which makes provision for permits that apply between 9 o'clock in the evening and 3 o'clock in the morning. The holder of the permit will be required to supply a meal with liquor only if requested (subsection (4)) but must provide entertainment during the hours that the permit has effect (subsection (5) *(b)*). The court may suspend or cancel a permit if the holder fails to comply with section 66b or with a condition of the permit (subsection (8)).

Clause 21 strikes out paragraph *(d)* of section 67 (5). The Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated no longer holds a licence and the provision is therefore inoperative.

Clause 22 makes amendments to section 72 of the principal Act for the reason mentioned in the note to clause 5 of the Bill. Clause 23 makes a consequential amendment to section 82 of the principal Act.

Clause 24 inserts new section 86d into the principal Act. This section gives the court power, on the application of certain persons, to suspend a licence or permit or to attach conditions to a licence or permit where it has been shown that undue disturbance or inconvenience has been caused by the licensee or his patrons to persons living in the vicinity of the licensed premises. Subsection (4) sets out the persons who may apply. Amongst others a person representing at least twenty persons residing in the vicinity of the licensed premises may apply on their behalf.

Clause 25 strikes out paragraph *(b)* of section 87 (5) for the same reason as for the amendment made by clause 21. Clause 26 makes a series of amendments to section 167 of the principal Act to facilitate the application for and issue of permits for the tasting of liquor. Paragraph *(a)* removes the requirement that the application be in the prescribed form. Paragraph *(b)* replaces paragraphs *(b)* and *(c)* of section 167. New paragraph *(b)* requires the consent of the occupier of the premises to the grant of a permit but not the consent of the owner or the Commissioner of Police as the present section requires. New paragraph *(c)* is drawn more widely than the existing provision. It should be noticed, however, that the court has a discretion to grant or refuse a permit and may refuse an application if the premises are unsuitable or for any other reason it believes that a permit should not be granted. Paragraph *(c)* and *(d)* make consequential changes and paragraph *(e)* inserts new subsection (2) which empowers the court to grant an application where less than seven days notice has been given.

Clause 27 is consequential on the amendments made by clause 28. Clause 28 inserts two new sections into the principal Act. Section 179a requires the making and retention of records for three years. The purpose of the records will be to enable the court to determine the appropriate fees to be paid by the licensee. Section 179b allows for the inspection and copying of records by inspectors and the questioning by inspectors of licensees and others referred to in subsection (2).

Clause 29 repeals section 182 of the principal Act. The substance of this section is replaced in a more appropriate part of the Act by clause 30. Clause 30 enacts new section 185a of the principal Act which replaces section 182. The new section is wider in its effect than section 182 and in particular penalises a person who fails to produce records to or answer questions put by an inspector.

Clause 31 repeals paragraph *(b)* of section 189 of the principal Act. The paragraph amended the Prices Act, 1948-1967, by inserting section 22f which empowered the Minister to control the price of liquor. The amendment is consequential on the repeal, by clause 33 of this Bill, of section 22f of the Prices Act, 1948-1981. With these two provisions gone it will be possible for the court, if it thinks fit, to attach an appropriate condition to a licence in relation to an unfair pricing practice.

Clause 32 amends section 194 of the principal Act to widen the court's power to call witnesses to attend and give evidence at all proceedings of the court. Clause 33 makes the amendment to the Prices Act, 1948-1981, already referred to.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

CORRECTIONAL SERVICES BILL

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

STATUTORY AUTHORITIES REVIEW BILL

Adjourned debate on second reading.
(Continued from 4 March. Page 3319.)

The Hon. C. J. SUMNER (Leader of the Opposition): The introduction of this Bill raises important questions: first, the question of the role of Parliament in monitoring and scrutinising Government legislation and administrative action in general and, secondly and more specifically, the role of the statutory authorities and their rationalisation or possible deregulation.

I will deal first with the implications of this Bill for the role of Parliament in its relationship with the Executive, the Government and the Administration. Much has been written and said in recent times about the declining role of Parliament *vis-a-vis* the Executive. Two reasons in general are advanced for this position: the first is the increasing strength of the Party system and the fact that a Government with a majority in Parliament, because of party discipline, can effectively call the shots on what happens in Parliament; and the second is that increasing power has accrued to the Administration and to the bureaucracy (to the Government), because of the increasing complexity of society and of the problems with which Governments and Parliament are confronted.

I make some passing comments about the Party system and its effect on the role of Parliament. I do not believe that there is a great deal of difference between the Liberal Party and the Labor Party with respect to Party discipline. Although the Liberal Party talks about each member being free to vote as he wishes, in practice that is very rarely used.

On the other hand, the Labor Party does have a more strict Caucus system, but there are a number of issues on which free votes are allowed within the Labor Party. In practice, there is no great difference between the Liberal and Labor Parties as far as Party discipline is concerned.

Secondly, in regard to the Party system, I believe that it has been much maligned. There are advantages in a Party system such as we have. It provides a degree of stability in Government and, more importantly, it provides some guarantee that policies electors have voted for will in fact be implemented. I pose this question to the Council: what if Parliament (the House of Assembly and the Legislative Council) were comprised of independents or, heaven forbid, Australian Democrats? Being a Party member does not deprive an M.P. of influence. He has influence in his Party room meeting or in Caucus, and can have considerable influence on the work of Parliamentary Committees—less politically visible work where a non-partisan and less politically visible stance is available to members.

That brings me to the next factor in the reduction of the role of Parliament, that is, the increasing power of Administration. Again, in this respect I believe that it is important that Parliamentary committees be established to combat that trend. In the general question of overcoming the difficulties that have arisen as a result of the increase in power of the Executive and the Parties *vis-a-vis* the Parliament, Parliamentary committees are very important. First, they provide a forum for M.P.'s who are Party members to do valuable work and, secondly, they provide a forum for scrutiny and monitoring of Government activity.

To deal with the issue which is more directly before this Council now and about which this Bill proposes to do something, the power of the Administration the power of the Executive arm of Government. There is increasing use of subordinate legislation, regulations and Government proclamations to make law. I do not believe that anyone in the community, any member of Parliament, sees any virtue in regulation *per se*, or for the sake of it. However, the fact is that society today is much more complex than it was 100 years ago and regulation is needed in the community interest for that sort of society.

The regulation that was needed for a non-mechanised non-technological rural village is different from that required in a metropolis of 10 000 000 people relying on the latest technology. Whether one is talking about the environment, health, urban transport or all those issues which have become of particular importance as a result of urban living, the fact is that in all those areas greater regulation is needed to ensure that people living in close proximity to each other in urban environments can live their lives without undue disturbance from other people.

The Liberal Party has spoken much about deregulation, but I put to the Council some facts which indicate that, despite all its rhetoric about this topic, it has really done nothing. In fact, its record in deregulation or its record of regulation in the area of statutory authorities in the last 2½ years is about the same as that of the Labor Party in its 10 years of office in the 1970s. I make that point because I believe that the factors which underlie the need for regulation are factors which have more to do with our society and the increasing complexity of it than they do with the particular Party which happens to be in power.

What are the facts about deregulation? I refer to the area of the statutory authorities about which this Bill is concerned. On 13 August 1980 in his Address in Reply speech the Hon. Mr Davis inserted in *Hansard* a table indicating that there were 249 statutory athorities. That list also contained details of how many statutory authorities had been established over the years. It is interesting that, in 1977, five statutory authorities were created by the then Labor Government. In 1978 it was 13 and in 1979 it was 17, up to July of that year.

The Hon. L. H. Davis: You were getting tired by then.

The Hon. C. J. SUMNER: Just a minute. The fact is that in the 10 years from 1970, according to the Hon. Mr Davis's table, 122 statutory authorities were created. In that 10-year period it is an average of just over 12 statutory authorities created each year. If one examines the actions of the Liberal Government since it came into office in 1979 one will see that there have been 29 statutory authorities established and 14 abolished.

The Hon. L. H. Davis: You said 37 last night.

The Hon. C. J. SUMNER: I am coming to that. If one takes into account those statutory authorities which the Liberal Government has announced will be created in legislation during this session or over the next few months, then 37 statutory authorities have been announced. The Liberal Government announced that there will be one further statutory authority abolished. The total will be 37 created and 15 abolished when this programme that has been announced by the Government is completed.

The Hon. L. H. Davis: Are you going to table that list of 37, as you indicated that you would last night?

The Hon. C. J. SUMNER: If the Hon. Mr Davis wants it tabled, I will do so. I will seek leave to have inserted in *Hansard* a table of the statutory authorities created by the Tonkin Government. Some are proposed to be created, and there are authorities for which there are Bills, such as the Statutory Authorities Review Bill, which creates such an authority. I seek leave to have this list of statutory authorities inserted in *Hansard* without my reading it.

Leave granted.

STATUTORY AUTHORITIES CREATED BY THE TONKIN GOVERNMENT

Authority	Act
1980	
1. Non-government Schools Registration Board	Education Act Amendment Act (No. 2), 1980 (No. 108 of 1980)
2. State Disaster Committee	State Disaster Act, 1980 (No. 106 of 1980)
3. South Australian Ethnic Commission	South Australian Ethnic Affairs Commission Act, 1980 (No. 70 of 1980)
4. Meat Hygiene Authority	Meat Hygiene Act, 1980 (No. 23 of 1980)
5. Meat Hygiene Consultative Committee	As above
1981	
1. Parks Community Centre	Parks Community Centre Act (No. 111 of 1981)
2. Towtruck Tribunal	Motor Vehicles Act Amendment Act (No. 5), 1981 (No. 98 of 1981)
3. South Australian Metropolitan Fire Service	Fire Brigades Act Amendment Act, 1981 (No. 68 of 1981)
4. Programme advisory panels	Community Welfare Act Amendment Act, 1981 (No. 67 of 1981)
5. Community welfare consumer forums	As above
6. Regional child protection panels	As above
7. Local child protection panels	As above
8. Legal Practitioners Disciplinary Tribunal	Legal Practitioners Act, 1981 (No. 59 of 1981)
9. Legal Practitioners Complaints Committee	As above
10. Dog Advisory Committee	Dog Control Act Amendment Act, 1981 (No. 58 of 1981)
11. Handicapped Persons Discrimination Tribunal	Handicapped Persons Equal Opportunity Act, 1981 (No. 56 of 1981)
12. Community Service Advisory Committee	Offenders Probation Act Amendment Act (No. 53 of 1981)
13. Community service committees	As above

STATUTORY AUTHORITIES CREATED BY THE TONKIN GOVERNMENT

Authority	Act
14. Building Societies Advisory Committee	Building Societies Act Amendment Act (No. 41 of 1981)
15. The History Trust of South Australia	History Trust of South Australia Act (No. 36 of 1981)
16. The South Australian Urban Land Trust	Urban Land Trust Act, 1981 (No. 31 of 1981)
17. Correctional Services Advisory Council	Prisons Act Amendment Act (No. 22 of 1981)
18. Firearms Consultative Committee	Firearms Act (No. 26 of 1977)
19. Industrial and Commercial Training Commission	Industrial and Commercial Training Act, 1981 (No. 17 of 1981)
20. Training advisory committees	As above
21. Disciplinary Committee of the Industrial and Commercial Training Commission	As above
22. The South Australian Planning Commission	Planning Act, 1982 (No. 3 of 1982)
23. The Advisory Committee on Planning	As above
24. Planning Appeal Tribunal	As above
Proposed 1981-82	
1. Statutory Authorities Review Committee	Statutory Authorities Review Bill
2. Radiation Protection Committee	Radiation Protection and Control Bill
3. Outback Management Advisory Committee	Pastoral Act Amendment Bill
4. The Companies Auditors and Liquidators Disciplinary Board	Companies (Administration) Bill
5. Prisoners Assessment Committee	Correctional Services Bill
6. Correctional Services Advisory Council	As above
7. Visiting tribunals	As above
8. Technology Park Adelaide	Technology Park Adelaide Bill

STATUTORY AUTHORITIES ABOLISHED BY THE TONKIN GOVERNMENT

Authority	Act
1980	
1. Monarto Development Commission	Monarto Legislation Repeal Act, 1980 (No. 91 of 1980)
1981	
1. South Australian Council for Educational Planning and Research	S.A.C.E.P.R. Repeal Act, 1981 (No. 92 of 1981)
2. Oriental Fruit Moth Committee	Statute Revision (Fruit Pests) Act, 1981 (No. 83 of 1981)
3. Red Scale Control Committee	As above
4. San Jose Scale Control Committee	As above
5. The Fire Brigades Board	Fire Brigades Act Amendment Act (No. 68 of 1981)
6. Fruit Fly Compensation Committee	Statute Revision (Fruit Pests) Act, 1981 (No. 83 of 1981)
7. Statutory Committee of the Law Society of South Australia	Legal Practitioners Act, 1981 (No. 59 of 1981)
8. Central Dog Committee	Dog Control Act Amendment Act, 1981 (No. 58 of 1981)
9. South Australian Land Commission	Urban Land Trust Act, 1981 (No. 31 of 1981)
10. Apprenticeship Commission	Industrial and Commercial Training Act, 1981 (No. 17 of 1981)
11. Advisory trade committees	As above
12. State Planning Authority	Planning Act, 1982 (No. 3 of 1982)
13. Planning Appeal Board	As above
Projected	
1. Land Settlement Committee	Land Settlement Act Repeal Bill

The Hon. C. J. SUMNER: The table will show those statutory authorities created by the Tonkin Government and those proposed to be created, and those statutory authorities which have been abolished by the Tonkin Government. I was going to indicate that some of the statutory authorities that have been proposed are not just pie-in-the-sky authorities. For instance, there is the Radiation Protection Committee, which is dealt with in a Bill introduced in another place. That has not been included in the list of those created but in the list of those proposed to be created. There are others, such as the proposed Technology Park Adelaide authority. It has not happened yet, but the legislation has passed the House. If one considers all of the authorities—

The Hon. L. H. Davis: That is averaging seven years against 12 years.

The Hon. C. J. SUMNER: That is not true. Taking all of these authorities, one can see that the Liberal Government will have established 37 statutory authorities and abolished 15, so there will be a net increase of 22 statutory authorities during the Government's period of office of some 2½ years.

The Hon. L. H. Davis: It is three years.

The Hon. C. J. SUMNER: There are a large number of statutory authorities.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Hon. Mr Davis will have an opportunity to speak later if he so wishes.

The Hon. C. J. SUMNER: The trouble with the Hon. Mr Davis—

The ACTING PRESIDENT: Order! I suggest that the honourable member address the Chair and ignore interjections.

The Hon. C. J. SUMNER: The Hon. Mr Davis does not like having his pet theories destroyed.

The ACTING PRESIDENT: Order! The honourable member must speak to the Bill.

The Hon. R. J. Ritson: Do you ignore accountability—

The ACTING PRESIDENT: Order! The Hon. Dr Ritson is in the same category. He will have the opportunity to speak later.

The Hon. C. J. SUMNER: It is interesting to note that, of the statutory authorities that have been abolished, four were fruit pest committees of very minor importance. In fact, when one looks at the number of statutory authorities of any significance that have been abolished, one comes down to about three. Two of these were the Monarto Development Commission and the South Australian Council for Educational Planning and Research. When one says that the Monarto Development Commission has been abolished, one must also consider that, in recent years, that commission was not particularly active. The Land Settlement Committee has also been abolished.

The only point I make is that, despite all of the talk from the Liberal Party about deregulation, it has announced that 37 new statutory authorities will be created, and 15 will have been abolished so that, in the net result, there has been an increase of 22 statutory authorities. That is a funny sort of deregulation. I say that, despite the interjection

from the Hon. Mr Davis, to emphasise the fact that, whether or not statutory authorities are created and whether or not there is regulation in this community, is not so much a product of what the politicians do but a product of what the community demands in the community interests because of the increasing complexity of the society in which we live today.

For the purposes of this debate, the important question is how this Parliament can cope with the increasing complexity and power of the Administration. I believe that it must be met by an expansion and upgrading of the committee system of the Parliament. The committee system in the Federal Parliament was upgraded substantially, particularly in the Senate, and more particularly under the initiatives of the Leader of the Opposition in the Senate at that time, Senator Murphy. I believe that all people who have had anything to do with the Federal Parliament committee system and the Senate system would agree that it is a much more effective, efficient and comprehensive system than that which operates in the South Australian Parliament.

There are other things that can be done to increase the effectiveness of the Parliament, *vis-a-vis* the Administration, and to ensure that Parliamentarians are playing their proper role and are properly informed about Government activities. I have put forward certain proposals for consideration by the community, which involve the expansion of the committee system and further development of the committee system to ensure that Parliament can properly review Government activities. Democracy is threatened by the declining power of Parliament in relation to the bureaucracy. Question Time, particularly in the House of Assembly, is farcical. There is no scope for pursuing a line of questioning, and the answers given are generally incomplete and evasive. It sometimes takes months to obtain answers to questions.

The second proposal is to roster Ministers to answer questions in both Houses of Parliament. The third proposal is that there should be a specified minimum number of sitting days for Parliament each year to ensure that Parliament sits even though the Government might find it inconvenient to do so. Fourthly—

The Hon. R. C. DeGaris: What clause are you on?

The Hon. C. J. SUMNER: No clause. The fourth proposal is that Parliamentary procedure could be reviewed to ensure adequate machinery for initiation and consideration of non-government legislation and streamlining of procedures. The procedure for private members' time, particularly in the House of Assembly, is ludicrous. The fifth proposal is to try to promote more informed debate within the community; a system of green and white papers could be developed so that there is a more well-known distinction in the community between those documents which emanate from the Government and which are for discussion and consideration by the community and those documents which emanate from the Government and represent Government policy.

I believe that that series of proposals, which I put forward on behalf of the Labor Party for consideration, deserves serious thought. If those proposals found community acceptance, they would improve the facility of the Parliament in the area of control and monitoring of Executive activity. The Labor Party, in Government, would review the system of Parliamentary committees that currently operates in the South Australian Parliament with a view to increasing its scope and effectiveness. I believe that the number of committees could be increased. There is a case for a committee to deal with law reform proposals; the question of whether committees should be established by Acts of Parliament or by Standing Orders of the Parliament is a matter that should be considered; and the degree of Government control over committees should also be looked at. I believe that that package of proposals that I have outlined deserves consideration by the community, and I will be interested in the responses that I receive before final proposals are drawn up.

I now turn to whether or not this proposed committee deserves support in terms of the criteria that I have put: will the establishment of a Statutory Authorities Review Committee, as envisaged by this Bill, more effectively assist the Parliament in reviewing Government activities in so far as they are carried out through statutory authorities? I have no hesitation in saying that, in terms of ensuring Parliamentary scrutiny of the Executive, this Bill is a complete non-event. It is a farce: it does not deserve to be supported. The committee will be a complete prisoner of the Government, more so than any other Parliamentary committee.

Let us consider why. First, those statutory authorities that are to be looked at must be designated by regulation—that is, the Government has control over what authorities are to be investigated by the committee. It seems to me to be pointless to establish a committee of the Parliament and then allow the Government to decide which authorities and which parts of Government activity should be investigated by the committee. That is a complete denial of the rights of Parliament to scrutinise Government activity.

Secondly, the powers of the committee are clearly not strong enough. The committee's powers as outlined in the Bill are weaker than the powers of the Public Accounts Committee. The Public Accounts Committee has the power of a Royal Commission. The powers of this Bill are in some ways similar, but I believe they are weaker. Why could not this committee have similar powers to those of the Public Accounts Committee? Why could it not have the powers of a Royal Commission? Instead of giving this committee those powers, the Government has decided to outline the powers in the Bill and those powers are weaker than the powers of a Royal Commission.

Further, on the question of the powers of the committee, a Minister cannot be compelled to attend the committee to justify his action in relation to a statutory authority. That, to my mind, is also unacceptable in relation to Parliamentary control and authority.

The Hon. R. J. Ritson: The Minister can do that in Parliament.

The Hon. C. J. SUMNER: The Public Accounts Committee can call a Minister; it has the powers of a Royal Commission. The Hon. Dr Ritson, in his usual funny way, says that a Minister can have his say in Parliament. That is true. He can say what he wants to in Parliament, but the scope for Parliament to scrutinise what the Minister is doing is virtually non-existent. The only serious capacity for that scrutiny is at Question Time. If honourable members have ever seen Question Time in the House of Assembly, let alone in this place, they will know how ineffective it is as a means of scrutinising Government activity.

The Hon. M. B. Cameron: That's your fault.

The Hon. C. J. SUMNER: I said particularly in the House of Assembly. It is also unsatisfactory here basically because the Ministers refuse to answer questions. They evade questions.

The Hon. J. C. Burdett: When does that happen?

The Hon. C. J. SUMNER: Questions remain unanswered from last September—six months ago.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The honourable Leader should come back to the Bill and ignore interjections.

The Hon. C. J. SUMNER: What sort of treatment is that of the Parliament? Question Time, as important as it is in the general procedure of the Parliament, is not an altogether effective way for back-benchers or the Opposition to scrutinise Government activity. Therefore, I can see no reason why a Minister should not attend a committee of this kind

and answer questions about what is happening within statutory authorities under his jurisdiction.

The Hon. R. C. DeGaris: What protection does a Minister already have in answering questions of a committee?

The Hon. C. J. SUMNER: There would be the normal protections. Normally, a Minister would be compelled to answer questions unless there was a matter of Crown privilege involved; he could claim Crown privilege on certain grounds. There are some protections.

Another aspect of the powers of this committee that I believe is unacceptable relates to the provision that a Minister can deny access to certain documents to the committee. That provision does not exist in the Public Accounts Committee Act, but apparently this Government is afraid of scrutiny and has decided that the Minister can, if he does not want certain documents looked at, withdraw access to those documents from the committee.

The third weakness in the Bill is that notice of review or inquiry must be given to the Minister, who must be consulted on the committee's priorities. The fourth point is particularly pernicious, namely, that the Minister has a right to access to the evidence in all stages of the inquiry conducted by the committee. What sort of power is that? The committee can start taking evidence about a statutory authority and, as soon as it starts taking evidence, if the Minister demands it, that evidence has to be given to him. It may be that that evidence should remain confidential until the inquiry is completed. The disclosure of that evidence could completely abort the inquiry because the Minister could take steps to cover up or change certain things happening within the statutory authority.

In summary, there are four weaknesses. First, the Government has control over which authorities can be investigated. Secondly, the powers of the committee are weaker than those of the Public Accounts Committee, the Minister cannot be compelled to attend, and certain documents can be withheld from the committee. Thirdly, notice of review must be given to the Minister, who must be consulted on priority. Fourthly, the Minister has access to evidence immediately it is given to the inquiry. The committee on that basis is a toothless tiger or, as one of my colleagues recently described another organisation, a paper mouse.

The Labor Party accepts the need for mechanisms to review statutory authorities. Indeed, the previous Premier Mr Corcoran made a statement on 28 August 1979 indicating what the Labor Government at that time was doing in terms of Government review of statutory authorities. He said that some statutory authorities would be abolished, others would be amalgamated and the functions and effectiveness of still more would be reviewed. In addition, the Government would ensure that Ministerial control of statutory authorities would be strengthened and that there would be an increased accountability to the Government, Parliament and the people. So, a programme was produced by the previous Government for Government review and control of statutory authorities. The Labor Party has not been unaware of some of the problems that can be created by the lack of accountability of statutory authorities.

The Hon. R. J. Ritson: Do you still prefer Government review?

The Hon. C. J. SUMNER: I think it has to be a two-part procedure. Obviously, Ministers concerned with statutory authorities must keep them under review. They must ensure that those statutory authorities are acting in accordance with their Act and with Government policy for the community benefit. That is one aspect of review of statutory authorities. On the other hand, I also believe that Parliament has a role in reviewing the activities of statutory authorities, particularly from the viewpoint of whether they are efficient in their administration and cost effectiveness. That is the second aspect of the review of statutory authorities to which I referred and which the A.L.P. supports.

The question is whether this committee is the best way of achieving a review of those statutory authorities. My answer to that must be an emphatic 'No'. Why, I ask, in a deregulation atmosphere is the Government establishing a separate committee to do this job, when a perfectly good committee is available to do it at the moment? I believe that the Public Accounts Committee could perform that task. At the appropriate time, I intend to move to amend the motion 'That this Bill be now read a second time', as follows:

> By leaving out all words after the word 'That' and inserting in lieu thereof the words 'the Bill be withdrawn and the Public Accounts Committee Act, 1972-1978, be amended to include the objects contained therein.'

Why is there a need for a separate committee, unless of course the Liberal Party has some favour it has to bestow on some of its colleagues in the Legislative Council? Why can the Public Accounts Committee not perform this task as efficiently and as well as can a new committee, given the powers of the Public Accounts Committee, which are more extensive than those proposed in this Bill? It is obvious that the Public Accounts Committee could do a better job than any committee established under this very weak legislation.

The Hon. R. C. DeGaris: You need to expand the Public Accounts Committee.

The Hon. C. J. SUMNER: I am coming to what our proposal will be. We are asking for this Bill to be withdrawn and for the Public Accounts Committee Act to be amended along particular lines. I am not suggesting specific amendments at this stage but areas that ought to be looked at. First, we would clarify the authority of the Public Accounts Committee to assess statutory authorities. I believe it already has that power, but that should be clarified if there is any doubt about it. Secondly, the membership of the Public Accounts Committee should be expanded so that there are more members to carry out its increased role.

The Hon. R. C. DeGaris: Will they come from the Council?

The Hon. C. J. SUMNER: I do not have a firm view on this at present, but consideration could be given to adding to the Public Accounts Committee members from the Legislative Council. In terms of Government finance, there is a tradition in the United Kingdom that has carried through to this Parliament and the Federal Parliament that expenditure related committees should be drawn from the House of Assembly. However, I would certainly be prepared to consider expansion of the Public Accounts Committee's membership to include members of the Legislative Council. Further, increased resources should be available to the Public Accounts Committee. Its effectiveness largely depends on the resources which are available to it. Thirdly, in terms of major amendments, a deputy chairman should be appointed to the Public Accounts Committee. The committee should be able to split itself into two working groups so that more than one investigation can be carried out at any one time. Fourthly, some of the objectives of this Bill could be incorporated in the Public Accounts Committee Act to ensure that it has sufficiently broad powers to investigate statutory authorities.

I believe that when considering the withdrawn Bill the Government should also assess the effectiveness of the Public Accounts Committee. There is a problem in that the Public Accounts Committee investigates inefficiencies and problems with expenditure after those expenditures have been made. It has no authority to check estimates of expenditure and administration while that expenditure is being made or that administration is in train.

I believe that there ought to be a better way of dealing with estimates, a better way of dealing with Government expenditure, and that the role of the Public Accounts Committee could be looked at with a view to extending its role, not just to looking at the accounts of Government after expenditure has been made so that inefficiencies are picked up after they occurred; it could be expanded to have a continuous monitoring role in conjunction with the Auditor-General and perhaps with assistance of staff and the like from the Auditor-General's Department. I believe that there is a case for restructuring the Public Accounts Committee not only to include powers to review statutory authorities but also to increase its general authority.

In the Federal Parliament a joint committee to review Federal Parliamentary committees recommended that the Joint Committee on Public Accounts and the Standing Committee on expenditure should be replaced by a committee of public administration.

The Hon. R. C. DeGaris: Is that the Coombe Report?

The Hon. C. J. SUMNER: No, that is the report of the Joint Committee to Review the Federal Parliamentary Committee System, which was produced in May 1976. The Coombe Committee into the Public Service agreed that that would be a reasonable proposition. I do not wish to indicate at this stage any firm view on that, but I believe as well as the specific propositions I have outlined these improvements to the Public Accounts Committee could be considered. There may also be a case to look at the resources which the committee has and which I have mentioned, and to look at the proposition that came from the Coombe Committee into the Public Service that the chairman and the deputy chairman of the committee should receive remuneration equivalent to that of a Minister to ensure that people seeking or aspiring to those jobs would be capable people who might otherwise aspire to Ministerial office.

I do not have a firm view on that, but I believe that an increase in the status of the committee could be achieved not just by increasing resources but also by increasing the salaries available to the chairman and proposed deputy chairman of that committee. The present Government's attitude to the Public Accounts Committee has been very disappointing, to say the least. The Liberal Party, in opposition, promised that the Public Accounts Committee would be reconstituted, strengthened and given additional research support. The specific policy, the Treasury policy, issued in August 1979 by Dr Tonkin further said that the Public Accounts Committee would comprise six members, three from each side of the House, with an independent chairman. It then states the following:

> This will ensure that it meets regularly, and follows a disciplined programme of work. Clerical research and investigative facilities of the Auditor-General's Department will be available to the committee.

What has happened in the light of that policy? What has the Government done? The only thing that I can ascertain that it has done is give the Chairman, Mr Becker, a car. I am sure that Mr Becker's acquisition of a car has really helped the Public Accounts Committee in carrying out its duties! Of course it has not. It was a complete perk—he had to be bought off because Dr Tonkin did not include him in the Ministry. Therefore, there has been no restructuring of the Public Accounts Committee as promised by the Liberal Party. There has been no increase in members, and no increase in resources. No independent chairman has been appointed. The only thing the Public Accounts Committee has got is a car for the Chairman. In that respect, the Liberal Party has failed to honour its promises.

I believe that if the Public Accounts Committee were strengthened there would be no need for the committee which is to be established by this Bill. The Bill has been put forward by the Liberal Party as the fulfilment of its promises regarding sunset legislation. During the last election campaign it was full of promises about how it was going to introduce sunset legislation. It had the following to say in that respect, concerning statutory bodies:

> They will undergo periodic public review every five years by Parliament or a Parliamentary committee. The authority's programme is continued only if its performance can be justified to Parliament, but some statutory bodies may have their charters extended and additional assistance recommended.

The proposition apparently was based on an experience in Colorado in the United States in relation to support sunset legislation. The policy states:

> First introduced in Colorado, U.S.A., this form of legislation has the effect of limiting the life of certain Government statutory bodies.

The Government has not taken any action at all to introduce sunset legislation as was outlined in its policy. This Bill is a weak attempt to try to give some credence to that policy. Of course, the Premier's second reading speech reflects a complete about turn in relation to sunset legislation. Much of the Premier's second reading speech deals with the difficulties of sunset legislation. It is really an argument by the Government against sunset legislation, which it promised before the last election. The Premier now realises that a five-year review period for statutory authorities would mean that an average of 50 Bills a year would have to be considered by Parliament when the sunset clause came into operation. The Government now finds that that is not acceptable.

The Opposition could have told the Government that. In fact, we did tell the Government in 1979, but it took no notice. Premier Corcoran's press release of 28 August 1979, referring to the measures announced by him, stated:

> These measures will achieve far more for our State than the sunset legislation that the Opposition has suddenly discovered as the magic answer to all our problems. We have already made detailed studies of sunset legislation and discarded it as too complex, too costly in terms of time, money and manpower, and unlikely to achieve anything worth while. A report from a U.S. Senate Standing Committee has revealed that sunset legislation in that country has not been an unqualified success.

The Opposition told the Liberal Party in August 1979 that sunset legislation was not a very effective or efficient way to review statutory authorities. Notwithstanding that, the Government proceeded with its policy and we now find, 2½ years later, that it, too, has realised that sunset legislation is not the answer. The Premier has gone to great lengths to debunk sunset legislation. Once again, the Premier has been found contradicting and repudiating promises that he made before the last election.

In summary, the Opposition supports strengthening the capacity of Parliament to review Government activities, including statutory authorities. However, this Bill is a farce in terms of those objectives. I repeat that the committee would be a complete prisoner of Government. It would not in any way be an effective Parliamentary committee reviewing Government activities, because of the strictures that this Bill places on the inquiries that can be conducted by that committee. Further, there is no need for another Parliamentary committee. The Public Accounts Committee should be strengthened and expanded in the manner that I outlined during this debate. I move to amend the motion 'That this Bill be now read a second time':

> By leaving out all words after the word 'That' and inserting in lieu thereof the words 'the Bill be withdrawn and the Public Accounts Committee Act, 1972-1978, be amended to include the objects contained therein'.

I have already outlined the amendments envisaged by the Opposition for the Public Accounts Committee Act. Not all of those amendments have been completely firmed up, but I think that honourable members can see from the description of the amendments that the Opposition's general

position is that the Public Accounts Committee can fulfil this role. We do not want to establish a new committee. The Public Accounts Committee already has power and, if its resources and membership are expanded as outlined by the Opposition, there will be much more effective control and monitoring by statutory authorities in this State than would come about by this weak piece of legislation.

The Hon. R. C. DeGARIS: I support the second reading of this Bill. However, I agree in principle with many of the things that the Leader said about it. The Leader referred to the role of Parliament and the role of this Council. That matter is very germane to the Bill before us. The Leader also said that the Hon. Mr Davis referred to 249 statutory authorities established in South Australia. I assure the Leader that the number is closer to 450 than 250. A number of statutory authorities have been discovered which were not available when the Labor Party drew up its list of 249, from which the Hon. Mr Davis took his figure. I assure the Hon. Mr Sumner that the number is a good deal higher than 249.

I also appreciate the point made by the Leader in relation to the committee work of this Council. There is tremendous potential in this Council for constructive committee work to be done. I hope that a move is made very soon to establish those committees along Senate lines. In his policy speech, the Premier promised to introduce sunset legislation to bring statutory authorities under the scrutiny of a Parliamentary committee. The Leader has already quoted the Premier's statement, but my quote is somewhat different. I do not know which quote is correct. The Premier's exact words in his policy speech were:

> Introduce sunset legislation which means that Government corporations, commissions and trusts must be reassessed by a Parliamentary committee and required to justify their continued existence.

As the Leader pointed out, the Bill before us has no connection with sunset legislation. I am not blaming the Government for not introducing the policy it promised, because if one examines American sunset legislation one realises the difficulties in such an approach, particularly in a Westminster-style Parliament.

The Hon. C. J. Sumner: Why do you think it promised it? Didn't the Government know what it was talking about?

The Hon. R. C. DeGARIS: I suppose that sunset legislation has a certain appeal. Under the Bill that was introduced in Victoria, for example, the committee has the right to make a report to the House and, if no action is taken by Parliament to re-establish that authority, the authority is automatically abolished. That appears to confer a power on a Parliamentary committee which does not fit in with a Westminster-style Parliament. In other words, the Victorian legislation virtually gives a Parliamentary committee the right to legislate. That is part of the sunset legislation that exists in Victoria. I do not think that any member of this Council would like to see that type of legislation introduced in this Parliament.

The Government is justified in changing its view about the introduction of the American sunset-style provisions. There can be no doubt that the proliferation of statutory authorities and their accountability is a question that Parliament needs to carefully examine. Until the middle of the nineteenth century most of the public activity was performed by the private sector under some form of charter from the Executive. During the Gladstonian period the great democratising movement took place with, among other things, the development of the doctrine of Ministerial responsibility, the Public Accounts Committee and the appointment of the office of Auditor-General.

Since the democratising days of the Gladstonian period, we have seen a remarkable growth in the use of statutory authorities to carry out the functions of the public sector. One may say that this development is a movement away from the doctrine of Ministerial responsibility, a means of shifting responsibility another step away from Parliamentary scrutiny.

Once again, if one considers that in Victoria five out of six of what might be broadly termed public servants are employed in statutory authorities, one can see the lengths to which this country has gone in doing our work one step away from Parliament, through statutory authorities. As I pointed out to the Leader at the beginning of my speech, there are more than 400 such bodies in South Australia. There are also 1 000 or more in Victoria and in the A.C.T. there are about 500. It is possible that all told in Australia we have 5 000 such bodies.

Added to this group is a new and interesting group which has been labelled by some researchers as the 'interstitial group'. I have talked about this particular matter previously. The interstitial group spends large sums of public money, but its members do not fall within the definition of a statutory authority. One can refer to the S.A.J.C. as one such organisation which is not a statutory authority but which does handle large sums of money that really come from the public purse or other statutory authorities.

This development of statutory authorities and interstitial groups, which are funded by the public purse, takes us back to the pre-Gladstonian days, where most of the public functions were carried out by private organisations on behalf of the Government. In any discussion on the question of the doctrine of Ministerial responsibility, one cannot overlook these particular developments. The question of accountability and responsibility of these organisations, both statutory and interstitial, is the reason for the Bill now before us.

With the number of statutory bodies and interstitial groups receiving public money, a significant part of public expenditure is not subject to sufficient Parliamentary scrutiny. Senator Rae, Chairman of the Senate Standing Committee on Government Finance, said in a recent report of his committee that the budgetary deficit was considerably higher than shown, because of the effects of the operations of statutory authorities.

One may well remember the report on the operations of the Australian Wheat Board, which had made no report to the Parliament for a period of three years. Therefore, in general principle, I support the Bill, which creates a committee of the Legislative Council to examine and report to the Parliament on the operation of statutory authorities in South Australia.

The Hon. C. J. Sumner: You're joking.

The Hon. R. C. DeGARIS: I will come to that interjection in a minute. In Australia, Victoria was the first State to set up a Parliamentary committee to investigate statutory authorities, although the Senate Standing Committee on Government Finance was the first Parliamentary committee to report to Parliament on the operations of statutory authorities. The Victorian Act, as I pointed out, is surprising—it is a peculiar Bill with many flaws, and I am pleased that the Government did not follow that particular Bill.

The Bill before us also deserves criticism. As far as this Chamber is concerned, it is a Bill that I believe is a little insulting to the Council and I would hope that most members in the Chamber, particularly those who have an attachment to this Council and its traditional role of review, would agree with me. When the Public Accounts Committee Bill was passing through the Parliament, the A.L.P. took the spurious view that no Legislative Councillor should serve on the Public Accounts Committee because it was concerned with examining financial matters.

The Hon. C. J. Sumner: Are members of Upper Houses on Public Accounts Committees anywhere else?

The Hon. R. C. DeGARIS: I do not know, but I would say that there would be.

The Hon. C. J. Sumner: Not in the House of Commons.

The Hon. R. C. DeGARIS: Are Senators serving on the Public Accounts Committee in Canberra?

The Hon. C. J. Sumner: No.

The Hon. R. C. DeGARIS: The point that interests me in this is the change of heart that the Leader has evidently had when, in moving his motion that the Public Accounts Committee be upgraded to take into account the question of examining statutory authorities, he is now prepared to examine Legislative Councillors serving on the Public Accounts Committee. On two occasions, the Bill to establish the Public Accounts Committee lapsed because the A.L.P. with the numbers then in the House of Assembly, refused to accept an amendment that the Public Accounts Committee should be a Joint House Committee.

The argument that the A.L.P. used I have already described as spurious. If the Legislative Council is not to have representatives on the Public Accounts Committee, why have A.L.P. members accepted committee positions on the Subordinate Legislation Committee, the Public Works Committee, the Joint House Committee, and the Land Settlement Committee, all of which deal with questions of money and estimates?

The Hon. C. J. Sumner: The Subordinate Legislation Committee does not deal with finance as such.

The Hon. R. C. DeGARIS: It depends on how one describes finance, does it not?

The Hon. C. J. Sumner: There is a tradition on the Subordinate Legislation Committee that it does not interfere with Government fees and charges.

The Hon. R. C. DeGARIS: But the Public Accounts Committee cannot interfere; all it can do is recommend. The Hon. Mr Sumner is talking about interference here, which is a different thing. If the Legislative Council should not have representatives on those committees, why has the A.L.P. accepted positions on them? The A.L.P. attitude to that Bill, I believe, was dogmatic and unrealistic. This Bill treats this Council with scant respect if one considers the powers that the House of Assembly-based Public Accounts Committee has in its particular Act.

I will explain my views to the Chamber. The Bill provides for review of the statutory authorities but only those that the Government, by regulation, says the committee can look at. That point was made by the Leader. The best way to illustrate my point is to compare the powers of the Public Accounts Committee with the powers of this proposed committee. Can one imagine the outcry from the House of Assembly if a Bill passed this Chamber to allow the House of Assembly to investigate only departments that the Government by regulation said it might investigate? I put that question to the Council. What sort of outcry would there be from the House of Assembly if that sort of Bill went down to it from this Chamber?

If the Parliament wants a Parliamentary committee to examine and report to the Parliament on statutory authorities operating in South Australia, the powers of that committee should be identical to the powers the Parliament granted to the Public Accounts Committee.

The Hon. C. J. Sumner: Why do you think they need two committees?

The Hon. R. C. DeGARIS: I will come to that point in a moment. The second point in this comparison of the Public Accounts Committee Act and this Bill is that this Bill is committed to a Minister, with powers for the Minister to direct the committee in some respects. Once again this appears to be a strange provision for a committee of this nature. What sort of outcry would there be if this Council passed a Bill committing the Public Accounts Committee Act to the care of a Minister with Ministerial power included in that Act?

The Bill provides for the committee to comprise five members of the Legislative Council, of whom three shall be nominated by the Leader of the Government in the Legislative Council and two shall be nominated by the Leader of the Opposition in the Legislative Council. The chairman of the committee is to be appointed on the nomination of the Leader of the Government in the Legislative Council. This means that even if the Government does not have a majority in this Chamber, a committee of this Chamber will have a majority of Government members on it. This Chamber, I predict, will be equally divided for a long time (or near enough to equally divided). Have we the right to deliberately exclude people who are not of the Government or the Opposition from serving on that committee? That is exactly what this provision does.

I refer the Council to the provisions in the Public Accounts Committee Act which state that no fewer than two members shall come from the Government and no fewer than two members shall come from the Opposition. This gives the opportunity, if the Council so desires, to appoint other groups to the Public Accounts Committee.

In the Public Accounts Committee Act the House of Assembly nominates the committee, not the Leaders of the Government or the Opposition. The House nominates the committee, but the House has some powers. Clause 4 (3) of this Bill provides that the committee is appointed by the Legislative Council. It is provided also that membership shall be on the nomination of the Leader of the Government and the Leader of the Opposition. What if the Council rejects the nomination of the Leaders? Does it have the power to do so? Clause 5 provides that the Council may remove a member of the committee on certain grounds. Where the Council removes the person from office, it provides that the Council shall, as soon as practicable, appoint one of its members to that vacant office in accordance with clause 5 (4).

Subclause (4) provides that his successor shall be appointed upon the nomination of the Leader of the Government or the Leader of the Opposition, as the case may be. I ask the Council to note the imperative 'shall'. In effect, so far the committee can look only at the statutory authorities that the Government allows to be looked at by regulation. The Act is committed to a Minister, and a majority of the committee is appointed by the Leader of the Government in the Legislative Council who also nominates the Chairman.

Honourable members should compare that sort of structure with the Public Accounts Committee Act. The Council will understand my disappointment with the Government's philosophy in this Bill. During my time of service in this Council I have heard many members talk at length on the independence of this Council and on the ability of Liberal members to use their own discretion in reviewing legislation. I hope that honourable members when they read this Bill will have similar views about it. Clause 7 seems to pick up the same point as the comment that I made in regard to clause 4, that is, in regard to the committee where there is a defect in the appointment of a person. Could clause 7 be related to clause 4 (3), to which I have just referred?

Clause 8 allows the Leader of the Government to nominate the Chairman of the committee, but the Legislative Council makes the appointment. Does the Council have the power to refuse the nomination of the Leader? What happens if it does? If the Council chose to appoint a Chairman of its own motion, would that be a legal act? Once again, I refer the Council to the power of the Public Accounts Committee to elect its own Chairman. In the House of Commons the

Public Accounts Committee is under the chairmanship of the Opposition and not the Government.

I have already referred to clause 10, where reference is made to the Minister responsible for this Act. I do not believe that any Minister should have any influence on the priorities that the committee may place on its inquiries. The only influence that should be exerted on this committee should come by resolution of this Council requesting the committee to place certain priorities on its examinations. The powers of inquiry of the committee are also considerably less than the powers of inquiry available to the Public Accounts Committee. The committee will have no power to require evidence from a Minister. The committee should possess the same powers as the Public Accounts Committee has to make those inquiries.

As pointed out by the Leader of the Opposition, quite rightly, the Public Accounts Committee has the power of a Royal Commission. Clause 16 deals with the staffing of the committee, and again I compare the provisions of the Bill with the Public Accounts Committee Act. Section 12 of that Act provides:

> The Governor may, on the recommendation of the Speaker of the House of Assembly, after consultation with the committee, appoint a secretary to the committee and such other officers of the committee as are required for the performance of its functions and the secretary and the officers shall, if they are not already officers of the House of Assembly on appointment, become such officers.

I ask honourable members to look at clause 16 in this Bill, because they will see a totally different concept in relation to the staffing of this committee.

As the committee proposed by this Bill is to be a committee of the Legislative Council with a similar role to that of the Public Accounts Committee, the secretary and officers of the committee should be officers of the Legislative Council in exactly the same way as the Public Accounts Committee officers are officers of the House of Assembly. Therefore, you, Mr President, should hold the same position, not only in relation to appointment of officers but in other matters, that is held by Mr Speaker in relation to the Public Accounts Committee.

As I said in the beginning, I find the Bill in its provisions a little insulting to the Council and indicate that I will be seeking amendments to bring this Bill in line with the Public Accounts Committee Act. One of the great disappointments to me since the change of Government has been the attitude of this Government to the institution of Parliament, and I have made no secret of this in previous speeches I have made in this Council. That attitude is nowhere more obvious than in the provisions of the Bill now before us.

Having looked briefly at the provisions in the Bill, I wish now to turn my attention to more general questions. The A.L.P. in the House of Assembly took the view that the Public Accounts Committee should be expanded to allow that committee to undertake inquiries into statutory authorities. I admit that this approach has a great deal to recommend it. However, if this approach is to be adopted, we need to examine more than just the question of expanding the Public Accounts Committee to inquire into and report on the question of statutory authorities, their efficiency and whether or not they should continue in operation. The whole philosophy of the Public Accounts Committee needs to be examined.

The Hon. C. J. Sumner: I said all that.

The Hon. R. C. DeGARIS: I know you did.

The Hon. J. C. Burdett: You can say it as well.

The Hon. R. C. DeGARIS: Sure; he probably read my notes on it. If I were given the task of designing a committee to monitor from the Parliamentary point of view all Government expenditure and assess the efficiency of various programmes, I would seek to reduce the work of the Public Accounts Committee in examining events some one to two years after the event, to a monitoring committee looking at programmes and expenditures as they are occurring, and the Public Accounts Committee should be restructured to fulfil this role. It should also be the role of the committee to examine policy alternatives in relation to expenditures.

To achieve this, the Public Accounts Committee would need to expand to 10 to 12 members of both Houses, with three subcommittees, one fulfilling the existing function, one fulfilling the function of reviewing statutory authorities, and one acting in the expanded role of a monitoring committee.

The Hon. C. J. Sumner: What do you mean by that? Should the Public Accounts Committee take over the role of government?

The Hon. R. C. DeGARIS: It is only a recommending body. In regard to the statutory authorities, the Government's policy is to do a certain thing and there can be an alternative policy that could produce the same end at a cheaper rate, thus providing a saving for the taxpayer. If that is the case, I believe that the committee should make that recommendation. It is also a question of looking at the matter of policy alternatives. There are alternatives of policy that can produce the same ends in a much more efficient and cheaper way.

The Hon. C. J. Sumner: Don't you think that if you get into that area you get a Parliamentary committee usurping the function of the Government, which has determined its policy before the election, which has been elected on certain policies, and which has a right to have those policies put into effect in general terms? Now you are saying that you should have a whole lot of committees, in effect, to set up an alternative policy.

The Hon. R. C. DeGARIS: I will answer the Leader in this way: one can have a position where it is Government policy to establish a statutory authority; a committee can recommend that that statutory authority be abolished and the work be done in a different way, and that is a policy alternative, surely. I think that answers the Leader's question.

While I think that it is the correct development—that the Public Accounts Committee should be expanded in membership so that its whole role can be expanded—I feel that that could not be achieved at this stage. To attempt to do so at this stage would be a relatively futile exercise. Such a Parliamentary organisation is the ideal to which I believe we should be aspiring.

The Hon. C. J. Sumner: Once you establish this committee—

The PRESIDENT: Order! The Leader must not make another second reading speech.

The Hon. R. C. DeGARIS: I suggest that the Council should accept the Government's view at this stage and establish this committee in the Legislative Council, but with the same powers as the Public Accounts Committee, relying upon the good sense of the Chairmen to liaise in the areas of inquiry, rather than attempt a large-scale reformation of the role of the Public Accounts Committee at this stage. I believe that, once this committee is established with the same powers as the Public Accounts Committee in this Council, we can consider the amalgamation of the two committees and create a series of subcommittees, so that the work can be carried out with effectiveness and efficiency.

On previous occasions I have spoken on the question of programme performance budgeting and the Estimates Committees, and I will be speaking in the next Address-in-Reply debate on the question of tying these new initiatives into an overall Public Accounts Committee that can play a more significant role in assisting the Parliament to be more aware of its primary function as the point of final accountability

for public policy and public expenditure. Therefore, it is with some regret that I reject the approach of the A.L.P. in asking that this function, at this stage, be part of the charter of the Public Accounts Committee. I know there is a lot more that could be said on the question of the Public Accounts Committee undertaking that sort of inquiry, but I do not think this is the right time or place to do it. I have clearly expressed my disappointment—

The Hon. C. J. Sumner: What happens if you establish this committee? How will you abolish it and expand the Public Accounts Committee?

The Hon. R. C. DeGARIS: It is a simple process, if one has the numbers. I have clearly expressed my disappointment in the Bill—a disappointment that is sharper because the Bill stems from a Government that is supposed to espouse liberal democratic principles. I trust that the Bill in the Committee stage will be substantially amended and I trust that the Government reassesses its attitude and accepts the amendments that are designed to follow the powers already existing in the Public Accounts Committee Act.

If the Government adopts an attitude of 'this Bill or nothing', I would have no hesitation in saying that I would prefer nothing. I think it is a reasonable assumption that the Parliament agrees that a Parliamentary committee should be established to undertake reviews of statutory authorities in South Australia. There is a divergence of opinion as to how that committee should be structured. The A.L.P. believes it should be part of the task of the Public Accounts Committee, and I have already indicated that such an approach has a lot to recommend it, but it is not a practical approach at the present time.

It is possible that this Bill will fail and, if that occurs, I believe the Council should, on its own initiative, establish a committee under our Standing Orders requiring it to inquire into and report to the council on statutory authorities and Government finances. This would follow the practice in the Senate, where the Rae Committee has done a lot of excellent work in providing a vehicle for better accountability both in statutory authorities and Government departments. That would be a more honourable course for the Council to take rather than being forced to accept the provisions in the Bill.

The Hon. J. A. CARNIE secured the adjournment of the debate.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

In Committee.

(Continued from 23 March. Page 3386.)

Clause 3—'Interpretation.'

The Hon. J. R. CORNWALL: I seek your clarification, Mr Chairman, in regard to the presence of departmental officers on the floor of this Council. Are they available to all honourable members?

The CHAIRMAN: It is up to the Minister. I did not make the officers available. I presume that the Minister has brought in the officers to assist him with the Bill. They are not present to assist me.

The Hon. J. R. CORNWALL: Will the officers be available to assist all members of the Council as required?

The Hon. J. C. BURDETT: It has been the usual practice at times for officers, where desired and where the Minister considers it necessary if a Bill is at all complicated, to be present, primarily to assist the Minister. That has been the usual practice. I understand that in the House of Assembly the officers do not sit alongside the Minister but in the box; they are made available to assist members of the House and to give advice. I would have no objection, if other members of the Council wish to have access to these officers and if the course of the Committee debate is not impeded, to their being made available.

The Hon. J. R. CORNWALL: It is an important principle, Mr Chairman. I wonder whether it sets a precedent if the Minister makes the officers available, or is this seen as an individual case?

The CHAIRMAN: It would not set a precedent. I suggest that, if the officers are to be available to all members, they should be seated in the box.

The Hon. J. C. BURDETT: I would not like to be deprived of the assistance that has been available to Ministers in the past in having the officers sit alongside them. In regard to other members having access to those officers, I believe we should see how it goes. If we find that there is inconvenience, I may have to withdraw my offer to make available those officers to other members, and we may have to reconsider the matter.

The CHAIRMAN: I am happy to work it in that way.

The Hon. J. R. CORNWALL: It is really Rafferty's rules. This situation may recur in the future. Presumably, the members do not have a right: the Minister's offer can be withdrawn at his discretion. Do Standing Orders provide for this situation?

The CHAIRMAN: The previous Government saw fit to have officers on the floor of the House. I have no objection to officers being present: I hope that some arrangement can be made.

The Hon. J. R. CORNWALL: You are misunderstanding me, Mr Chairman. I will not require technical assistance with the Bill, but other members may require advice. These circumstances may arise in regard to other Bills, and not only this Bill. I am trying to establish a principle one way or another.

The Hon. M. B. Dawkins: Who started it?

The Hon. J. R. CORNWALL: It is not a question of that: it is a question of establishing the position. I take this opportunity to raise the matter, because officers are on the floor of the Chamber. My raising this issue is absolutely no reflection on the officers, the Minister, or this Bill. I simply seek a clarification.

The CHAIRMAN: I hope that it is not a reflection on me. There may be a better occasion on which to discuss this matter. There is a need to clarify the position, and perhaps the matter could be taken up on another occasion.

The Hon. J. R. CORNWALL: I move:

Page 1, after line 9—Insert new definition as follows: ' "divisional head", in relation to the institute, means an officer of the institute who, as head of a division in the institute, is responsible for the management and operation of that division:'.

I do not think I need to speak at any length to it. I think it is desirable that the amendment go in and stand on its own, regardless of the fate of subsequent amendments. I do not see any difficulty with it at all. The role or definition of what a head of a division at the institute ought to do seems to be something that should stand alone in the legislation.

The Hon. J. C. BURDETT: I oppose the amendment. The Opposition is proposing through the amendment, as in its amendment to clause 7, to extend the membership of the council to include an additional two staff members. The Government opposes the amendment, and the University of Adelaide—

The Hon. J. R. CORNWALL: I rise on a point of order. I thought we were discussing the amendment to clause 3. I did not seek to consider any other amendments consequential to this amendment. If we proceed to a full scale debate on amendments to clauses 7 and 10 as well as the new clause to be inserted on page 6, I am prepared to

accept it. However, in my submission it would be quite out of order for the Minister to canvass other matters when, at this point, I have only moved to insert a new definition.

The CHAIRMAN: The honourable member is saying that the Minister is moving away from the first amendment?

The Hon. J. C. BURDETT: There is no point in inserting this new definition unless it is related to the question which I have raised; namely, extending the membership of the council to include an additional two staff members. It has no other point.

The Hon. J. R. CORNWALL: I rise on a point of order. It has a point which I clearly raised earlier. I said it was important that it should stand alone. The position of a head of division could stand alone in the legislation. That is the way the provision was moved. I made no reference to subsequent amendments, although some are on file in which a head of a division is mentioned. My amendment spells out clearly the role and responsibility of the head of any division at the institute. In my submission it can and should stand alone.

The CHAIRMAN: There seems to be a divergence of opinion between the honourable member and the Minister. As arbitrator I can only say that it is necessary for people to fully understand the import of the amendment. It may be necessary to refer to more than the amendment itself. People should be able to fully understand what the amendment will do. The Minister can refer to other parts of the Bill.

The Hon. J. R. CORNWALL: I rise again on a point of order. I seek your ruling if we are going to take clauses 3 and 7 and the new clauses to be inserted on page 6—

The CHAIRMAN: We are not going to do that.

The Hon. J. R. CORNWALL: If it goes out, there is no point in referring to the others where the divisional head is referred to. If clause 3 is defeated the debate will be stifled. There is no point in my proceeding to debate the other amendments. It is a totally futile exercise.

The CHAIRMAN: There is only one amendment to this clause and we can only deal with this clause. If you wish to discuss the import of this amendment in regard to other clauses you should do so. However, I can only take the vote on clause 3.

The Hon. J. C. BURDETT: The Hon. Dr Cornwall may, in view of your ruling, Mr Chairman, with which I agree, wish to develop his point further before I reply in regard to industrial democracy and representation of staff members on the council. There are other points in relation to divisional heads, also.

The Hon. J. R. Cornwall: We will go through every one of these amendments point after point. We will be here until three o'clock in the morning.

The Hon. J. C. BURDETT: I am simply saying that there are two possible implications under this definition: first, in relation to the question of additional staff members on the council; and secondly, in the Bill the veterinary operation of the institute is separated although not physically. One would hope the two operations would remain close together. The head of the veterinary section would not be the head of a division in the institute. So, there is some significance in the definition. I am not prepared to agree to the amendment. I suggest that the sensible course would be for the Hon. Dr Cornwall to debate the implications of this definition in relation to members of the council. If he does not wish to do that, perhaps he could postpone this amendment and consider it at a later stage. I am not prepared to agree to the amendment at the present time.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 passed.

Clause 5—'Transitional provisions.'

The Hon. J. R. CORNWALL: I move:

Page 2, lines 8 to 22—Leave out subclauses (3) and (4).

This is the most important amendment that we will be moving to the entire Bill, in my belief. This is, in fact, the clause which disembowels the Institute of Medical and Veterinary Science. This is the clause which splits it into three quite separate sections. This is the clause which puts the medical portion of the institute in one corner and, as I said in my second reading speech, ultimately will make it merely a service appendage of the Royal Adelaide Hospital. It puts the veterinary division under the control of the Minister of Agriculture and removes it from the direct control of the institute, and makes the employees public servants. It takes the forensic pathology section and not only separates those people physically, which I said in the second reading debate I have no objection to, but puts them under the control, of all people, of the Minister in charge of the Department of Services and Supply.

This clause completely destroys the character of the I.M.V.S., which has been a revered and respected scientific institute, not only nationally but internationally, for a period of more than 40 years. We oppose this with vehemence and under no circumstances is it acceptable to us. I have outlined the principal reason, that is, that it is disembowelling and is the first step in dismantling a unique institution. It is almost, though not quite as bad as the fact that there will be three different classes of employees working under different Ministers, conditions terms and awards. Inevitably, that is going to result in industrial disputation. Let the Government be warned about that now and let it be on the record. It is most important that it should be, because when the Government gets into strife with the Public Service Board it will be clearly seen in *Hansard* and I will be able to say 'I told you so'.

Nine months ago I publicly warned that there were all sorts of industrial disputations likely to come up unless the Government, the Health Commission, and the Minister in particular, took certain action with respect to employees in the public hospitals section. No notice was taken of that at all—this Government knows absolutely nothing about industrial relations except that there might be political advantage in union bashing from time to time. As a result of that warning not being heeded, we had the tragedy a couple of weeks ago of a strike that could have been avoided and that, even after it happened, could have been settled very much sooner if the Government had not taken a most inflammatory course in that matter.

They are the two principal reasons: first, the disembowelling and dismantling of a unique institution with international recognition, and secondly, the fact that it will inevitably lead, and I know this from my discussions with officers of the institute who came to see me in a deputation the other day, to industrial disruption. It is a lot of nonsense to say that people working on the same bench will only be separated by a Bunsen burner, or whatever. There must be disharmony when they are employed under different conditions and awards. Therefore, we oppose clause 5 (3).

The Hon. J. C. BURDETT: The matters of so-called separation for administrative purposes of the veterinary and

forensic sections of the I.M.V.S. were fully canvassed during the second reading debate. I do not propose to repeat what was said then. It was said in the second reading explanation, and during the second reading debate reply, what the reasons were for the separate responsibility to different Ministers. It was canvassed at that time. The co-operation between the staff in the various sections will remain as it is at present.

Turning to the question of industrial disputation and problems, to which the Hon. Dr Cornwall referred, he has said several times that there will be industrial strife. The Deputy Director-General of the Department of Agriculture and his staff have been systematically and thoroughly (and for quite some time) speaking to officers who are going to be responsible to the Minister of Agriculture. They have been discussing their problems with them. Those officers have been asking the employees to come back to them if they have any further problems. There do not appear to be great problems at present. That, I suggest, is the most that the Government can do and is a good and constructive step towards preventing any industrial strife, which I suggest is not likely to happen.

The Hon. Dr Cornwall was quite correct in saying that this is one of the most important clauses in the Bill and one of his most important amendments. That is perhaps the only thing he said that I do agree with because the clause is fundamental to the transfer of veterinary and forensic staff to the Department of Agriculture and the Department of Services and Supply. The clause defines the mechanics to enable staff to be transferred. I think that it is worth while briefly discussing these procedures because that seems to be what the Hon. Dr Cornwall regards as at least part of the problem. Turning to the transfer of staff to the Department of Agriculture, the Director-General of Agriculture, Mr Jim McColl, has set in train arrangements to explain the procedures to staff affected and to identify necessary administrative arrangements. Mr Trumble, Deputy Director of Agriculture, has undertaken the task of arranging the transfer and will be responsible for oversight of the division upon transfer. Together with other staff of the department he will attempt to answer questions about conditions of service. He has also set up an implementation group to determine practical administrative arrangements so that staff in the Division of Veterinary Science can continue with their day-to-day work without inconvenience. This group includes the Director of the Division of Veterinary Science and two members of the staff. The group will be responsible for drawing up recommendations on matters to be included in a proposed agreement between the Minister of Health and the Minister of Agriculture on continuing administrative arrangements. For these reasons, I oppose the amendment to clause 5.

The Hon. N. K. FOSTER: It is all very well for the Minister to oppose the amendment. I am interested in the comment that the Minister just made that certain officers have been engaged at work sites with veterinary authorities. Eloquent phrases fall from the lips of Liberals in this Chamber, but in a measure such as this the Committee ought to receive a better explanation about what will occur on an individual basis. The Bill refers to a salaried officer, an employee of the institute, and the Public Service Board. I see no reference in the Bill to the Public Service Association or any other worker organisations. I do not accept that the Government will be the Lord Protector of the pawns that it will move about once this Bill is introduced.

I respectfully suggest that the Minister ought to acquaint this Committee with the persons referred to in the clauses. They should be afforded some form of employee protection from the organisations to which they belong. This is a very serious matter. There has been no consultation or designation of the various bodies affected by this Bill. The Minister has not said whether or not the Public Service Association has been consulted in relation to this Bill. My views about the Public Service Association are beside the point, but—

The Hon. R. J. Ritson: What about the A.M.A.?

The Hon. N. K. FOSTER: I am not talking about the A.M.A. I understand that that body puts up with the Hon. Dr Ritson, but his colleagues do not. I think the Committee should be informed about the protection that will be given to employees. I remind the Minister that the court recently awarded $20 000 (indexed) a year to a person who was unfairly dealt with after committing the crime of simply informing the public and organisations within the public area of his findings in relation to the institute. Of course, I refer to John Coulter, who has suffered considerably. He has been recompensed to some extent, but that $20 000 a year is much less than he would have received had he not been dismissed. He is not on the eve of retirement. He had the guts to put himself offside with some of his own people in an attempt to serve the community.

I have quarrelled with him myself; I have had differences of opinion with him at public meetings. However, I respect his knowledge—I always have and I always will. John Coulter's dismissal is a sorry spectacle, particularly in the interests of workers' industrial safety. It reflects no credit on the Government to produce a Bill that does not protect the rights of the individual to express himself or herself in the public interest. The Minister should be big enough to do that.

I do not care whether there is industrial disputation over this question in the future. One of the easiest things to do is to call everyone out on strike, but the best way to inflict punishment on an employer is to fight him while he is paying his employees. That fact has been lost by those who are involved in industrial relations in this day and age. I would like a zack for every battle I won while my men remained on the job and their weekly take-home pay was not being depleted.

The Minister should inform the Committee about the steps he will take in relation to worker protection. The Minister simply said that he is implementing a day-to-day inspection of the workplace. That does not mean a thing. Does that mean that someone will casually walk in and ask an officer whether his bunson burner is still working?

Why has the Committee not been informed of the details of the inspection. The Coulter case is only one example. Have members of the institute expressed concern that the institute will continue to deal with the rough end of pathology and that the better and more profitable area will go to free enterprise down on the corner of Goodwood Road at Wayville? The group of doctors on North Terrace make so much money that they almost go through the roof when confronted with the taxation that they have to pay, or try to dodge, at the end of the financial year. That is what the Opposition wants to know. Has that matter been raised by the hierarchy in the Minister's department? The Committee is entitled to have that information before it. That is the vexed question in the minds of members of the Opposition.

Has anything been said to officers involved about the curtailment of 2,4,5-T? Human beings who pick blackberries could suffer as a result of the indiscriminate use of this toxic substance. Why have we not been told whether views have been expressed from those who head research regarding grain crops in South Australia? This is a very vexed question at the moment and is a matter that concerns the Department of Agriculture. Under the Bill, matters relating to disease will no longer be carried out exclusively by the Department of Agriculture, and may well be split in two areas. Have there been any views expressed about that? The Hon. Mr Burdett does not know, and we deserve a proper explanation,

even if we have to stay here until 2 o'clock tomorrow morning and wait for the Minister to justify the changes he is making.

What we need are people like Dr Coulter, people who have the guts to speak out. Are we going to have a bunch of 'yes' men at the top, a situation not dissimilar to that which we have had in the past, and not dissimilar in some respects to the situation applying to the C.S.I.R.O. If one listened to the radio yesterday afternoon one may have heard a speech from the eminent Dr Barry Jones on this subject in the Federal Parliament. I will be on my feet until 10 o'clock tonight if I do not receive satisfactory replies.

The Hon. J. C. BURDETT: I sympathise with some of what the Hon. Mr Foster has said.

The Hon. N. K. Foster: I don't want sympathy: I want facts.

The Hon. J. C. BURDETT: The Hon. Mr Foster has expressed concern about the staff of the I.M.V.S. and what will happen to them after the so-called separation. What is likely to happen to them after this Bill becomes law (if it does) is not likely to be any different from the position now. While I sympathise with the Hon. Mr Foster, because he is considering the interests of the staff, I would not expect there to be anything in the Bill to relate to industrial matters.

In relation to the P.S.A. or any other professional organisation to which staff members belonged previously or to which they may belong in the future, I expect the position to be the same. I do not know of any Bill which sets up Government structures and provides what the industrial bodies should be. Members of the staff of the I.M.V.S. may belong to the P.S.A. or other professional bodies and will doubtless continue to do so. They will not be impeded in any way.

The P.S.A. was briefed at the time of the introduction of this Bill, and the Minister of Health referred the P.S.A. to officials in the Department of Agriculture for matters of detail. The agricultural officers spoke to job representatives when they were talking to members of the staff. People who will be transferred will be transferred at existing classifications with no loss of salary and with no loss of leave or any other conditions.

It is not so much a question of what is printed here because, as I have said, one cannot expect what is printed here to refer to industrial or professional organisations, or conditions of employment decided in other ways. There is no way that staff, who will be responsible to different Ministers in future, will be disadvantaged. A very real, practical and humane effort has been made to ensure that any problems staff members have can be aired, in the presence of job representatives, if staff belong to the P.S.A., and in the presence of any people who represent them, so that there may be satisfaction. There has been no suggestion that there are any problems in this area and no problems have been reported.

The Hon. J. R. CORNWALL: I cannot let that pass. That is the greatest load of cods wallop I have ever heard. If it was not unparliamentary I would say that it was the greatest pack of lies I have ever heard in my life; but I will not say that because it is unparliamentary. Let me refresh the memories of honourable members regarding a letter from Dr Duncan Sheriff, my esteemed friend, who wrote to the *Advertiser* on 1 March and said:

> Since the present veterinary services of the I.M.V.S. appear to be satisfactory to nearly all its clients, and there is general opposition to the transfer of those services to the Department of Agriculture, what compelling reasons have persuaded the Government to fly in the face of such widespread public opinion?

More importantly, the letter continues:

> It is to be hoped that debate in and out of Parliament will make clear what those reasons are and the motives behind this shabby Bill that has been sprung, with so little regard for its consequences, on those who will be affected by it should it become law.

The Opposition will try to elicit the truth during the Committee stage although, given the Minister's track record—and I am referring particularly to the Minister of Health—it is probably most unlikely that this will happen.

The Hon. C. M. Hill: She is a very good Minister.

The Hon. J. R. CORNWALL: She is very good for us indeed; she has the highest disapproval rating of anybody in the Cabinet.

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: The Minister of Community Welfare prattles on from his copious notes which have been prepared for him and he says, from those copious notes, that every effort is being made to consult with the staff of the institute. He referred to Mr McColl and the Deputy Director-General, Dr Harvey.

The Hon. J. C. Burdett: I didn't refer to Dr Harvey.

The Hon. J. R. CORNWALL: Who is the Deputy Director-General? You referred to the Deputy Director-General, Dr Harvey, the architect of all of this.

The Hon. J. C. Burdett: I referred to Mr Peter Trumble.

The Hon. J. R. CORNWALL: Dr Harvey has been in on the act right from the start, for at least four years.

The Hon. J. C. Burdett: You don't know what you're talking about.

The Hon. J. R. CORNWALL: I know very well what I am talking about.

The Hon. J. C. Burdett: You don't even know who the Deputy Director-General is.

Members interjecting:

The Hon. J. R. CORNWALL: You are finished. Behave yourself and then I won't have to deal with you, you stupid old fool. Keep your trap shut.

The CHAIRMAN: Order! Will the Hon. Mr Cornwall continue with the debate and not go on with any more of this nonsense.

The Hon. J. R. CORNWALL: Do not let the Hon. Mr Dawkins go on with any more of that nonsense. I get sick of him sitting there. He has contributed nothing in this place in 20 years, and yet he behaves in that manner, which is very reprehensible.

Before the introduction of this Bill, there was no consultation whatsoever. For the Minister to suggest that there was is absolute nonsense. Why does not the Minister stand up and tell the truth? If he does not know the truth, why does he not consult with the Minister of Health, senior officers, including Mr Harvey, or the Acting Director at the institute to find out the real truth? He can come back after the dinner adjournment and tell us. There was no consultation whatsoever. The first that the officers knew about the proposals was when the Bill hit the Parliament in the other place.

The Hon. J. C. Burdett interjecting:

The Hon. J. R. CORNWALL: The Minister talked about the widest possible consultation, that people have been tracking up and down King William Street and down to Frome Road. It just happens that these people have been talking to me, not unnaturally. I wish that the Hon. Mr Dawkins would try to control himself—for goodness sake. Does he have Parkinson's disease or something? Bless me. I find it very difficult to control myself, because the Government has embarked on a completely mendacious path in suggesting that there has been consultation. There has been no prior consultation with the industry, the professions, or with any staff of the institute. The staff knew nothing about the spirit and the intent of this Bill until it hit the

Parliament, and for the Minister to suggest otherwise is quite outrageous.

The Hon. J. C. Burdett: I didn't say that.

The Hon. J. R. CORNWALL: The Minister should not try any tricks. He can look at *Hansard* tomorrow to see what he said. He said there was the widest possible consultation, and that is not true. There was no consultation—let that be clear and on the record. For goodness sake, the Minister should try to stick to the facts. The Minister is in big strife in the industrial sense, apart from the fact that he is destroying one of the revered institutions in South Australia.

The Hon. J. C. BURDETT: I will be very brief. The clause relates to the transfer of staff, and I said that the P.S.A. was briefed as to the time of the introduction of the Bill.

The Hon. N. K. FOSTER: Because I have a shocking memory, will the Minister respectfully advise the Opposition, and not be smart about it, who is the Deputy Director? It was a bit rough when the Minister referred to a person without naming him.

The Hon. J. C. BURDETT: The Director-General of the Department of Agriculture is Mr McColl and the Deputy Director-General is Mr Peter Trumble.

The Hon. N. K. Foster: What about the others?

The Hon. J. C. BURDETT: Mr Harvey is one of four directors in the department.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

[Sitting suspended from 6.4 to 7.45 p.m.]

The Committee divided on the clause:

Ayes (10)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hon. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. N. K. Foster.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 6 passed.

Clause 7—'The council.'

The Hon. J. R. CORNWALL: In view of the defeat of my previous amendment to clause 3, I think I should alter my amendment to clause 7 by changing the word in line 2 of page 3 from 'twelve' to 'eleven'. The Minister was totally intransigent about my initial amendment.

The CHAIRMAN: I believe that is correct. The Committee accepts that.

The Hon. J. R. CORNWALL: I move:

Page 3—

Line 2—Leave out 'ten' and insert 'eleven'.

Line 7—After 'Hospital' insert ', at least one of whom must be a medical practitioner'.

Line 9—After 'Adelaide' insert ', both of whom must be members of the academic staff of that university'.

Line 13—Leave out 'an' and insert 'a veterinary'.

I propose to save the Committee's time, as my heart is not in this since Lance Milne sold out on us despite firm assurances given by his Leader in the other place.

Members interjecting:

The CHAIRMAN: Order! It is difficult to hear the honourable member.

The Hon. J. R. CORNWALL: My amendments do several things. In regard to the Royal Adelaide Hospital, two members will be nominated to the council of the institute and I propose that at least one of them be a medical practitioner. That is to avoid a situation arising in which the council of the institute would be primarily stacked with men and women of little vision and no knowledge whatsoever of scientific endeavour in the field of scientific research. It is bad enough that the institute has been destroyed and disembowelled, as I said earlier. It would be a disaster if the situation were to arise in which it was run by accountants or lawyers.

The Hon. M. B. Cameron: Or vets.

The Hon. J. R. CORNWALL: I should not pay respect to an inane interjection such as that. Vets do have five years basic training for their degree.

The Hon. M. B. Cameron: Some of them have no accounting skills.

The Hon. J. R. CORNWALL: Some have little knowledge of accountancy but they have an idea of scientific and academic excellence which is not normally found in accountants. The vast majority of accountants have great integrity although I would make an exception in the case of the Hon. Mr Milne.

Members interjecting:

The CHAIRMAN: Order! Please come back to the amendment. Honourable members will cease interjecting and we will get on with this Bill. The Hon. Dr Cornwall.

The Hon. J. R. CORNWALL: As I was saying before I was quite improperly interrupted by the Hon. Mr Cameron, we want to insert the words 'at least one of whom must be a medical practitioner', because we do not want the institute to be any further disembowelled. We do not want any further disintegration before we get into Government, because you will recall, Sir, that I gave a firm undertaking in the second reading debate that we will restore the institute to its former grandeur and standing when we get back into Government. With line 9, for the same reason we have moved to insert after 'University of Adelaide', regarding the two members of the University of Adelaide who it is proposed will be on the council of the institute, the words, 'both of whom must be members of the academic staff of that university'. I discussed this matter at some length with the Vice-Chancellor, Don Stranks, when he came to see me and my colleague, the Hon. Miss Levy, and at that time that seemed to be agreeable to him.

Subsequently, he went to his council at the university and they took the line, as universities usually do, that they should not be dictated to by anybody whatsoever, regardless of whose money was being spent, or of the fact that there was supposed to be some degree of accountability. Their line was that they should be allowed to do their own thing. The idea, again, was to prevent the situation arising where the council was stacked with accountants or people who had managerial skills but no expertise in matters of scientific excellence or particular skills with regard to search. In the event, the council took a very narrow view, I must say, and I will have to speak to my daughter about that, as a member of that council, because I think that they could have done rather better. However, that does not persuade my colleagues, or myself, because we believe that members from the Adelaide University should be members of the academic staff—it is imperative that they should be. In line 13, if one looks at the original Bill, the wording is as follows:

One shall be an officer of the Department of Agriculture nominated by the Minister of Agriculture.

That seems to me to be a drafting error. I am rather amazed that this particular amendment that was moved in identical form was not accepted by the Minister in the Lower House. It seems that the Minister has such an enormous ego that she cannot admit to making a mistake in any shape, form or size.

The Hon. C. M. Hill: Don't criticise the Minister.

The Hon. J. R. CORNWALL: Her performance is abysmal.

The Hon. C. M. Hill: It's becoming an obsession with you.

The Hon. J. R. CORNWALL: The survey shows that 70 per cent of the population supports me in this.

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: The intention, I hope, was that the officer—

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: Pull the Minister into gear, for goodness sake. The intention, I would have thought as an above average, reasonable man, was that that person should be a veterinary officer. It would be incomprehensible to put a fruit fly inspector or somebody from the field of horticulture into that position. The reason for moving that amendment would be quite obvious.

The Hon. J. C. BURDETT: I oppose the amendments. The Hon. Dr Cornwall has now changed his amendments to provide for, effectively, one additional staff member instead of two. Of course, referring back to the debate on the definition, I did invite him at that time to canvass this whole issue, but he elected not to, so now we are talking about one staff member. The Opposition is proposing through this amendment—

The Hon. J. R. CORNWALL: I rise on a point of order. I was not talking about a staff member at all. There was nothing whatsoever in the series of amendments that I just moved that refers to a staff member. I wonder if you, Sir, might ask the Minister to address his remarks to the particular amendments we are considering. He really should know better.

The CHAIRMAN: The honourable Minister.

The Hon. J. C. BURDETT: I am addressing my remarks to the particular amendment. I recall the fact that when the definition was debated I invited the honourable member to address himself to what he was really talking about, but he elected not to do so. The Opposition is proposing through this amendment to extend membership of the council to include an additional staff member.

The Hon. J. R. CORNWALL: I must take another point of order, Mr Chairman. I know that the Minister cannot deviate from his notes, and that he is pretty slow on his feet, but I ask you to rule on this matter as he is not addressing himself to the amendment at all but is talking about an additional staff member. With respect, Sir, if you can find anything in my amendments to clause 7, page 3, lines 2, 7, 9 or 13 which refers to an additional staff member then I will be perfectly happy to have the debate proceed along those lines. However, the Minister is quite clearly out of order.

The Hon. C. J. Sumner: He doesn't know what clause he's talking about.

The Hon. J. R. CORNWALL: He has lost his place in his notes.

The CHAIRMAN: I think that if the Minister is under the impression that you mean a staff member he has a right at this stage to discuss the matter fully so that there can be no mistake about what your intention is. The honourable Minister.

The Hon. J. R. CORNWALL: I take a further point of order.

The Hon. J. C. Burdett: You cannot take a further point of order.

The Hon. J. R. CORNWALL: I can take a further point of order.

The Hon. C. M. Hill: What is the Standing Order?

The Hon. J. R. CORNWALL: No. 208.

The Hon. C. M. Hill: That is for the last one.

The Hon. J. R. CORNWALL: What the Minister has done is attempt to pre-empt any possibility of my moving an amendment which appears later and which is as follows:

After line 17—Insert new paragraph as follows:

(ab) one member shall be a member of the staff of the Institute elected in the prescribed manner by those members of the staff who are members of organisations recognised for the purposes of section 28;

If you can devise a means, Sir, by which we can debate that at the same time then I will be quite delighted to do so, but if I am to be precluded from doing that because the Hon. Mr Milne, in his wisdom, has seen fit to interpose an amendment that coincides with an amendment I am to move to line 17, then I find that upsetting. If, in fact, the amendments I have moved are defeated, it seems to me that I will be precluded completely from debating the amendment I will move after line 17. If there is some way you can devise, Sir, that we can take that at the same time then I will be pleased to do that.

The CHAIRMAN: I will give the honourable member some assistance. He could only move as far as line 13 because there is another amendment after that.

The Hon. J. R. CORNWALL: I am just trying to expedite the debate.

The Hon. J. C. BURDETT: I am quite happy to expedite the matter. The honourable member has moved to leave out '10' and insert '12'. If he does not want me to address the reasons behind his amendment I will not. In the absence of the honourable member's explaining why he wants to expand the number from 10 to 12, I oppose the amendments.

The Committee divided on the amendments:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendments thus negatived.

The CHAIRMAN: The Hon. Mr Milne has placed an amendment on file which comes before the Hon. Dr Cornwall's amendment.

The Hon. J. R. CORNWALL: With respect, Mr Chairman, my amendments have been on file for almost 48 hours.

The Hon. K. L. MILNE: Mr Chairman, I have no objection—

The CHAIRMAN: Order! What was the Hon. Dr Cornwall's objection?

The Hon. J. R. CORNWALL: My amendments have been on file since early yesterday. I clearly flagged my intention to every member of this Committee, including the Hon. Mr Milne, and he needs a fair bit of flagging in advance.

The CHAIRMAN: Why does the Hon. Dr Cornwall believe that his amendment comes first?

The Hon. J. R. CORNWALL: The import of my amendment is somewhat different from the Hon. Mr Milne's amendment.

The CHAIRMAN: Order! The Hon. Mr Milne's amendment occurs earlier in the Bill than the Hon. Dr Cornwall's.

The Hon. K. L. MILNE: I move:

Page 3, line 17—Strike out 'nominated by the Minister of Agriculture' and insert 'selected by the Minister of Agriculture from a panel of three persons nominated by the South Australian Division of the Australian Veterinary Association'.

Over the years I have had some experience with professional bodies such as the Law Society, the Institute of Chartered Accountants and others. It is much better for such bodies if a list of names is put forward. In this case I have suggested that three names should be put forward by the Australian Veterinary Association. I think that that is the dignified and democratic way for it to be done. There could be some jealousy if only one name is put forward, and the Minister could be accused of favouritism.

The Hon. J. C. BURDETT: The procedure proposed by the Hon. Mr Milne in this amendment is quite common and is one that has often been accepted previously. Amendments along this line have often been proposed. In some respects it is better that there be a person selected from a panel; the Minister can reject anyone from the nominated persons that he does not want to appoint. The procedure that the Hon. Mr Milne has proposed is usual and one which is very much in accord with the general thinking of the Government. The Government will accept the amendment.

The Hon. J. R. CORNWALL: The amendment I had intended to move in this matter was to leave out 'Minister of Agriculture' and insert 'South Australian Division of the Australian Veterinary Association'. This apparently has never occurred to the Government. This same amendment was moved in the Lower House and completely rejected, due to the Minister's enormous ego; this is the only major Bill she has had before the House in 2½ years. In the Lower House the Opposition suggested that the Minister of Agriculture should not be the person nominating the veterinary surgeon in private practice, but that it should be the Australian Veterinary Association. The Minister of Health said that this was totally wrong. She said that the decision should be made by Flash Ted, the Minister of Agriculture. The Minister of Health would not have a bar of our amendment in the Lower House, and Government members threw it out and would not give it any reasonable consideration.

There is now moved in this Upper House an identical amendment which says to leave out 'Minister of Agriculture' and insert 'South Australian Division of the Australian Veterinary Association'. This is exactly the same amendment which was moved in the Lower House and which the Government and the Minister threw out and would not consider at all. This was done because the Minister of Health had the numbers in the Lower House. Yet, when the Bill comes to the Upper House the Minister gets together with the Hon. Mr Milne and is all sweetness and reason and convinces him, despite what the member for Mitcham had said in another place, that he should not substantially interfere in this Bill. So, he brings in an amendment which says to leave out the 'Minister of Agriculture' which is precisely what the Opposition said in another place. Do not have that Minister nominating the veterinary surgeon from private practice—let the private body do it, the Australian Veterinary Association.

Now, the Minister in charge of the Bill in this place says that the Hon. Mr Milne's amendment is perfectly acceptable to the Government. Whatever happened between the two Houses? It was totally unacceptable to the Government previously.

The CHAIRMAN: What happened in another place is irrelevant to the question as far as I can see. We have an amendment before us now moved by the Hon. Mr Milne. The Hon. Dr Cornwall then wishes to move an amendment after that.

The Hon. K. L. MILNE: With due respect, the amendments are not the same; they are quite different.

The CHAIRMAN: I am aware of that.

The Hon. K. L. MILNE: As long as people are not misled on the other side of the Council. I am seeking their support.

The Hon. J. E. Dunford: They probably wrote it for you.

The Hon. K. L. MILNE: They didn't, actually.

The Hon. J. R. CORNWALL: It is something of a slur on the Australian Veterinary Association to ask it to nominate three persons. Any professional body should know the appropriate person to nominate. This seems incongruous to me, if not inconsistent, with the reasoning of the Hon. Mr Milne and with the agreement of the Government. Would not the Australian Veterinary Association be the best body to judge who the person from private practice should be on the council—the South Australian Division of the Australian Veterinary Association? I do not know why Mr Milne does what he does, but in practice it has certainly been done before, and has been done by both Houses. There is no question about that. The Government regarded it as a safeguard.

This Government would hate to be stuck with me as the nominee of the Australian Veterinary Association. Even though the Australian Veterinary Association might regard me, quite correctly, as being a very fit and proper person to be on the council, the Government may not; but that is a decision for the Australian Veterinary Association. If a person was to be nominated by the Trades and Labor Council, that council would then be a fit and proper body to make that decision. That is the basis for my argument. I clearly do not have the numbers and do not intend to call a division, but I make the point that the Government would not have a bar of any amendment such as this in the Lower House.

Mr Chairman, you may not think it germane to the debate, but, with respect, I think that it is relevant. What we are doing is in effect, casting a slur on the senior members of the Australian Veterinary Association, who should be in the best position to judge—the same as with any other body, be it the Trades and Labor Council, the Chamber of Commerce, or any other organisation—the best person to be nominated. These bodies should not be required to put up a panel of three so that there can be backdoor politicking and a C.I.A. investigation to see what the nominated person is like, to find out his background and to see whether he has any Liberal tendencies or has shown any tendencies to favour the Opposition at any time, or has made public statements that might show that that nominated person is not completely on the side of the Government of the day. That is what is being done; a slur is being cast on the Australian Veterinary Association.

Clearly, since the Hon. Mr Milne has moved the amendment and the Government has agreed and has done a 175 degree turn (not quite 180 degrees) to keep the old fellow on side, I am not intending to call for a division.

The Hon. FRANK BLEVINS: I support what the Hon. Dr Cornwall has said. I find such clauses to be abhorrent. I am not particularly interested in which Government attempts to include such a provision in a Bill. If an organisation is deemed to be worthy of having a representative on such a body, then it is the right of that organisation to nominate a person. It is highly offensive for the Government to say arrogantly, 'You can have a member on the board but we will virtually pick which of your member suits us.' Although I might not win, I would argue this within my own Party just as I am arguing it here. It is wrong to say that an organisation is deemed worthy of a representative

but that representative must be 100 per cent satisfactory to the Government.

I am surprised that this amendment was moved by the Hon. Mr Milne, and I ask him to remember 1975 and what happened subsequently which led to the formation of the Australian Democrats. People were outraged by what happened in Queensland when Senator Milliner died. The Queensland Premier said, 'Yes, we will appoint a Labor Party person to fill that seat, but you must nominate a panel of three and the Country Party will decide.' It was not the Country Party but the Premier, the Fuhrer of the Country Party, who said that he would choose the person going to the Senate. He said, 'I will choose, not the A.L.P., and if that person is not satisfactory to me, then I will not have him.' This is the same thing. The same people who formed the Australian Democrats would have been and should have been totally opposed to such selection and should not have moved such an amendment as this. It is outrageous to move such an amendment, and I appeal to the Hon. Mr Milne to have another think on the matter or explain how he equates his opposition, of which I am sure he has some, to the outrageous behaviour of Mr Bjelke-Petersen in 1975.

The principle is the same. Further, the Australian people in the subsequent referendum endorsed the action of the Queensland Labor Party in not acquiescing to that undemocratic procedure. I am not sure that these points have been put to the Hon. Mr Milne. I am sure they were not put by the Government of the day, or probably by any other Government of any political persuasion. I appeal to the honourable member to have another look and think on this matter and perhaps defer this amendment so that he can consider what I have put. This is a serious issue. The Government has become arrogant and quite beyond the bounds, in my opinion, in telling an organisation that it is entitled to a representative but that it will pick the representative. That is arrogance in the extreme. If the honourable member takes a second look, perhaps he will come down on the same side, but I hope he will look at it.

The Hon. J. C. BURDETT: I am quite certain that the Hon. Mr Milne, in moving this amendment, and the Government in accepting it, do not intend the slightest slur on the Australian Veterinary Association. As I have said, this kind of procedure involving a panel of three is well recognised and has been done on many occasions. The Bill provides that one shall be a registered veterinary surgeon in private practice nominated by the Minister of Agriculture, and the amendment to which the Hon. Dr Cornwall referred and which was moved as he said in another place, was to leave out 'Minister of Agriculture' and insert 'South Australian Division of the Australian Veterinary Association'. The amendment which the Hon. Mr Milne has moved is a reasonable compromise between those two situations. The original provision in the Bill related to a registered veterinary surgeon selected, in effect, by the Minister of Agriculture.

The Opposition amendment in another place and the one which the Hon. Dr Cornwall proposed was to give the Minister no say, and to provide for someone nominated by the Australian Veterinary Association. The Hon. Mr Milne has come down in the middle, as has so often been done on such an occasion, and suggested the nomination by the Minister from a panel of three put up by the Australian Veterinary Association. The reason why the Government is pleased to accept the amendment is that, if the amendment had not been moved, the Minister would certainly have consulted the Australian Veterinary Association before making a nomination.

The Hon. K. L. MILNE: In answer to the Hon. Mr Blevins, I did not have in mind what happened in Queensland. In fact, I had forgotten all about it. In the way it was brought up by the Hon. Mr Blevins it was quite reprehensible, because it was a different principle altogether. What has happened in many instances where professional bodies have been asked to nominate one person, what nearly always happens, is that they nominate the then President, and that is usually unpopular. The current President is not always the best person from an association. The best person may be a much younger or much more experienced person, or the like, but that practice does happen simply because people want to please the then President of the day. That is a bad principle.

I have seen it so often and I have been saddled with someone who was not the best person. One can see this so often in co-operatives which, by their system, nominate people for overseas trips who are not by any means the best people. A professional body will have the opportunity of selecting some of its members, and I have nominated three from whom the Minister may choose; even if he has political motives (one cannot help that), I believe that he would choose the one who would help the board best—

The Hon. Frank Blevins: He would choose the most malleable, not necessarily the most useful.

The Hon. K. L. MILNE: The honourable member suggests that the Minister would choose the most malleable person, but that does not always happen. In fact, it is not in the Minister's interests to do that, because that person would create problems rather than take problems off the Minister's plate. This amendment is democratic, practical and sensible, and I hope that is is supported.

The Hon. M. B. DAWKINS: I support the amendment because it is a recognised practice. As has been admitted tonight, this practice has been in use in South Australia for at least a generation. It is a sensible practice that has been used by Governments of both Parties. As the Hon. Mr Milne has said, an organisation sometimes feels obliged to nominate the person who happens to be President at that time, but that person may not be the best nomination. This situation leaves the organisation free to nominate three people and gives three people the possibility. One person would be chosen by the Minister. That has been a recognised practice for a very long time. I commend the Hon. Mr Milne for this amendment.

The Hon. J. R. CORNWALL: As I said before, I do not intend to call a division on this amendment because, clearly, we do not have the numbers and there is no point in my wasting the Council's time. I simply reiterate that the matter should be in the hands of the professional body that is involved. I would apply that principle whether it involved the Law Society, the A.M.A., the A.V.A, or any organisation. I am less than impressed with the contributions of the two elderly gentlemen in the Council although I have a great respect for elderly people, as a rule. I attended a seminar this morning on ageing and the aged, and I was one of the participants—I did an excellent job. I have a great respect for the aged, and a very great political respect for grey power.

I was interested to hear the Hon. Mr Dawkins preach that no favouritism will be shown and that political colours will not be taken into account. The Hon. Mr Milne stated the same thing. I wonder how much Cabinet experience those two members have between them.

The Hon. M. B. Dawkins: About three months less than you have.

The Hon. J. R. CORNWALL: The honourable member should not make a fool of himself. Before the dinner adjournment, I said that the Hon. Mr Dawkins was obviously suffering from Alzheimer's syndrome, which means premature ageing. I retract that statement: obviously, his ageing is not premature.

The Hon. Mr Dawkins has never been in a Cabinet. He does not know what he is talking about. With respect, Mr Milne has never been in a Cabinet, and he does not know what he is talking about. I was a Cabinet Minister for only 4½ months, but I can assure honourable members that I have been present when panels have been discussed. Human nature being what it is, obviously people always say, 'What do you know about this bloke? What is he like?'

The Hon. M. B. Dawkins interjecting:

The Hon. J. R. CORNWALL: Will you restrain him, Mr Chairman?

The CHAIRMAN: I would like the Hon. Mr Cornwall to concentrate on the amendment.

The Hon. J. R. CORNWALL: I try to be Christian, charitable and to restrain myself, but the man provokes me beyond all reason. For goodness sake, Mr Chairman, control him!

The CHAIRMAN: I am unable to tell the kettle from the pot.

The Hon. J. R. CORNWALL: I know that I tended to lose control before the dinner adjournment and I went away for an hour and a half. I must say that I felt a trifle remorseful; in fact, if it had not been the Hon. Mr Dawkins who provoked that loss of control, I would have been more remorseful. I came back intending to control myself. I intended to continue to do that, but I implore you, Mr Chairman, to control the honourable member, because I am afraid that I hold him in enormous contempt and he does seem to upset me.

Human nature being what it is, when there is a panel selection type system, inevitably 13 people sitting around a table at Cabinet will discuss the merits or demerits of a particular person, not necessarily according to his or her academic or administrative skills or ability, but as to what is known about that person in political terms. Yet that type of selection system is what the Hon. Mr Milne has proposed, and that is what the Government has accepted. Clearly, we do not have the numbers to do a damn thing about it, and therefore I do not intend to call a division.

Amendment carried.

The Hon. J. R. CORNWALL: I intended to move a further amendment. Clearly, since the defeat of my amendment to line 2, page 3, to leave out 'ten' and insert 'eleven', this now becomes something of an academic exercise, to put it mildly. What we intended to do, very sensibly and wisely, was to provide that one member of the council should be a member of the staff of the institute, elected in the prescribed manner by those members of the staff who are members of organisations that are recognised for the purposes of section 28. The members of the staff who are recognised under section 28 are members of the Federated Miscellaneous Workers Union, the Public Service Association, the Royal Australian Nursing Federation, the South Australian Salaried and Medical Officers Association, and any organisation that is a recognised organisation under subsection (2). We intended to try to put a rank and file member of the institute from a wide range of occupations on the council. That member was to be elected by his or her fellows.

That provision would have improved immeasurably the communication between the hierarchy in the council and the rank and file members of the institute—the people who actually used to make the institute work. It would have been an enormously valuable contribution. In fact, in the past a member of staff, usually a relatively senior member of staff, has been allowed to attend council meetings as an observer. That practice is a charade.

I served for some years on the council of the South Australian Institute of Technology and, quite frankly, the business of allowing staff representatives to attend meetings as observers is a farce and a charade. Those staff members cannot vote, they cannot contribute, and they can be asked to leave at any time, as they are quite frequently asked to do. Because of their observer status, they are second-class citizens in every sense of the word. They have absolutely no voting rights and absolutely no input into the discussions of the body to which they are sent as observers. I would have thought it was entirely sensible to have a member of the staff properly elected for two years (not four years as are the other nominated members of the council) and subject to re-election by his or her fellows throughout the staff organisation. That would be an entirely sensible thing to do for many reasons.

I am not going in to bat for worker participation, worker democracy, worker control, or whatever: that is something which, in an evolutionary way, will come, when we in this country learn more about industrial relations, when we become a little more sophisticated and learn that industrial disputes will never be solved by the whip or the jack boot, as supporters of the Government seem to think they can be solved. We will eventually come to recognise, as advanced democracies and countries in Europe have done, that there is a great deal of merit in worker participation and in having rank and file workers elected to councils and boards to participate in a true sense.

We suggested that there should be one staff representative of 11 members. We were certainly not suggesting that there should be majority representation, but that one person, elected popularly by his fellow workers in the institute, could be on the council and could subsequently and consequently go back to tell his or her fellow workers about the workings of the council, the decision taken, and about how he had participated in the decision-making process and voted in any decision that was taken. That is entirely different from the tokenism involved in allowing, in a paternalistic or maternalistic fashion, someone to sit in a chair from time to time until such time as the powers that be on the council decide that they want to discuss something too important for the worker to listen to and ask him to leave.

I referred earlier in the debate to the whole question of industrial problems that may well arise at the institute because of the splitting up that the Government is doing. This proposal would at least have been one small contribution to some sort of flow of information between the employer and the employee. It would at least have given some opportunity for the ordinary workers, whatever their classification—scientific or otherwise—to have their say. The representative could be from the animal attendants, members of the academic staff or even the cleaners. It would not matter who the representative was; he could have gone back to his fellow workers and advised on how the council was working and how its members voted. That is now not possible. We cannot proceed with the amendment, because the Government peremptorily threw out the whole idea to expand the council.

The Hon. J. C. BURDETT: The honourable member has raised the question of industrial democracy. I point out that the Director at present is not on the council, but in the Bill he is *ex officio* on the council. Does the Hon. Dr Cornwall think that the Director does not represent his staff? The appropriate place for industrial democracy is not at the council level but at the Planning and Resource Committee level, which is the subject of a later amendment to be moved by the Hon. Dr Cornwall. That committee fully involves all divisional directors in the planning and administration of the institute and achieves the necessary involvement of all senior staff of the institute. It is responsible, through the Director, to the council. That is the proper place for industrial democracy and staff representation.

The Hon. FRANK BLEVINS: I am very disappointed that the Government has not seen fit to give the Hon. Dr Cornwall's suggestion any credence at all. It is a serious point. I would welcome the comments of the Hon. Mr Laidlaw on this point. The question of industrial relations is very serious. Australia's record on industrial relations is not good. In many countries of the world it is much better. There have been attempts to do something about this by some of the more enlightened Governments. The previous Labor Government made some major strides in this direction to assist workers to take part.

I hope the Hon. Lance Milne is coming back shortly because I wanted to discuss the question of the policy of the Australian Democrats, in particular the stated policy of Senator Siddons. I know the Hon. Mr Milne would not want to miss it. The last Labor Government took steps in the direction of involving workers as far as possible in the affairs of organisations in which they were employed. Some of the more enlightened employers also embraced the idea, as the Hon. Mr Laidlaw would well know. Despite mixed results in many places, we had a great deal of success. If it is possible to involve or get the employees to feel involved in the organisation the results and efficiency of that organisation are very much higher. We constantly hear from Federal members that they want employees to be seen as part of the firm and that firms encourage involvement to increase productivity. It is a very good theory, and it is the accepted theory today.

One of the most articulate spokesmen of that theory is Senator Siddons, the Australian Democrats spokesman on industrial affairs. He does not just theorise about these things: in his own firm he involves the employees in day-to-day decisions and in the overall planning of the firm. It is not just tokenism in Siddons Industries. Senator Siddons has put his firm where his mouth is and successfully involves the employees to a high degree. He turns out a first-class product, which is internationally competitive, because of the real involvement he has with his staff.

Given the Australian Democrats view in this area, one would have expected that the Hon. Mr Milne to be sympathetic to this very timorous step in that direction. It is hardly suggesting worker control to suggest that the employees of this organisation should have one representative of a council of 11. That is not instant socialism. I can understand the Government not wanting that, as it prefers industrial confrontation, as it believes that to be to its electoral advantage.

However, the Democrats claim not to do that. They claim to want to bring the people of the nation together—to get away from the extreme left and right and gather the people into their warm loving arms. Here was an opportunity to put that theory into practice. What has happened? I believe that the Hon. Lance Milne, with the greatest of respect, has not looked at this provision in that way, because this is attempting to put into practice the policy of the Democrats. I do not think he has thought about it. I would be delighted to be corrected by him and hear him explain why there has been no apparent support from the Democrats for this very reasonable suggestion. I invite the Hon. Lance Milne to inform the Committee why he has not been able to support the Hon. Dr Cornwall's amendment to increase the number of members on the council. It is not taking away anyone's rights to increase the number by one to enable employees, the people who do the work and make the organisation run, to have a very small voice in what goes on in that area.

The Hon. K. L. MILNE: I thank the Hon. Mr Blevins for what he said. He has described the Democrats' policy perfectly, and I thought with some degree of envy. The Hon. Mr Blevins knows full well that the Australian Democrats, on the whole, are in favour of industrial democracy at the right time, in the right place and in the right circumstances.

The Hon. J. R. Cornwall: That is a good, conservative stance.

The CHAIRMAN: Order!

The Hon. K. L. MILNE: Labor Party members know perfectly well, also, that I was a member of the Hon. Mr Dunstan's committee on industrial democracy and was very much responsible for one of the first publications on that subject. They also know that Senator Siddons has not only done what Mr Blevins kindly informed the Council about, but has introduced a private member's Bill, supported by the Labor Senators in Canberra. It will be interesting to see what is the fate of that Bill, but that concerns industrial matters.

The Hon. J. R. Cornwall: What is this, if it is not an industrial matter?

The Hon. K. L. MILNE: For industry and commerce—

The Hon. J. R. Cornwall: What is this?

The Hon. K. L. MILNE: I think that I should say that both Mr Millhouse and I made representations to the Government and the Minister concerning this matter. From what we were told we decided that it was better to leave the matter because, obviously, we were not going to get support.

The Hon. J. R. Cornwall: You would have got our support.

The Hon. K. L. MILNE: We did not feel that it was an instance where we should pursue the matter simply to get the support of the Opposition. I equate this situation with the situation we studied as a committee on industrial democracy—the sort of situation one finds in Germany, France and one or two other countries where industrial democracy is compulsory. Those countries have secondary boards. Very few of the companies have industrial democracy representatives on the main board because of the jealousy and distrust it creates for those members of the workforce who are on the main board.

The Hon. C. M. Hill: And conflict of interest.

The Hon. K. L. MILNE: Yes.

The Hon. J. R. Cornwall: So you support—

The CHAIRMAN: Order! The Hon. Dr Cornwall has had a fair say tonight.

The Hon. J. R. Cornwall: I'll have a damn sight more to say before we finish.

The CHAIRMAN: Yes, but in your turn.

The Hon. K. L. MILNE: I do not know what has got into the Hon. Dr Cornwall tonight. He is repeating everything three times and very little of what he has said has been of consequence.

The CHAIRMAN: Order! I would like to bring the Hon. Mr Milne back to the point of the debate.

The Hon. K. L. MILNE: If I may say so, I am defending the position of and not attacking the Government on what has developed into an industrial democracy debate. I did not start it.

The CHAIRMAN: You are just getting square?

The Hon. K. L. MILNE: The Planning and Development Committee is already in operation. It has a Director, Deputy Director, a member from the Royal Adelaide Hospital, the Divisional Heads, and there may be more. Also, it has already met 15 times. What more does the honourable member want towards industrial democracy?

The Hon. Frank Blevins: You are not seriously suggesting that the Director represents the workers, the people who actually do the physical work around the place?

The Hon. K. L. MILNE: On the main boards it has been found that it did not work to have the managing director and the top brass of the organisation with the workforce from the shop floor. The workers did not want that and, in Germany in particular, they rejected it and have gone back

to the idea of a subsidiary board. That is what is suggested here.

The Hon. Frank Blevins: You disagree with Senator Siddons, do you?

The CHAIRMAN: Order!

The Hon. K. L. MILNE: If this does not work, bring it up again, and I will think seriously of supporting you. If there is a need we will bring the matter in here, and I will be interested to see whether you support us on it.

The Hon. Frank Blevins: Do you disagree with Senator Siddons?

The Hon. K. L. MILNE: Of course I do not disagree with Senator Siddons. They are totally different circumstances. We are trying to sort out the problems of the institute. I do not think it is worthwhile pressing the matter to complicate it any more; it is better to leave it as it is.

The Hon. J. R. CORNWALL: Regarding the amendment I had intended to move to insert new paragraphs *(ab)* and *(ac)*. I was interested to note that in his contribution the Minister in charge of this Bill (not necessarily in control of it), said that there was no need for a member of the staff of the institute to be elected in the prescribed manner by those members of organisations recognised for the purposes of section 28, because provision is made for that in the Planning and Research Committee. Of course, we have an amendment on file which proposes that the Planning and Resource Committee should be written into the legislation.

The Minister, right at the outset of the debate, and by his action when he moved to defeat the first amendment to clause 3 at page 1, to insert after line 9 a new definition for 'Divisional Head', has already made sure that at least part of that Planning and Resource Committee (or one member of that committee) could not be written in by legislation, so it is a strange argument indeed that says we do not need to have a member elected by the rank, file and staff on the council, because that provision is made in the Planning and Resource Committee.

We will get back to talking about that provision when we get to it, but already the Minister has pre-empted, in part, any rational discussion. He has, in fact, already chopped one member out of our proposal in paragraph *(ac)*. I did not think I should let that matter pass without comment. With regard to the rest of our amendments down to clause 14, the Government, with the support of Mr Milne, has made it obvious that they will not be supported so I do not intend to call for a division on them, as I indicated previously.

The Hon. J. C. BURDETT: The Hon. Dr Cornwall alleged that I chopped one member out of the council. That was on the basis that the Hon. Dr Cornwall was so terribly shy and coy and refused to debate the question of who that member should be, but wanted to stand on the bland words of the amendment. Accordingly, the Committee acted in the only way that it could. The Bill enables the council to set up any committees that are required to assist in the running of the institute. The Planning Resources Committee has been established and it is not necessary to set it up in the legislation, because it is working well.

Clause as amended passed.

Clauses 8 to 13 passed.

Clause 14—'Functions and powers of the institute.'

The Hon. J. R. CORNWALL: I move:

Page 5, lines 20 to 24—Leave out paragraph *(c)*.

The Minister's amendments to this clause that he has on file are a substantial improvement on the Bill which was passed unamended by the Minister of Health in another place, because the Government had the numbers. Obviously, the Opposition had some effect, because the Government's amendments are quite substantial. The Government's original drafting on clause 14 (2) provided that the institute 'may' instead of 'the functions of the institute are'. The amendment now goes on to specify a much wider range of functions for the institute. In fact, the amendment is very close to the Opposition's proposal. However, there is one big difference. The Opposition's amendment to insert new paragraph *(cb)* will provide and maintain a forensic pathology service and a forensic biology service. The Government does not want to do that. That brings me back to clause 5, where the Government tried to dismember a substantial part of the institute and commit it to the services and supply portfolio.

The Opposition's amendment provides that the institute should provide such veterinary service or facilities, and undertake such research in the field of veterinary science as the Minister of Agriculture may require. That gives the Minister adequate power to require the institute to conduct reasonable research in any field. The Opposition's amendments are more specific than the Government's amendments. Paragraph *(ca)* specifies that the institute will provide a veterinary pathology service for veterinary surgeons in private practice. Sixty per cent of the work currently undertaken by the institute is for veterinary surgeons in private practice. It covers the whole spectrum of work for veterinary surgeons in country practice, for veterinary surgeons in equine practice, for veterinary surgeons in small animal practice, and for veterinary surgeons in mixed general practice. It covers the whole spectrum, including economic animals, farm animals and what I call social animals (which includes the equines generally, as well as the companion animals).

Our direction to the institute under its charter and in its proposed new legislation would have been far more specific than to simply direct that it provides and maintains such services and facilities as the Minister of Agriculture may require in relation to the veterinary laboratory service and any other services in private practice. It attaches this service, which is 60 per cent of the veterinary services currently provided by the institute, as a whim of the Minister of Agriculture and as an afterthought. The Opposition's amendment is far more specific. The Opposition also made specific provision for the institute to provide and maintain a forensic pathology service and a forensic biology service. I will not labour that point because it is now history. As soon as the Opposition's amendments to clause 5 went out the window, then, of course, the institute went out the window. I note that the Minister is nodding his head. Let it be on his head and upon the collective heads of members of the Government.

The Hon. J. C. BURDETT: The Hon. Dr Cornwall has acknowledged that his amendment to provide a veterinary pathology service for veterinary surgeons in private practice is no longer appropriate in view of the fact that his amendments to clause 5 failed.

The Hon. J. R. Cornwall: It is the forensic pathology service which is not appropriate; the veterinary pathology service is still entirely appropriate.

The Hon. J. C. BURDETT: I would have thought not. In opposing the Hon. Dr Cornwall's amendment I would like to refer to my amendment which provides an alternative method of addressing the same matter. My amendment covers two matters. First, it splits up clause 14 (1) *(c)*, which deals with veterinary matters. Previously, research and teaching functions were expressed functions of the institute. In relation to veterinary services and research, the amendment seeks to continue pathology services for private veterinary surgeons and continue other ranges of services currently provided, continuing research along the lines already provided within the provision of veterinary services.

Just as it is intended that the institute be subject to 'the control and direction' of the Minister of Health, the Division of Veterinary Science will ultimately be responsible to the

Minister of Agriculture. The Department of Agriculture accepts that its charter will need to be expanded to take into account the present range of functions in the Division of Veterinary Science. The Minister of Agriculture has made it clear that he intends to set up a Veterinary Laboratory Services Advisory Committee, with broad terms of reference, to provide him with authoratative advice on veterinary matters. The Minister of Agriculture has also made it clear that he will keep this committee at work for as long as is necessary.

On the subject of research and teaching, the Minister of Health met with the Vice-Chancellor of the University, Professor Stranks, on Friday 19 March and subsequently received a statement from the Vice-Chancellor dated 22 March setting out the position of the university following the University Council meeting held on 12 March. In relation to clause 14, the position of the University Council is:

Council is of the firm view that research and teaching activities should be enacted as primary functions of the institute as they are at present in the 1937-1978 Act. Council would propose that those functions set down in section 14 (2), which are permissive but not mandatory, should be drafted in the primary function in section 14 (1). In proposing these changes, council recognises that it would be a management role of the I.M.V.S. Council to set institute priorities and to allocate resources in pursuit of these research and teaching functions. With respect to the research function, council would emphasise that the development of high level service activities in both medical and veterinary fields must stem from active involvement in research. With respect to the teaching function, it should be recognised that this is conducted at present mainly, but not exclusively, at a post-graduate level as, for example, in the professional training of pathologists.

The Minister of Health, in the Committee in another place, did not accept the assertion by the Opposition that research and teaching were being downgraded by clause 14 (1) as set out in the Bill. It has always been the Government's stated intention to foster research and teaching within the I.M.V.S. After further consideration the Government has accepted the spirit of the University Council's recommendations. I have now placed an amendment on file. Although I support the part of the Hon. Dr Cornwall's amendment that he has moved for the reasons I have given I oppose the rest of the amendment to clause 14, as proposed by him.

Amendment carried.

The Hon. J. R. CORNWALL: I move:

Page 5, lines 20 to 24—Insert paragraphs as follow:

(c) to provide such veterinary services or facilities, and undertake such research in the field of veterinary science, as the Minister of Agriculture may require;

(ca) to provide a veterinary pathology service for veterinary surgeons in private practice;

(cb) to provide and maintain a forensic pathology service and a forensic biology service;.

Amendment negatived.

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

Page 5, after line 26—Insert new paragraphs as follow:

(da) to provide and maintain such services and facilities as the Minister of Agriculture may require in relation to the veterinary laboratory services, the services to veterinary surgeons in private practice, and any other veterinary services, provided by the Department of Agriculture;

(db) to provide and maintain such services and facilities as the Minister of Agriculture may require for the conduct of research in the field of veterinary science;

(dc) to conduct research into fields of science related to the services provided by the Institute;

(dd) to provide the University of Adelaide, the Flinders University, or any other authority or person approved by the Institute, with facilities for conducting research of the kind referred to in paragraph *(dd)*;

(de) to provide assistance to tertiary educational authorities in teaching in fields of science related to the services provided by the Institute;.

I am indebted to the Hon. Dr Cornwall regarding the amendment I have just moved in paragraph *(dd)*. The last line of that paragraph says, 'research of the kind referred to in paragraph *(dd)*', which obviously, as pointed out to me, is not correct. That last line should read, 'research of the kind referred to in paragraph *(dc)*. I ask that that be corrected.

Amendment carried.

The Hon. J. R. CORNWALL: There is no longer any need for my proceeding with amendments I propose to lines 27 to 32, line 33, line 35, line 37, line 38, line 39, and after line 40, which includes the proposed new paragraphs *(h)* and *(i)*. As amendments have been moved unsuccessfully in other areas and as I clearly did not have the necessary support, it would stand quite strangely and I do not intend to proceed.

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

Page 5, lines 32 to 40—Leave out subclause (2).

Amendment carried.

The Hon. J. R. CORNWALL: I move:

Page 5, after line 31—Insert new subclause as follows:

(2) In discharging its function of providing a veterinary pathology service, the institute shall engage in active competition with non-government pathology laboratories.

This is an important amendment and stands quite starkly in view of what the Government has already done with this proposed legislation. I have a real fear that what will happen following this reorganisation, this disembowelling and dismembering of the institute, is that the Minister of Agriculture will direct that there should not be actual competition in the clinical field, in other words, the profitable field, with existing private pathology laboratories.

The institute carries out 60 per cent of the veterinary work for private practitioners. A good deal of that work, particularly regarding clinical biochemistry, is profitable and automated and can be done by private medical pathology laboratories. Adelaide Diagnostic Pathology Laboratories have already appointed a veterinary pathologist. She is a very smart veterinary pathologist, a very clever lady who produces extraordinarily good results. Adelaide Diagnostic Pathology Laboratories kills the I.M.V.S. stone dead in terms of service. The I.M.V.S. at the moment cannot compete with the service that that company gives to Adelaide private practitioners.

I will give an example. I refer to blood samples from an animal taken at 10 a.m. with a request for a whole plethora of blood tests. As the results become available from Adelaide Diagnostics, because the service is so good, they are rung through to the surgery during the day. True, the institute has had to lift its game, and I do pay a tribute to Earle Gardner who has tried hard under difficult circumstances, but still its service is not in the same class as that of Adelaide Diagnostics.

The reason for taking such samples in a clinical case is either to confirm a diagnosis (in some ways that is regrettable because sometimes I wonder what has happened to the stethoscope and thermometer) or alternatively with difficult cases it is to work out clinically what is going on, either because one is completely in the dark about something that has been presented clinically or because there are several possible differential diagnoses. Adelaide Diagnostic in a series of phone calls will have all the results back to the surgery by 5 p.m. With the I.M.V.S. one used to get a printed report about 96 hours later, by which time one had normally confirmed the diagnosis anyway, sometimes at autopsy.

cannot compete. It worries me enormously because of the Government's record that it will pull out of all profitable areas, and these are the profitable areas about which I am talking, the areas that have been automated to provide for mass production. The equipment is there, many millions of dollars worth to do most of these tests, and all that is needed is the management and administrative expertise to

be able to make the sort of contact that is delivered by people like Adelaide Diagnostic. That is the profitable part of veterinary pathology. That is where the service has got to match what the private laboratories can do.

I fear greatly that what is going to happen is the same sort of thing that is happening to so many of the previously successful public enterprises. For example, it is obvious at the moment that the Government is running down and intends to dispose of the Whyalla clothing factory. It is also obvious that the Government is running down and intends to dispose of the Dudley Park group laundry. It is germane to this clause to indicate that the group laundry with 300 employees has lost 10 major hospitals and nursing homes in the last 18 months, the last being the large Queen Victoria Hospital only two weeks before it is incorporated under the South Australian Health Commission Act. Of course, that work is going to a particular private enterprise gentleman who employs labour under the worst possible conditions and, for some reason, is never visited by inspectors from the Department of Industrial Affairs.

The Hon. C. J. Sumner: Who is that?

The Hon. J. R. CORNWALL: It is George Nemer who runs Tip Top Laundries and who is one of the most unscrupulous employers in Adelaide.

The Hon. L. H. Davis: What's that got to do with I.M.V.S.?

The Hon. J. R. CORNWALL: It has much to do with this provision which provides:

> In discharging its function of providing a veterinary pathology service, the institute shall engage in active competition with non-government pathology laboratories.

I do not need to take that point any further. That is the profitable section and it is the section that clearly this Government, if it follows the line that it has taken continually since it came to office, is most likely to opt out of. We believe it is important that it should not, that the institute should stay competitively in that field, particularly as it is the field in which it can make a profit through which it can subsidise the obviously unprofitable areas of research and service to the rural community, to the farmers and graziers of South Australia, and through the other veterinary activities of the institute.

The Hon. J. C. BURDETT: I oppose the amendment and wonder why, in the first place, the Hon. Dr Cornwall has selected a veterinary pathology service and has not directed his amendment to a medical pathology service. The main objection is that the amendment is unnecessary and inappropriate. As it stands, clause 14 sets out what are the functions of the institute, and obviously it is the duty of the Minister in charge of any function to see that those services are carried out.

In regard to veterinary pathology services, the veterinary profession and the people who own animals and the like, the duty is there and is clearly spelt out, and the responsible Minister is responsible to see that those things are done. It seems to be most inappropriate to use this wording that 'the institute shall engage in active competition with non-government pathology laboratories'. It is pretty well unenforceable, anyway. How do you determine whether or not it is carrying on active competition with non-government pathology laboratories? Surely the sensible thing in legislation is to spell out what the functions are and the Minister in charge of those functions is responsible to see that they are carried out. I think that that is all that needs to be done and is all that is appropriate to be done. I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

New clause 14a—'The Planning and Resource Committee.'

The Hon. J. R. CORNWALL: I move:

Page 6, after line 13—Insert new clause as follows:

14a. (1) There shall be a committee entitled the 'Planning and Resource Committee' (in this section referred to as 'the committee').

(2) The committee shall consist of the following members:

(a) the Director;

(b) two senior officers of the institute nominated by the Director;

(c) the divisional heads of the institute;

(d) a member of the council nominated by the council; and

(e) the officer of the Royal Adelaide Hospital who has the control and management of the medical services of that hospital.

(3) A nominated member of the committee shall hold office at the pleasure of the nominating body.

(4) All other members of the committee shall hold office *ex officio*.

(5) The function of the committee is to advise the institute in relation to the forward planning of the operations of the institute, the allocation of resources and the development and review of policy.

(6) The procedures of the committee shall be as determined by the committee.

We have been assured by the Minister (but of course he has no first-hand knowledge) and we have been assured by the Hon. Mr Milne (who has been told by the Minister who has no first-hand knowledge) that, by administrative act, a Planning and Resource Committee is already up and running.

The Hon. K. L. Milne: I wasn't told by the Minister: I was told by the Director, and he is Chairman of the committee.

The Hon. J. R. CORNWALL: The honourable member should not go away.

The Hon. K. L. Milne: I can't bear it any longer.

The Hon. J. R. CORNWALL: The honourable member should get out of the place if it is getting too much for him. This amendment will be on the record when we are in Government and when we put this remarkable and fine institution back together again. Regarding new subclause (2) *(c)*, I point out that the divisional heads are no longer defined. I ask your guidance, Mr Chairman. I wonder whether there is any point in referring to the divisional heads since they are no longer defined in the Bill. I am perfectly happy to leave the reference, but I accept your ruling, Mr Chairman.

The CHAIRMAN: I am not ruling. The honourable member suggested that there is no point in including the divisional heads.

The Hon. J. R. CORNWALL: We can leave them in by all means. I submit that they exist and they will not be too difficult to identify, so with your concurrence, Mr Chairman, we will leave them in. By my request, the amendment was drawn up by Parliamentary Counsel exactly in line with the recommendations of the Wells Committee, which was set up by the Government after the inadequacies in administration of the institute were so graphically demonstrated over six or seven months in 1980.

Members will remember that the Minister protested at the time that the sort of things that were alleged by the member for Napier (Mr Terry Hemmings), who was then the Opposition spokesman on health, and the member for Mitcham, were quite incorrect. Ultimately, there was overwhelming evidence that all was not well in the administrative sense at the institute and the Wells Committee was

appointed. For some strange reason, which we have still not been able to elicit in this debate (and I fear we never will, at least publicly), the Government has departed from almost every significant recommendation of the Wells Committee, apart from bringing the institute under Ministerial control.

The Government has taken that action with the concurrence of the Hon. Mr Milne. That is very strange, because his colleague in another place (the member for Mitcham), the *bete noire* of the Government in the other Chamber, was the person who more than anyone else was responsible for the Wells Committee's being brought into existence. The member for Mitcham had a great deal to say not only over those months until the Wells Committee was set up but also during the second reading stage of this Bill in the other place. Yet when the Bill came here, his colleague, the Hon. Mr Milne, who, from tonight's performance, should no longer be known as Santa Clause but as the greatest phony since the tooth fairy, baled out on him. The tooth fairy has gone: he has flown away. One hardly expects to get his support in regard to this amendment .

However, the amendment has a great deal to recommend it. Frankly, I do not trust Governments of any political complexion, and I do not believe it is good enough to say that we can take this action by administrative means. Being a cynical sort of bloke, I do not always trust administrators either. I can think of many, but I will not name them, in this regard—they are not infallible. Only the Pope in Rome is infallible, or that is what I was taught when I was a small boy although I am somewhat more dubious about that in this day and age. I do not trust Governments or administrators.

This matter is vital in regard to the provision that says that the function of the committee is to advise the institute in relation to the forward planning of the operations of the institute and the allocation of substantial resources. The institute has a budget of $17 000 000 a year and is involved in development and review of policies. Surely that should be written into the Bill. It should be mandatory that there be a Planning and Resource Committee and not something that is set up at the whim of the Minister of the day or the Director at any given time. It should be absolutely mandatory that, in regard to a budget of $17 000 000, there should be a Planning Resource Commmittee so that never again can a situation arise as that which rose in the 1970s. I do not want to go down that track again at any length, because I canvassed that matter in considerable detail in the second reading stage.

In the 1970s when the bricks and mortar mentality prevailed and when the explosion in medical technology hit the world, the institute, to its credit, got right into the act. It expanded the empire and did it very well. It acquired all sorts of capital equipment and expanded. There was virtually no forward planning, virtually no thought given and certainly no planning done in regard to the allocation of resources. There was very little development or review of policies as an ongoing thing. It was precisely because of these problems that the institute ran itself into the difficulties that it did towards the end of the 1970s. I do not want to see that happen again. The only way to be sure that we can avoid that is by writing in that there shall be a Planning and Resource Committee and spelling out exactly who shall be the members on the committee as well as spelling out the responsibility of that committee in legislation. No reasonable person could disagree with that.

The Hon. J. C. BURDETT: I oppose the amendment. The Hon. Dr Cornwall said that his amendment was exactly in line with the Wells Committee Report. That report, on page 6, states that a Planning and Resource Committee should be established. It does not say that it should be established by legislation. Many of these committees are established other than by legislation, and that provides a greater flexibility. I do not mind the Hon. Lance Milne walking out because he knew, having been told by the Director, that the committee had been set up and that the Wells Committee Report had been implemented. The Planning Resource Executive Committee exists. The Bill enables the council to set up any committees to assist the planning of the institute. Things ought to be flexible and ought not to be provided by legislation particularly when we find that a committee of this nature has been recommended in an outstanding report and has been implemented. To suggest that it is likely to be disbanded is really not realistic. The committee has been established and it is not necessary to set it up in legislation as it is in fact working well. In the letter from the Vice-Chancellor to the Minister of Health on 19 March the university's full support of the committee is given. The letter states:

> On policy it would not be appropriate to specify the establishment of such a committee in the new Act. The Council hopes the proposal would be acted on properly by the new I.M.V.S. council.

For that reason, and in accordance with that suggestion, I oppose the amendment.

The Committee divided on the new clause:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 14b—'The Animal Ethics Committee.'

The Hon. J. R. CORNWALL: I move to insert the following new clause:

> 14b. (1) There shall be a committee entitled the 'Animal Ethics Committee'.
>
> (2) The Animal Ethics Committee shall consist of the Principal Veterinary Officer (referred to in section 16a) and such other members as the Minister may appoint.
>
> (3) A member appointed to the Animal Ethics Committee by the Minister shall hold office at the pleasure of the Minister.
>
> (4) The Principal Veterinary Officer shall be the chairman of the Animal Ethics Committee.
>
> (5) The Animal Ethics Committee shall advise the institute in the formulation of policies relating to the use, management and handling of animals used for research purposes by the Institute.

In the second reading speech I had a good deal to say on this matter. Members will recall that when Bede Morris reported, as a result of considerable pressure exerted in another place by the Opposition, he had many things to say about the misconduct which had occurred at the institute in the past because there had not been a well-constituted Animal Ethics Committee and because oversight of the animal breeding and care had not really been committed to a veterinary surgeon. It was Duncan Sheriff who brought this matter first into the public gaze. In the process he attracted opprobrium of the more senior people at the institute.

To his eternal credit, he showed the tenacity for which he is quite famous and, as a result of that, Bede Morris inquired into the whole business. He referred, among other things, to animals being kept in squalid, tenebrous, funk holes. He went on in chapter after chapter to refer to the most unfortunate conditions which prevailed, not only at the institute but also, of course, at the hospitals around Adelaide where experimental animals were bred, housed and used for experimental purposes. It was quite a stark report in many ways. It was written in prose which is very

elegant and very eloquent, and it pointed out the enormous deficiencies which existed.

Whether it is a coincidence or not, I do not know, but following the second reading speech of mine, which, if I may say so, was probably the best contribution I have made in the seven years I have been in this Chamber (certainly the best researched speech I have made here), suddenly the Minister produced, only yesterday, the final report on the implementation of recommendations made in the inquiry into the use of laboratory and experimental animals. Quite coincidentally, I am sure, the final report by Bede Morris was produced.

In that report he says that many of the things he recommended have been implemented. He says (and I quote directly from the final report):

> Seen in this time scale, it is appropriate that I report to you again on the progress that has been made in implementing the recommendations of my report during this time and to tell you what I believe still remains to be done.

He goes on to say:

> The first recommendation that I made was that a Veterinary Officer be appointed in the I.M.V.S. to oversee the animal breeding facilities and the operating theatre complex. Although this post has been created and the position advertised, no appointment has yet been made. Without prejudging any of the candidates who may apply for this job, I stress again the need to ensure that this position is seen to be one that carries a level of seniority sufficient to enable the incumbent to exercise control over the activities of all animal users and sustain the correct professional approach to animal welfare in the Institute

On this occasion, neither the Minister nor the Hon. Mr Milne can get to his feet and say that there is no need to write this into legislation, that it has already been done. In fact, Sir, the principal recommendation of the Bede Morris Report that there should be a principal veterinary officer established who will be the No. 1 person with regard to a permanent animal ethics committee has not happened. Professor Bede Morris goes on to say:

> Changes in the salary scales in the Veterinary Division since my report was made seem to have created some difficulties about the level of appointment of the veterinary officer—

I repeat:

> . . . seem to have created some difficulties about the level of appointment of the veterinary officers . . .

He then continues:

> —but I enjoin the I.M.V.S. and the Department of Agriculture to see this position as one which establishes laboratory animal care and the ethical control and audit of experimental procedures on animals as a crucial aspect of medical and veterinary research. Until a suitable appointment is made, there will continue to be a serious deficiency in the staff of the animal breeding services at the institute.

Clearly that is not the position as yet. Again, the final report states:

> One concern that I still have is that the lack of any critical mass of professional animal technicians in the Hospital [that is referring to the Adelaide Childrens Hospital] and the absence of any in-house veterinary officer will make it difficult for the Ethics Committee to audit and supervise the use and care of animals in the hospital.

I recognise that Bede Morris is not referring directly there to the institute, but the point should still be made that the house is still not in order by any means. We are still relying on the alleged goodwill of all those involved to implement it. A veterinary officer has not been appointed. There is no guarantee that a veterinary officer will be appointed as recommended by Bede Morris. I think it is germane to this debate, since we have been told throughout by the Minister and by the Hon. Mr Milne that they have an abiding faith in the goodwill of man and his honesty—

The Hon. J. C. Burdett: When did we say that?

The Hon. K. L. Milne: Yes, when did we say that?

The Hon. J. R. CORNWALL: You have indicated it throughout; you believe everything the Minister has told you. Let us look at recommendation 15 of the Bede Morris Report, and this is absolutely critical to this amendment. Recommendation 15 of the Bede Morris Report states:

> That a new animal house be built at the Adelaide Childrens' Hospital to provide adequate animal accommodation for the hospital's needs for diagnosis and research provided that:
> (1) This animal house is managed by technical staff qualified in laboratory animal care;
> (2) The hospital obtains professional veterinary advice on a continuing basis for the care of animals; and
> (3) All other accommodation for animals in the hospital is closed down when this facility is built.

The Hon. C. J. SUMNER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. J. R. CORNWALL: Thank you, Mr Chairman, for the latitude you are allowing me in this matter because it is very germane to the subject under discussion. We have been told all night that we do not need to write any of these things into legislation, because they are being done administratively. As I was saying shortly before it was necessary for my Leader to draw attention to the state of the Committee because honourable members opposite have so little interest in matters of animal welfare and matters relating to animal cruelty that there was not more than two of them present at the time, it is interesting to see what Bede Morris said about recommendation 15, as follows:

> The recommendation R15 that I made to build a new animal house at the A.C.H. would seem to be a forlorn prospect. There seems no chance that funds of the order required for such a construction will be made available in the shorter term. While I accept this as a present constraint, I cannot accept the rearranged and renovated accommodation as anything other than a stopgap measure. The A.C.H. needs proper animal house facilities and the building of them should not be deferred because we now have a more acceptable situation than before. I reiterate what I said in my report to you; the provision of appropriate accommodation and properly trained animal technicians should be accorded a high priority in diagnostic and experimental medical research.

There is not one area where the Government's argument stands up, nor can it tell the Hon. Mr Milne (although from time to time he would believe almost anything) that this has been the practice. I believe the Animal Ethics Committee is functioning on an *ad hoc* basis, but no principal veterinary officer has been appointed as specifically recommended in the Bede Morris Report. Therefore, it is essential that it is written into the Bill so that never again will the dreadful conditions happen which were allowed to prevail and the dreadful cruelty and mistreatment of experimental animals which occurred at the institute.

It is absolutely imperative that the Government accept this amendment. If the Government does not accept my amendment I promise that I will go out into the community and I will broadcast from the top of every high hill that I can find that the Government's attitude, and the Minister's attitude in particular, were such that they did not consider it appropriate to provide specifically for animal welfare to ensure that the experimental animals used by the institute and bred by the institute were adequately housed and cared for, and that the cruelty did not occur again; I will make that known to every member of the community. The Minister should not underestimate that as an issue. I warn the Government.

The Hon. J. C. BURDETT: I oppose the amendment. Part 1 of the Bede Morris Report of February 1981 states, right at the outset:

> The standard of animal care now established at the Institute of Medical and Veterinary Science, is of a high order; probably as high as in any research or diagnostic institute in Australia. There is no doubt that unsatisfactory incidents occurred with experimental animals at the institute prior to 1978 and it was these incidents which gave rise to criticism in Parliament and in the press. These events led to internally directed changes in the supervision and care of animals at the institute which were implemented long before my inquiry was commissioned.

Yesterday I read a Ministerial statement on behalf of the Minister of Health, and I propose to quote from it briefly as follows:

The Ethics Committee at the institute is now completely satisfactory and Professor Morris is 'now convinced that its membership and the philosophy and intent of the committee is such that the best interests of both research and the welfare of the animals being used for experiments will be safeguarded'.

I note that neither in his original nor in his final report, when he was invited to look at the matter again, did Professor Morris suggest that an animal ethics committee should be provided for in the legislation. One cannot effectively legislate for an ethic. It is not possible to do that. It cannot be done effectively, because an ethic, as part of its nature, is something which exists in the area of the philosophy of ethics. After a full inquiry into this area, Professor Morris recognised this and did not recommend legislation for an ethics committee.

The Animal Ethics Committee is fully operational now without legislation. When it was reviewed by Professor Morris he was satisfied that it was working in the best interests of the research programmes and the animals being used in these programmes. Animal ethics, vital as they are, are internal to an organisation and are subject to the instilment of an ethic and appropriate procedures to ensure that the right things are done. For these reasons I think it would be wrong to provide for ethics in legislation.

The Committee divided on the new clause:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 15 passed.

Clause 16—'Director of the Institute.'

The Hon. J. R. CORNWALL: I move:

Page 6, line 25—After 'council' insert 'for a term of five years'.

The Opposition thinks that a contract appointment for a director is a good thing. When I am Minister of Health in the future I shall make several contract appointments in order to smarten up the gross inefficiencies occurring in some areas. We applaud the contract appointment, but think that it should be a for a fixed term. It seems strange to leave it open-ended. The Government has appointed an interim director, not an acting director (and I referred to Dr Sutherland earlier as the acting director).

That is fair and reasonable and it has been indicated that Dr Sutherland will stay for a further period of 12 months. He is doing a magnificent job and, even if he was not, I would not say so publicly, because there are four very successful coronary by-pass patients on the editor's floor of the *Advertiser*. They would probably speak volumes for the remarkable unit which he set up at the Royal Adelaide Hospital. I hold Dr Sutherland in very great esteem. His appointment was initially for a 12-month period and it has been renewed for a further 12 months.

This does not seem to be a desirable practice. It is certainly desirable in the days of Dr Sutherland, owing to his age and antecedents, but it would not be desirable in the case of a permanent director, because the term would be too short. On the other hand, I would hate to get stuck with a director who was appointed on a contract for a term of something like 10 years, because that defeats the purpose of the exercise.

The idea of appointing somebody on contract is that, if they do not shape up, then you ship them out. I have always been a strong supporter of contract appointments, particularly for senior positions. The situation can arise where somebody is unsatisfactory and, if they have a long contract, you finish up shunting them into an office by the back door on a salary of $54 000 or $55 000 a year. The Hon. Mr Cameron is thinking of a couple of cases. I am sure that he would not be unethical or unwise enough to mention them during the course of the debate; but it has happened to all Governments in all States of this country, as well as elsewhere.

It is preferable that this be a contract appointment but it should be for a specific and reasonable period. After giving this matter lengthy consideration and discussing it at great length with my colleagues, the Opposition feel that the ideal term is five years.

The Hon. J. C. BURDETT: I oppose the amendment. The Hon. Dr Cornwall has acknowledged how very satisfactory Dr Sutherland has been in his appointment. The Hon. Dr Cornwall pointed to the fact that, because of his age, it was an interim appointment. There could also in future be such other cases. There needs to be flexibility in legislation. A period of five years is hardly consistent and reasonable. The Hon. Dr Cornwall referred to how bad it would be if there was an appointment of an unsatisfactory person for 10 years. Of course, the choice is with the Minister; the Minister should not be so silly as to appoint a person for a long period of time.

The kind of person that we hope will hold this position must be a most distinguished person. It may be that such a person would be available for a period of two or three years, but not for five years. There must be flexibility, and the best person who is available at the time should be selected.

One of the main thrusts of the Wells Report was to make the institute more consistent with other health organisations in its relationship with the Health Commission and in regard to the Health Commission Act. A five-year term is not desirable in this connection. The crux of the matter is that, in such an important and distinguished position as this, there must be flexibility to ensure that we can get the best person who is the most suitable. Five years might be quite inappropriate for that person and he may not be available for that period of time, if we are stuck with that strict period of five years. I oppose the amendment.

The Hon. K. L. MILNE: I understand that two of the Directors' appointments have been for five-year periods. The Hon. Mr Burdett is quite right; it depends on how long an applicant will be available, especially if it is somebody special from overseas. That person may be released from some other high-powered job, and I would like to see somebody good come here for a year or two. To make it a maximum of five years would be wrong. In the Health Commission Act, the equivalent is a maximum of seven years. Perhaps the Hon. Dr Cornwall has not had much experience in engaging people of that calibre.

These matters are negotiated normally with the person applying, either at the time of application, by correspondence, or at the time of interview, and it is much better that, if the person to be appointed wants the appointment to be for a long time, that person can ask for it. He may get a five-year appointment, plus a right of renewal for another five years, under certain conditions. It is much better to remain flexible when one is dealing with people of the calibre wanted for this position.

Amendment negatived; clause passed.

New clause 16a—'Division of Veterinary Sciences.'

The Hon. J. R. CORNWALL: I move:

Page 6, after line 32—Insert new clause as follows:

'16a. (1) There shall continue to be a Division of Veterinary Sciences in the Institute.

(2) The head of that Division must be an officer of the Institute employed on a full-time basis, with the same status and salary as those of the other divisional heads of the Institute.

(3) There shall be a Principal Veterinary Officer in that Division, who shall be responsible for the management of the animal breeding and holding facilities associated with the research centre and operating theatre located within the premises of the Institute.

(4) The office of Principal Veterinary Officer must be of a senior classification.'

I move this new clause so that we can retain a Division of Veterinary Sciences within the institute. In view of the Government's rhetoric about how it has absolutely no intention of dismantling the institute, of moving it physically, and of separating the veterinary section from the medical section, and having regard to the statement of the Minister of Agriculture that medical research officers and veterinary scientists will continue work at the same bench cheek by jowl with the medical research officers and medical scientists, I have no doubt that the Government will accept this amendment.

It enshrines in legislation that there will continue to be a Division of Veterinary Sciences, nothing more and nothing less. In regard to new subclause (1) this is totally unexceptional, in view of all the assurances we have been given. It is merely a safeguard against an unscrupulous Government at some time in the future that might see fit administratively, because those employees will now be subject to the direction of the Minister of Agriculture and will in fact be public servants, to remove those employees from the institute. This is simple and direct and in line with all the things the Government has said during the debate in both Chambers.

New subclause (2) is straight forward and unexceptional. At the moment, Dr Earle Gardner is the head of the division. I am pleased to be known as his colleague because he is an outstanding man and a great credit to the profession. Whether he is happy to be known as a colleague of mine is another matter. He is an outstanding person, a man of great calibre, and he would be upset at the thought of any physical transfer coming, on top of the fact that he has been made a public servant now and his terms and conditions of employment will be quite different from those of his medical colleagues.

New subclause (3) is in no way made redundant by the fact that the Government, with the support of the Hon. Mr Milne, completely rejected our amendment for an animal ethics committee. Certainly, in no way is that made redundant. It is totally acceptable and would be accepted by any reasonably intelligent person. This is the last chance that the Government and the Australian Democrats have of getting themselves off the hook with the hundreds of thousands of animal lovers out in the community who are concerned to see that the dreadful things that happened in the 1970s cannot happen again.

It is bad enough that the Government will not enshrine an animal ethics committee in this legislation, and it is bad enough that the Minister says that one cannot enshrine ethics in legislation. What a lot of nonsense. Of course you can. It is bad enough that the Government completely rejected that.

The Hon. C. J. Sumner: Where did they get that idea?

The Hon. J. R. CORNWALL: God knows. The Minister suffers from Alzheimer's syndrome. When I said this before, it appeared in *Hansard* as the asinine syndrome, and I did not change it, but it is the Alzheimer's syndrome, a condition in which there is a premature aging and short-term memory loss. It is bad enough that the Government rejected the proposal for an ethics committee, because I am sure that it will hear from people like the Animal Welfare League, anyway. Here is the final chance to appoint a principal veterinary officer of senior classification as set out in proposed new subclause (4). I need say no more because, if I have not won honourable members now, I never will.

The Hon. J. C. BURDETT: I oppose the amendment. If we accepted it we would have lost most of what we have gained in the course of this debate. I am surprised that the honourable member has moved the amendment. Surely even he recognises that the principle of separation has already been accepted. He has tried to destroy that before, but unsuccessfully. New subclause (1) is contrary to the Bill, because the Bill separates veterinary sciences and places them within the Department of Agriculture.

New subIcause (2) deals with the head of the division, but he is not an officer of the institute, according to the Bill, but is an officer of the Department of Agriculture. Again this gets back to the principle of separation of the administrative functions which we debated at great length earlier. Whether the honourable member deliberately overlooked it when he spoke about the proposed new clause, I do not know, but it is inconsistent with the Bill as it stands, and it is quite inconsistent with the principle of responsibility established in the Bill, especially as it has been previously debated and established by a vote on this Committee, with the support of the Hon. Mr Milne. This principle has been talked about and accepted. Therefore, I oppose the amendment.

The Hon. J. R. CORNWALL: That is the greatest lot of nonsense that I have ever heard. The Bill is entirely consistent with what I have been talking about half the evening. It is about animal welfare and animal protection, ensuring that animal cruelty cannot go on at the institute. This is a very sensitive area, and there is a big movement out in the community known as animal liberation. There are anti-vivisectionists, animal liberationists and people concerned with the welfare of animals generally.

I suppose that my position is a reasonably pragmatic one. I am not an anti-vivisectionist, but I do abhor any unnecessary cruelty to animals whatsoever, whether they be domestic, farm, commercial or laboratory animals. I find that absolutely abhorrent in all circumstances. This is the last chance that the Government has. It has rejected it. Again, it is the last chance for the Hon. Mr Milne to go on record to let us know how he feels. Indeed, I challenge him to tell us how he will vote on this matter, one on which I do not want to call a division because it should not be necessary. If the honourable member will not do so, let him wear the public odium of voting against the clause which is put in specifically—

The Hon. K. L. Milne: Cut it out!

The Hon. J. R. CORNWALL: Cut it out, be buggered!

The CHAIRMAN: Order! That is unparliamentary.

The Hon. J. R. CORNWALL: It may be unparliamentary, but it is called for in these circumstances.

The CHAIRMAN: I suggest that the honourable member cut that out.

The Hon. J. R. CORNWALL: I will certainly retract it, but it is an expression in fairly common use in the community, I might say. I do not even have to be provoked to use it in normal conversation, and I am a good Christian, too. I challenge the Hon. Mr Milne, because I want him to respond. If he does not, I will force him to go on the record one way or the other by calling for a division. I want the animal welfare people, the animal lovers in the community, of which there are many thousands, to know where he stands. On this new clause, he cannot get away with the slippery tactics that he has used in this Chamber for the past 2½ years.

The Hon. J. C. BURDETT: For the record, and the Hon. Dr Cornwal has done this in regard to some of his amendments, I wish to refer to what the amendment says, because

it does not deal mainly with animal protection at all. The proposed new clause provides:

(1) There shall continue to be a Division of Veterinary Sciences in the institute.

(2) The head of that division must be an officer of the institute employed on a full-time basis, with the same status and salary as those of the other divisional heads of the institute.

(3) There shall be a Principal Veterinary Officer in that division, who shall be responsible for the management of the animal breeding and holding facilities associated with the research centre and operating theatre located within the premises of the institute.

The point that I have made is that we cannot possibly accept the amendment, because it is inconsistent with the Bill and with the principle of separation that has already been established by a vote in this Committee. According to the Bill there is not a Division of Veterinary Sciences in the institute; it is in the Department of Agriculture. The head of that division is not to be an officer of the institute, according to the Bill, but will be an officer of the Department of Agriculture. In regard to the principal veterinary officer, one does not need a Bill for that. As the honourable member said, the position has been advertised and applications have been called. In fact, they have been received and are being considered at present. There is every intention of appointing such an officer. However, to accept the whole of proposed new clause 16a is quite inconsistent with the provisions of the Bill and the decisions already taken in this Committee.

New clause negatived.

Clause 17—'Staff of the institute.'

The Hon. J. R. CORNWALL: I move:

Page 6—

Line 40—Leave out 'proclamation' and insert 'regulation'.

Line 42—Leave out 'specified in the proclamation' and insert 'prescribed'.

Page 7, lines 1 and 2—Leave out subclause (4).

These amendments are consequential. I believe that the Minister will accept the amendments because he knows damn well that the tooth fairy will support us anyway. I should not have to go on at great length.

The Hon. J. C. BURDETT: The reason why 'proclamation' was provided in the Bill in lieu of 'regulation' was to be consistent with the Health Commission Act, which was introduced and passed under the previous Government. I have no great argument with the proposed amendment and I will not oppose it.

The Hon. K. L. MILNE: I have given notice to the Hon. Dr Cornwall that the Australian Democrats would support this amendment. It is in line with three-Party policy to have regulations and prescriptions instead of proclamations, where possible.

Amendments carried; clause as amended passed.

Clause 18—'Superannuation, accrued leave rights, etc.'

The Hon. ANNE LEVY: I move:

Page 7—

Line 28—After 'sick leave' insert ', accouchement leave'.

Line 42—After 'sick leave' insert ', accouchement, leave'.

This clause deals with the terms and conditions of employment of people who are transferred from elsewhere in the Public Service or similar service within the State. It involves the Public Service, the Health Commission, incorporated hospitals and incorporated health centres. The clause as set out in the Bill provides that anyone who so transfers takes with him existing and accruing rights in respect of recreation leave, sick leave and long service leave, as if he had been in employment at the institute for that length of time. Consider the situation of someone who has been employed in the Public Service for, say, five years and transferred to the institute: for the purpose of long service leave, that five years will count as if he had been employed at the institute, and he will have to be at the institute for only another five years before being eligible for long service leave. He does not go back to the beginning for the purpose of long service leave.

I believe it is very important that accouchement leave be included. The provisions for accouchement leave are that a person must be employed for 12 months before she is eligible for accouchement leave. A woman may be employed in the Public Service for, say, five years and may then transfer to the institute. Unless this amendment is carried, she will have to be employed at the institute for 12 months before she is eligible for accouchement leave, whereas her entitlements for long service leave, sick leave and so on would go with her.

The qualifying period for accouchement leave should be transferred in the same way as are other leave rights, so that a person need not be at the institute for 12 months before being eligible, provided she has 12 months service in the institute, the Public Service, the Health Commission, a hospital, or an incorporated health centre. The amendment will provide that the requirements for accouchement leave can be transferred in the same way as the rights in regard to recreation leave, sick leave, and long service leave.

The Hon. J. C. BURDETT: I oppose the amendment. This is a matter of terms and conditions of employment. I understand the point that the Hon. Miss Levy has made in regard to the qualifying period; nevertheless, public servants are entitled to accouchement leave as part of their terms and conditions of employment. It is not a specific Public Service Act provision but is part of the terms and conditions of employment and, in my view, it should not be included in the Act that will result from this Bill.

The Hon. ANNE LEVY: I am slightly confused. Is the Minister assuring me that, if someone transfers from the Public Service to the institute, having had more than 12 months service in the Public Service and having been at the institute for only six months, she would be able to take accouchement leave? If the Minister can assure me that that is the situation, I would be quite happy. In Public Service terms, people must be employed for 12 months before they are eligible for accouchement leave. If the Minister can give me the assurance that someone who has had a total of 12 months service in the institute, the Public Service, the Health Commission, an incorporated hospital, or an incorporated health centre would be eligible, I would be very glad to receive it.

The Hon. J. C. BURDETT: I am not in a position to give that assurance. I understand that accouchement leave entitlement is not normally a matter of portability. If it were applied in this case, it would have to be applied in the case of every statutory authority. I cannot give that assurance, because we are talking about terms and conditions of employment, something that is not normally incorporated in a special Bill relating to an organisation. I must oppose the amendment, although I can certainly understand the point that the honourable member is making.

The Hon. ANNE LEVY: This seems to be absolutely incredible. Long service leave, sick leave and recreation leave are also terms of employment and are portable within the Public Service and in regard to special situations, such as the Health Commission, health centres, hospitals, and so on. Those entitlements are not portable if a person transfers from the private sector to the public sector. There may be certain situations where they are made portable, but if those other forms and entitlements of leave are portable within the Public Service and within this public sector that we are discussing, accouchement leave rights should come into the same category and the qualifying period should be portable, as is the period for long service leave.

It seems to be most unjust to have long service leave rights made portable but accouchement leave not made portable. It would be gross discrimination to allow the three

forms of leave mentioned to be portable which apply to both male and female employees but to not likewise have portable accouchement leave rights, which apply to one sex alone. It would surely be viewed as discrimination against women.

The Hon. N. K. FOSTER: This matter is to be fixed by the Health Commission and approved by the Public Service Board. One expects in a matter of accouchement leave that all employees are going to be permanent employees. I am concerned that within the Public Service structure the policy of the Government is strictly laid down. It has a direction of denial of leave to females because they are only part-time permanently employed. There are a whole host of directions from various Ministers and departments. A number of definitions and arguments surround it. Differing opinions are gained from the Public Service Board and from various Ministers. That is what happens with 13 Cabinet Ministers. I believe the number should be cut back, although that view is not shared by many members as everyone wants a share of the Cabinet pudding.

This matter ought to be spelt out clearly as there has been a great swing in the public sector in regard to full-time and part-time work or poverty sharing. In some departments women are being required to work four hours a week or on weekends without appropriate amounts of overtime. I will not take this matter lightly as serious thought ought to be given to this clause as people will be disadvantaged. A permanent employee should not have an advantage over a temporary employee.

I point out also that there is some entitlement for males in so far as pregnancy is concerned. I know that one person, on the day of the strike, took some advantage of his rights, as his wife was pregnant. I believe that the Minister has gathered sufficient advice and I ask him to inform the Committee as to what applies in this area, especially in his own department.

The Hon. J. C. BURDETT: The three forms of leave referred to by the honourable member are provided, not in the I.M.V.S. Act and not under this Bill, but under the Public Service conditions.

The Hon. Anne Levy: They are mentioned here.

The Hon. J. C. BURDETT: They are not specifically provided here. Therefore, there does not seem to be any way that I can give an assurance or accept an amendment on that basis.

The Hon. ANNE LEVY: Perhaps the Minister is confusing the amendment to clause 18 and the proposed new clause 18a, because what he has just said would seem to apply to new clause 18a. I am not talking about new clause 18a. I am talking about clause 18, which relates to portability of rights of recreation leave, sick leave and long service leave. It is not establishing those rights. It is only discussing portability of them. My amendment is to add accouchement leave to the list of portable leave rights. It is not establishing the right to it any more than the clause establishes the right to recreation leave, sick leave or long service leave. It is merely stating that it shall be portable.

If it is not portable one could have the situation where a woman has worked for five years in the Health Commission and is then transferred to the institute. That five years counts towards her long service leave but would not count towards the 12 months service required before accouchement leave can be taken. If she wanted accounchement leave nine months later she would not be eligible for it although she would be eligible for other forms of leave. The nine months in the institute would not be sufficient unless her five years in the Health Commission previously was taken into account. I am not trying to establish a right, as that comes under new clause 18a, which is a different matter. I am only talking about the portability of rights. If we have portability of rights and benefits for recreation leave, sick leave and long service leave we should also have portability of rights for accouchement leave.

Amendments carried; clause as amended passed.

New clause 18a—'Accouchment leave rights.'

The Hon. ANNE LEVY: I move:

Page 7, after line 45—Insert new clause as follows:

18a. Notwithstanding any other provision of this Act, a female officer or employee of the institute shall be entitled to accouchement leave upon terms and conditions fixed by the Health Commission and approved by the Public Service Board.

This clause is, I suggest, put in to establish clearly that accouchement leave rights apply to people who are hired directly by the institute as well as to those who may transfer from elsewhere. I know that the Minister is going to say that the terms and conditions of someone who is appointed directly will not be set out in this legislation. It would seem to me to be not a bad idea to put it in the legislation to make it quite clear. It is a different issue from that of clause 18, which we were discussing a minute ago. It would be to clearly establish that accouchement leave rights apply to all women who work at the institute, under, of course, the terms and conditions fixed by the Health Commission and approved by the Public Service Board, which I would take to be those that apply everywhere in the Public Service, of a qualifying period of 12 months service prior to taking accouchement leave, and the other terms and conditions which apply to it.

The Hon. J. C. BURDETT: I think that perhaps the Hon. Miss Levy may call as softly on this one as I called on the other one. The point has been clearly established that she was simply, with regard to clause 18 itself, talking about the portability of rights which existed, whereas in new clause 18a she is talking about the establishment of those rights.

The Hon. N. K. Foster: Which is more important.

The Hon. J. C. BURDETT: All right. Those rights—recreation leave, sick leave, long service leave and accouchement leave—are provided for in the Public Service Act. That is the appropriate place for them to be. If the Hon. Miss Levy wishes to seek to amend that Act at some time, or to lobby for its amendment, that is another matter. It seems to me to be quite inappropriate in this Bill to be establishing a right for accouchement leave or any sort of leave. I accordingly oppose this amendment.

The Hon. N. K. FOSTER: As I understand it, what Miss Levy has said is that it is not exactly a true story to say it is enshrined purely within the Public Service Act in terms of its definition. You would agree with me, Mr Minister, and that is why you did not accept the invitation I extended, to say what happens in your department that is different from what applies in the health department, the Woods and Forests Department, or the Department of Agriculture. Whilst they all come under the Public Service Act in some way, shape or form, I know of a person who has worked for some three years for one of those departments but is not considered to be a permanent employee. When a person's right to any form of leave is based on the number of days that person works per month (or hours worked per quarter) there is a wide variation in the application of the Act to the extent that it disadvantages some women in respect of maternity leave. That is a serious matter.

I think that it is almost a matter of discrimination. In fact, I suppose if one suggested that it ought to be taken to the appropriate board all that would happen, perhaps, is that those who are enjoying that leave would probably lose it and those who are not enjoying it would not gain it. There has to be some consistency with regard to the matter. It is all very well for the Minister to stand here tonight at this ungodly hour and suggest to Miss Levy that she ought

to canvass her argument at some other time in a more appropriate Bill, but that begs the question. That particular occasion may not arise for the very real reason that whatever Bill is before the House, and whatever Minister has the carriage or responsibility of that Bill through this House, the Minister may well say the same thing as you have said with respect to this particular question, Mr Minister. The Hon. Trevor Griffin could say it in respect of his department or the Hon. Mr Hill in respect of his.

The Hon. J. C. Burdett: It is in the Public Service Act.

The Hon. N. K. FOSTER: The Minister does not have to drum into my thick head that it is in the Public Service Act, because I told him that 15 minutes ago. What I said to the Minister, and what he will not get into his head and grab between his ears, is that the way it is applied by various departments deprives various people, whether they are full-time, part-time or permanent employees, and so on, of that privilege. I know a person who has worked consistently for a department for three years and she is being denied that benefit although she has been advised of three different ways to approach it by people within the Public Service Board structure. Now, if the Minister has got the message, he ought to clarify the matter.

If the matter should be brought to the attention of this House during the passage of this Bill for which the Minister has responsibility, that does not give the Minister the God given right to pass it on the basis it is bad luck that he is in the Chair tonight, but let it be raised on another occasion in some other Bill in some other form. It happens to be appropriate to this new clause 18a, which states that a female officer shall be entitled to accouchement leave upon terms and conditions fixed by the Health Commission and approved by the Public Service Board. Will the Minister underline the word 'approved', because that is what this states?

Guidelines are laid down and the Minister knows as well as I that, if he wants to exercise his rights in respect of a number of matters in his properly defined portfolio area, and wants to exercise his right to discretion, he can give certain things to some people and not to others—the Minister cannot deny that. That is the very matter I am raising tonight. I respectfully suggest that if the Minister wishes to skip the clause for the time being and come back to it later there are ways and means whereby the Chamber will allow that. It is not good enough for the Minister to stand here and say quite boldly that, in fact, it is a Public Service Board matter. The responsibility clearly lies with the department. I can see the adviser assenting to that, as I speak, and I say that with respect.

The Hon. J. C. Burdett: No, you did not.

The Hon. N. K. FOSTER: The Minister should get hold of the draftsmen, then, because the words on the bottom are 'Health Commission' and 'approved by the Public Service Board'. The operative words and the initiating words are that it lies with the Health Commission—lies with the department. It is a long time since I argued cases in the Industrial Court, but I know what I would be arguing in that one.

The Minister has put the matter entirely in reverse. With respect, I think the Minister is wrong. If the Hon. Miss Levy looks at the clause, she will realise that the Minister has said that it is a matter for the Public Service Board to decide on entitlements to accouchement leave upon terms and conditions fixed by the Health Commission and approved by the board. However, the board is not the initiating body and it is not the body responsible. I draw that point to the Hon. Miss Levy's attention. It discriminates against women where they have worked for a department for three or four years. If the Minister can do no better than that I will take him at his word and suggest that the matter should be further considered. The Minister is becoming as bad as the Rundle Street traders who employ women on the day shift for seven hours and pay them no long service leave, no annual leave, and no sick pay. The Minister cannot do that in this case. I believe that the Minister should reconsider the matter and recommit it tomorrow.

New clause negatived.

Clauses 19 to 21 passed.

Clause 22—'Budget estimates and staffing plan.'

The Hon. J. R. CORNWALL: I move:

Page 9, after line 2—Insert new subclause as follows:

(2) Where the institute proposes to finance, wholly or partially, a trip outside Australia for a member of the council or an officer of the institute, the budget and itinerary for that trip must be submitted to the Health Commission for its approval.

Amendment carried; clause as amended passed.

Clauses 23 to 29 passed.

New clause 29a—'Right of officers of the institute to publish scientific findings.'

The Hon. J. R. CORNWALL: I move:

Page 12, after line 13—Insert new clause as follows:

29a. Subject to section 30, an officer of the institute who, in the course of his employment with the institute, makes any findings of a scientific nature may publish those findings and, in so doing, shall not be in breach of his employment.

This is an extremely important clause. It refers to academic freedom for employees of the institute. That has been a bone of contention in the past and has caused some difficulties. I will not go into specifics unless pressed. There have been faults on the part of previous Governments of both political persuasions in relation to scientific findings at the institute which Governments have attempted to suppress. In any institute conducting research, particularly research on matters affecting human beings, that is quite an intolerable position. This clause will protect the rights of officers employed at the institute to publish, either in a learned or scientific journal or to publish in the general sense by appearing on the electronic media or in the press, statements concerning findings of a scientific nature which have come to the notice of an officer or officers in the course of research conducted at the institute.

Situations could arise and have arisen in the past where a scientific officer could find that some chemical substance or other is harmful to human beings. It may be a new finding, it may be carcinogenic, mutagenic, or toxic. For reasons best known to the Minister, whichever Minister it may be, an attempt could be made to suppress those findings. That would be an intolerable situation. Not only can it happen, it did happen. It happened in relation to the case of *naegleria fowleri* in the first instance and it is also alleged to have occurred in relation to Dr John Coulter. This safeguard is absolutely imperative if the institute is to carry out scientific research which means anything and which can be published freely just as it can be in a university or in any other reputable institute throughout the world which is charged with scientific research.

The Hon. R. J. Ritson: You're not suggesting that there is any deliberate suppression?

The Hon. J. R. CORNWALL: I will not go into the details.

The Hon. R. J. Ritson: I don't think there are any details to go into.

The Hon. J. R. CORNWALL: I am talking about something that occurred some years ago and the Hon. Dr Ritson may not know about it. I will not elaborate, but these situations can arise and have arisen in the past. It is an intolerable situation and I ask all members to support this new clause.

The Hon. J. C. BURDETT: I oppose the new clause.

The Hon. J. R. Cornwall: Because I moved it.

The Hon. J. C. BURDETT: Not at all. It would be intolerable for a responsible director of an institute such as this to be put in such a position. Adequate protection for individuals is already provided. It is normal practice for research workers to submit their work to supervisors to the institution or to the governing body. There are certain journals without an impeccable scientific record and institutions need to be protected from them.

All major hospitals where active research is conducted have research committees which vet the quality and content of research papers. This is to ensure that high standards are maintained and that the reputation of the institution from a scientific and legal standpoint is protected. This is common practice throughout Australia in the health field, not only in hospitals, but also in research institutions such as The Walter and Eliza Hall Research Institute and the C.S.I.R.O.

The amendment would place the I.M.V.S. out of step with recognised practice throughout Australia and overseas and could have an adverse effects on the reputation of the institute and profound implications for publications of research papers in the health area generally. As a result of the amendment, the reputation of the I.M.V.S. as an institute which conducts research under the most rigorous scientific methods capable of withstanding scrutiny of any international evaluations could be held hostage to unscrupulous or inadequate staff on the institute. I oppose the amendment.

The Hon. N. K. FOSTER: I angrily refute what the Minister has said. The hiding of the findings of research and the withholding of information in the United States has resulted in many court cases involving chemical companies and has been the subject of many *Four Corners* programmes in this country.

The Hon. Mr Burdett read a document prepared for him by academics. If one traces the history of asbestosity in Canada in the 1930s, one sees that the academics were denied the right to publish papers about people who had died in scores. That death is most horrifying. If the Hon. Mr Burdett wishes to adjourn the matter, I can get newspapers from 1935 to 1940 about the Canadian experience. During the 1950s on the waterfront I banned the handling of coarse jute bags.

It is a different story today, becuse I take it upon myself to go to universities and write to universities that I have been led to believe have researched these matters. Everywhere one goes one finds a different attitude in respect of this paticular matter. I have been engaged in industry in respect of a number of serious toxic substances. One toxic substance still used in grains is phosloxin. I went to universities and health authorities when it was first introduced into the grain trade. I told people responsible that we would not work in ship holds because we were not given sufficient information from research about this. We went on strike and were overridden. Five foremen who did the work that we refused to do have died. They died of phosloxin poisoning. There are many farmers dead today because of the mishandling of that toxin over the past 15 years.

Do we have to stand here in 1982 and listen to such a load of rubbish as the Minister suggests? If I am an engineer engaged in manufacturing lifting appliances and want to test those appliances through an independent authority and approach the university engineering faculty, am I denied the right to test that within the proper means they have for testing it, or do I have to rely on a Government department, whether it be State or Federal, to say that it will get that information for me? That is a load of nonsense.

One cannot take this sort of risk with people's lives. The Hon. Mr Burdett says that he wants to protect the individual. There are many individuals engaged in research who have become so frustrated that they have concluded their research in countries other than the one in which they were born. That happens because one hears such rubbish from Ministers, Governments and departments as we have been subjected to in this Chamber.

This is one of the most important amendments to the Bill. Dr Coulter had established, not through his own making, an area of contact with trade unions which were concerned about a number of matters of interest to the public. When those people learned through public meetings he called of a particular substance—

The Hon. R. J. Ritson: He's a pretty political fellow, isn't he?

The Hon. N. K. FOSTER: And so are we all. I remember a late President of this Chamber ruling a question I had asked out of order because it was a political question. That is a joke. We are all political animals when it comes to Bills. People outside are political animals when they are subjected to the passage of Bills here. That is a stupid interjection. As the Hon. Frank Blevins says, 'The buck stops here,' and each one of us should remember that. We can drag a judge in here and throw him in gaol.

If Professor Oliphant was a member of this Chamber he would go crackers. The Minister is saying that the whole of the medical research that goes on in universities, whether in this State or elsewhere, even at hospital level, is privy to a Minister, and a department, and must not be uttered by the person who did the research, for their own protection. What a load of cods wallop. The Government acts more responsibly in relation to drunks in motor vehicles than in the interests of the people of this State.

The situation proposed must breed the greatest of apathy in scientific and academic research. To whom does the researcher go? He could go to the departmental head and be told that he could not commence a paper on it because the departmental head may suspect that he was going to publish it with or without the knowledge of the department. Is that correct? Is that the right and proper thing to do? I cannot be convinced that that is right.

The radiation Bill will be coming into this Chamber shortly, and I refer to this clause in relation to that Bill. If such a provision had been imposed on earlier research and scientific activity in universities, it is possible that none of the sciences and medicines of today would now be available. We are not talking about the whim of someone in the department who has just thought about this clause, because this provision affords a right and at the same time affords a cloak of protection necessary to ensure that scoundrels do operate within the proper bounds of discretion, scientific research and understanding.

The Minister need not laugh, because I know of people who are in graves for these reasons. What about the five wives of waterfront workers who have never handled asbestos but who are dying from lung cancer? Does that startle the Minister, or does he not care? Those women are in that position and other people are in the ground at Cheltenham because there was suppression on this matter for some years in Canada. However, the story was blown by research authorities in Great Britain. The Minister should not take it lightly at all.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: The honourable member may laugh, but he has not been exposed to such things. I refer to people who have been denied knowledge of research and proper understanding by chemical manufacturers and academics and others who should have given greater regard to their advice. If the honourable member were more aware of the situation he would not hide his face in the *Financial Times* trying to make a fast buck on the stock market tomorrow. That has been the sorry spectacle of this matter, and now the Government is going to protect an individual

who has not been exposed other than in a laboratory sense to the evils that he may well create.

The Hon. ANNE LEVY: I support the new clause in the strongest terms and decry the absolutely ridiculous statement that the Minister just read out. I can assure him that that sort of statement, when carefully circulated around the academic institutions of this State, will probably lose his Party every vote it may have had in those institutions.

The Minister quotes different institutions interstate and elsewhere and the procedures which occur there. In every scientific institution research work is discussed, read, vetted, and considered at many different levels, and anyone who writes a paper will ask his peers and superiors for their opinion on it and take anything said into serious consideration. Anyone who has had any experience of scientific work would know that people do not write their papers in isolation, but to suggest that, having completed their research, writing and discussion of it, they can then be prohibited from publishing it goes against all tenets of academic freedom which have existed not only in this country but also throughout the world.

If there is this possibility of censorship, the institute will lose all scientific credibility, not just in South Australia but throughout the whole world. The various groups like the Walter and Eliza Hall Institute and the C.S.I.R.O., which the Minister mentioned, do have a vetting procedure, but they are not institutions which are under the direct control of the Minister; they are run by individual boards and do not have their research or policies laid down by a Minister.

Unless a clause such as this is included, the Minister would be able to censor any scientific work which is done within the institution. It allows the possibility of political censorship of scientific research, something about which I would not have thought at this time in the twentieth century in a country such as Australia one needed to argue. I am flabbergasted that one would have to mention such a thing in this day and age. I would have thought that these battles were fought and won hundreds of years ago in Europe. To still have to argue them in Australia today suggests such an antiquated authoritarian mentality that I am just aghast.

I cannot believe that the Minister has uttered the words that he has. It is incomprehensible to me. This new clause becomes all the more necessary to guarantee academic freedom to scientific research workers in the institute if that institute is to retain any credibility anywhere for scientific research. I urge all honourable members to support the new clause.

The Hon. K. L. MILNE: I can understand honourable members getting emotional about this matter. It does come up from time to time, and rightly so. I am objecting to the new clause not because of the principle but because of the wording because I think it needs much more research, since no clause of this kind is contained in the Acts of either of our universities.

The Hon. Anne Levy: They're not subject to Ministerial control.

The Hon. K. L. MILNE: I cannot see the significance—

The Hon. Anne Levy: The Minister himself could prohibit publication of something. No Minister can tell the university what to publish.

The Hon. K. L. MILNE: Fair enough. The wording of the new clause has come out of an assessment of one particular case about which there has been much publicity.

The Hon. Anne Levy: Surely it is a principle?

The Hon. K. L. MILNE: It may be a principle, but the wording has been made, I believe, to cover one outstanding case.

The Hon. Anne Levy: Suggest a different wording.

The Hon. K. L. MILNE: As I have told the Hon. Dr Cornwall, I have discussed this matter because I was interested in supporting it either in its entirety or in principle. However, I was informed, certainly by the Minister, that the fear is that someone publishing something that is not authorised, approved or agreed upon, could result in claims in regard to the institute, the author, or the Minister. Personally, I doubt that.

The Hon. Anne Levy: If someone publishes rubbish, it reflects on that individual only. Everyone knows that.

The Hon. K. L. MILNE: The Hon. Anne Levy has made a good point. That sort of thing reflects on the individual, but that individual is employed by an institute of high standing and, automatically, that action reflects on the institute.

The Hon. Anne Levy: Nonsense!

The Hon. K. L. MILNE: Wait a minute; let us take it easy. I have tried to obtain an answer, and the Parliamentary Counsel has tried for me, but was unsuccessful. They believed that, after all, it was probably better to leave this out altogether and to leave the situation as it is. I do not believe that that is right. I believe that the amendment is right in its intention but wrong in its wording.

The Hon. N. K. Foster: You suggest the wording.

The Hon. K. L. MILNE: I cannot do that in the time. I asked the Minister to make inquiries interstate, which he did. I take the point that the Minister will be in charge of the institute, but all institutions, whether research institutions or teaching hospitals have, I am given to understand, a vetting and supervision control, to which the Hon. Anne Levy referred.

The Hon. Anne Levy: Not by a Minister though.

The Hon. K. L. MILNE: We should be very careful before putting this in writing. I wanted to find some sort of disclaimer to protect the institute or the Minister and to allow the scientists to publish, if they wanted to. Perhaps there could be two clauses, one to protect the scientist or the officer who wants to publish, and the other to protect the institute or the minister, or both, and they could provide that, if material was published, the institute was not responsible. The Parliamentary Counsel, who are lawyers, could not find an answer.

I do not know whether or not the I.M.V.S. has been guilty of suppressing scientific work, and I do not know whether good work was done, but I suspect that there have been some rumblings that should be brought out in the open, although I really do not know for sure. The solution is not easy.

What the Hon. Dr Cornwall and the Hon. Anne Levy are trying to do requires proper definition and very high level advice. I believe this matter could probably be worked out and, if it could, I would support it but it is very dangerous to support it in this form. There is no precedent, and I do not believe that the matter has been subject to legal advice. We should be very cautious before passing this amendment.

The Hon. ANNE LEVY: I wonder whether I can offer a suggestion to the Hon. Mr Milne while in no way pretending that it is high level legal advice. I have some experience in relation to scientific work and publications in that area. If the honourable member is concerned that scientific work that is performed at the institute should in no way reflect on the institute if peer review does not approve of its publication, may I suggest that the officer could have the right to publish his work but not to use the address of the institute. This has occurred in other cases of which I am aware.

There would be no suggestion of censorship or that someone may not publish but, if peer review does not approve of the publication, the address of the institute would not be used by the author, who would use his private address for the purposes of publication. In this way, there can be

no possible reflection on the institute, if that is what the honourable member is concerned about. If a person publishes rubbish, it would reflect on him alone. Does the honourable member believe that that is an acceptable suggestion with which he could agree?

The Hon. K. L. MILNE: It is an excellent suggestion, but we would need legal advice as to the disclaimer that would appear on the article. What address would be used?

The Hon. Anne Levy: The private address.

The Hon. K. L. MILNE: People would know who the employer was. We can work in this direction. That does not spell out that a person should disclaim and say that the work is a personal opinion. The wording is not given. This matter requires more thought, but I am sure that it could be worked out.

The Hon. N. K. FOSTER: The institute at the Levels will be expanded and huge structures will arise, which will not be subject to the inefficiencies that are proposed in this Bill. We should ensure that the public and the research facilities that are contained within this building in the health area are lifted completely and entirely from the realms of this Bill and incorporated in the university area, where access is given by way of request to the publication of papers, to ensure that the public can have access to the results of money that has been expended on its behalf.

It is a funny society that says that academic science and research shall be used for the purpose of convicting a person who is a law breaker and that papers can be published by forensic scientists in respect to an alleged crime in almost every aspect of detail that science can fetch to bear upon a particular case, yet we sit here at almost midnight haggling among ourselves whether or not the amendment can be accepted by the Government. The amendment has for its simple purpose the right of publication of a research facility that is solely publicly funded, but the Bill makes provision that the greatest beneficiary is the so-called free enterprise area of our society.

I put to the Minister that the acceptance of the amendment does not give an individual the right to scribble off hastily and furtively the results of a research matter and have it disclosed under the name of the institute. Contained within the bill of rights of the institute is the provision to sack out of hand a person for such activity. It would not be accepted. No-one in his right mind, of any political persuasion, or of any academic persuasion, would support and defend that type of activity.

I cannot agree with the Hon. Mr Milne, who implies that the English language is so wanting in its expression that it cannot come to terms with this proposal in a way that will allow it to be presented to Parliament to meet the requirements of the department.

The Hon. K. L. Milne: I said that this amendment does not do so; I said that it can be done.

The Hon. N. K. FOSTER: I do not condemn the honourable member. The English language is one of the most expressive in the world. I urge the Minister to accept the advice of Mr Milne and Miss Levy in this matter and take aboard some of my urgings also. Both the people I have mentioned have had some education in the tertiary field and we must rely on those who have academic knowledge.

The Minister's advisers ought to give thought to the fact that they are not locked into a situation. The matter can be laid aside until the Minister can consider all that has been said in the Committee stage. I urge all honourable members to seek the opportunity for discussion so that a proper formulation can be brought before this Committee in regard to the Bill. There is an inability in the structure of this Chamber to properly do that. There is no way I can enter this debate any further tonight by consulting those people charged with drafting the amendments on behalf of those who wish to move them. I hope that someone more eloquent than I will rise to ensure that legislative justice is done in regard to the measure before the Council. I support the amendment; I have no alternative.

There must be a means for adult people in a place like this to come to a consensus of opinion. I urge you, Mr Chairman, to guide us along the correct procedural course whether we can use the forms of this Committee to lay the Bill aside until such time as something can happen. The Leader of the Chamber is glancing at his fellow members. It is not important that this Bill be passed between 11.55 p.m. and 12.50 a.m. Surely it can be looked at tomorrow. We should explore every possible avenue so that this matter can be solved in an amicable way and so that the Minister does not carry an unfair burden in this matter.

The Hon. Mr Milne has doubts that he wants clarified. There must be a different approach to research than there has been in the past, as it has been restricted. It would be quite wrong and self-defeating to tie ourselves in regard to research and in many other areas.

The Hon. J. R. CORNWALL: This is a matter of very great importance. I suggest, if the Minister sees fit, that it would be wise to report progress and seek leave to sit again tomorrow so that he can take more advice on the subject. There are a couple of examples I might give to prove quite starkly and clearly that it is absolutely essential for a research institute such as the I.M.V.S. to have freedom for its scientific staff to publish. I refer to the example of the recent C.S.I.R.O. work in the lower South-East. It has been accepted for years that the safe level of nitrates in water was of the order of 45 parts per million. I cannot vouch for that figure, but I believe that that was the figure as set by the World Health Organisation.

That figure was set as a level above which there was a danger of infant methaemoglobinaemia. Subsequently, the C.S.I.R.O., in the course of some epidemiological studies, felt that there was a higher incidence of birth defects in certain areas in the lower South-East than in other parts of the State and they did some research on it. The results of that preliminary research indicate fairly clearly that there is a connection between a higher incidence of birth defects in the lower South-East and a well known high nitrate content in the water. That has nothing to do with the methaemoglobinaemia, which is an acute problem if you get a high nitrate level. It has got to do, it would seem, with nitrosamine, something quite different, and shows something which may also be involved in cancer of certain organs of the body. It can occur with much lower levels of nitrates in the water than the 45 parts per million which was the level set by the World Health Organisation for a quite different condition.

The people at the C.S.I.R.O. were free to publish that work—quite free to publish that work. Had they not been, then the alert would never have been sounded because it is also my experience that public health authorities tend to sit on these things. Their line consistently is that they do not want to unnecessarily alarm the public. Certainly, that has been the experience in South Australia. I could quote chapter and verse numerous examples over many years where that has happened. That, I submit, would have been the fate if this research had been carried out by the I.M.V.S. under its new charter and subject to Ministerial control, because the Minister of the day would have thought (and thought possibly correctly) that there was some political embarrassment in that sort of story being known. Indeed, I will go further. After the faeces hit the fan, so to speak, and the story got out—

The Hon. L. H. Davis: Is this the new Mr Clean?

The Hon. J. R. CORNWALL: That is quite Parliamentary. However, let us say after the balloon went up, the Health

Commission was, of course, immediately involved because the story was out and about. As a result of that, we had all sorts of assurances that there was really nothing wrong. Things may appear to be wrong, and perhaps somebody has come up with some very good scientific evidence; people held very highly in the scientific community had done the work and were about to publish their findings. However, we had assurances from the medical officer in Mt Gambier and the Health Commission that things were not what they seemed and that one should not be alarmed, anyway. There was the quite incorrect information that if it was a teratogenic or genetic effect pregnant women should drink rainwater. There is no point in drinking rainwater once the damage has been done. Quite clearly, after the early stages of conception whether it is a teratogenic or genetic complaint the damage is done, if it is a genetic effect, and nobody is sure it is. Equally importantly, or more importantly, young males or males of any age contemplating reproduction, should also be drinking rainwater, and the Hon. Miss Levy would agree with that.

The Health Commission then put up a bit of a smoke screen and said, 'Yes, we are going to investigate this and we are also going to conduct animal surveys to see whether there is a higher incidence of genetic or birth defects in animals in the South-East. We will put this in place and conduct animal experiments as well.' I cannot recall when that was, but it seems that it was very close to 12 months ago. However, not one more word has been heard. That is typical of how Government instrumentalities or the Public Service work when they are subject to Ministerial control. It is quite different from an organsiation like the C.S.I.R.O. or the various research institutes that have been referred to tonight which are not subject to Ministerial control and quite different from the universities. I also point out, as the Hon. Anne Levy has pointed out, that in any of these scientific institutes that work, if it is worth a pinch of salt, is subjected to the peer review process. Not only that but very often the director or one of the senior officers involved in those institutes is put in the paper as one of the authors because they are involved at some stage of the process, whether during the course of the research or in reviewing the research, with the validity of the research. It is the rule rather than the exception that one of the senior people in the institute or university in that particular department is associated with the paper as one of the authors.

It is quite arrant nonsense to suggest that mad scientists wander around the countryside publishing anything that comes into their heads or rushing to neswspapers, or going on television telling funny stories. To suggest that is a tremendous slur on the integrity of anybody involved in scientific research. In practice, it just does not happen. The other thing is that once work is published in scientific journals (I am referring to original work in particular, and this, of course, is what is concerning us with this amendment) then it is normal for that to be assessed by the research workers' peers throughout the scientific world. The work has to be replicated, it has to be repeated by the other workers or disproved by other workers. It goes through this quite lengthy process until it becomes absolute scientific fact, but it can be flagged in the original publication, so there really is no danger in the accepted practice within the scientific community that somebody who is quite irresponsible is going to go to the press for the sake of getting a line.

Scientific researchers, unlike politicians, are not in the habit of chasing headlines. They do their work quietly and thoroughly and hope that at the end of the time they will produce something valuable for the community. They are not in the business of getting publicity, particularly unfavourable publicity. Let me refer you, Sir, to the question of lead, which you know is something I have taken a particular interest in in recent years. We had the incident of the lead in schoolchildren at Thebarton Primary School. Ultimately, the commission was forced to do a survey on those children and came up with a series of results which showed a small number of children with levels over 30 micrograms per 100 millilitres. A large number ranged from 15 micrograms to 30 micrograms per 100 millilitres, and some were below 15 micrograms. They took, they explained, expert advice that only three children (in other words, those over 30 migrograms per 100 millilitres) could possibly have been adversely affected; that was the safe level that was set. That level, apparently, was taken from an article in what I think is the Journal of Neurological Development and Science published in the United Kingdom and based on an article published in 1980. What it did not take cognisance of was that there was a subsequent article published in October 1981 which was, admittedly, only a preliminary pilot study on about 160 children. However, that article, using more recent knowledge that should have been available to people within the commission, suggested that it was quite likely that there were adverse affects on the neurological development and particular on I.Q. levels in school children who had in excess of 12 micrograms per hundred millilitres.

It is quite possible that the children at Thebarton at this moment are continuing to be adversely affected with a range of blood levels between 15 and 30 microgrammes per 100 mls. That is not the sort of thing that health commissions or public health authorities subject to direct Ministerial control tend to bruit abroad. They tend to deal with such matters quietly. That is a general procedure and it is very often the policy. Officers are not allowed to make these matters public without the express permission of the Minister. For that reason this is a very important amendment.

When I rose to speak to this amendment I said that it was one of the more important amendments to be moved by the Opposition tonight. As the debate has progressed, particularly since I have heard the contribution of my colleague the Hon. Miss Levy (and lest we forget she happens to have a Masters degree in science and is very learned in these matters and has spent a good deal of her career in the academic field), I am absolutely convinced that to defeat this amendment would be an absolute disaster. I think the Minister would be wise to report progress and for the Committee to sit again later today.

The Hon. J. C. BURDETT: The Bill was tabled over a fortnight ago and I do not propose to report progress; I believe that the Committee can deal with this matter now. In its present form the Bill does not in anyway inhibit publication. If this amendment were passed it could be that the Director-General could be served with a writ in relation to a scientific paper that he had not seen. In fact, the Hon. Miss Levy acknowledged that the I.M.V.S. and other similar research institutions have a vetting process.

As with so many things that I have said in relation to this Bill, there are procedures and committees which already exist and there is no need to refer to them in the legislation. In relation to Ministerial censorship, the Hon. Dr Cornwall correctly said that it is arrant nonsense to suggest that mad scientists rush around the country publishing irresponsible papers. It is also arrant nonsense to suggest that in matters such as this there is any such thing as Ministerial censorship. In practice, the Minister never sees research papers which come from the institute. I oppose the amendment.

The Committee divided on the new clause:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 30 passed.

Clause 31—'Annual report.'

The Hon. L. H. DAVIS: In my second reading speech I indicated that I could not accept clause 31 as it was drafted, because it stipulated that the I.M.V.S. should on a date not later than the date stipulated by the Minister present a report on the administration and activities of the institute. It has been commonly agreed by both Parties that as the I.M.V.S. is a large organisation with an annual budget of $17 000 000 it should be accountable to Parliament and the public for its activities. Therefore, I foreshadowed an amendment to ensure that the annual report should be presented to the Minister not later than 31 October each year. However, since I foreshadowed that amendment and placed it on file the Minister advised me that he was also placing an amendment on file. I indicate that I am happy to accept the Minister's amendment, namely, to provide that the report be presented to the Minister on 30 November each year.

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

Page 12, line 22—Leave out 'a date stipulated by the Minister' and insert 'thirtieth day of November'.

I have consulted with officers of the department and it seems that November is a more appropriate time than the end of October. I accept the principle enunciated by the the Hon. Mr Davis that there ought to be a time for reporting in regard to an organisation such as this, which has a measure of independence and spends a large amount of public money. It would be proper that, before the I.M.V.S. reports, it should have the opportunity of being able to evaluate the next Budget. For various other reasons, the end of November will be a more appropriate time.

Amendment carried; clause as amended passed.

Clauses 32 and 33 passed.

Title passed.

Bill recommitted.

Clause 22—'Budget estimates and staffing plan'—reconsidered.

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

To strike out new subclause (2).

This was the new subclause inserted by the Hon. Dr Cornwall. I do not oppose the principle in it but, as with so many amendments that the Opposition proposes, there are already procedures laid down. It would seem to me that in this case it would be inappropriate to have this new subclause in the Bill. Regarding overseas trips, the procedure at present is that where the only expense incurred is leave with pay, then such application goes to the Health Commission for approval and the Minister approves a yearly budget accordingly. Where the overseas trip involves expense of one kind or another, it goes to the Health Commission and then to the Overseas Travel Committee, established by the Government, and then to Cabinet.

The Hon. J. R. Cornwall: When was that established?

The Hon. J. C. BURDETT: I think it was established by the previous Government. It has been in operation ever since I have been a Minister and not only in regard to the I.M.V.S. or the Health Commission, but in regard to every department. Any application for overseas travel first goes to the Overseas Travel Committee and then to Cabinet. When those applications go to Cabinet, they have to be accompanied by the report from the Overseas Travel Committee. I assure the Committee that applications for overseas travel by officers of any department or instrumentality, be it the I.M.V.S. or elsewhere, are carefully considered and scrutinised by Cabinet.

All that the new subclause does is to provide that the budget and itinerary for the trip be submitted to the Health Commission for its approval. That procedure is already clearly laid down and it goes further than that at the present time. The new clause provides that it is to be submitted to the Health Commission. At the present time, without any legislative provisions, it goes beyond that—to the Overseas Travel Committee and Cabinet. The new subclause is unnecessary and it is undesirable to put into a Bill this kind of procedure which is clearly established elsewhere.

The Hon. J. R. CORNWALL: The Overseas Travel Committee has existed for quite some time. It was in existence when I was a member of Cabinet. In hindsight, there were many applications which did not contain the necessary facts. The trips occurring at that time it seems were paid for partly or wholly by a variety of people, including manufacturers of quite expensive instruments. Things like that arose during the course of the questioning during 1980. Applicants were happy, despite there being Cabinet serveillance. I know that this particular Cabinet sits for eight to ten hours at a time. Notwithstanding that, to scrutinise every report that comes before it regarding overseas trips can be quite a difficult business and this new subclause provides that, where the institute proposes to finance wholly or partially the budget and itinerary (which means, in other words, if there is any suggestion at all that the trip is being partly financed in any way by any source), the responsibility for approving that rests fairly and squarely with the Minister of Health. The buck stops fairly and squarely on the Minister of Health's desk. That is the position that would apply in practice.

An individual Minister has the time to scrutinise and make sure that any proposals that come in have no irregularities regarding the budget or finance. That does not necessarily apply to the same extent to the Overseas Travel Committee and more particularly to Cabinet. By my amendment I am attempting to ensure that the Minister of Health, whoever he or she may be at any time, has direct responsibility for examining the budget very carefully to see how the trip is being financed, who is paying for it and to read it carefully before signing it so that the events that occurred during the 1970s, when we had the question of persistent overseas tourists at the institute, will not be repeated.

The present procedure, which is no different from the procedure which existed for several years under the previous Government, does not provide adequate protection in the case of the institute. There is plenty of evidence based on what was happening in the 1970s to prove that that is the case. The Minister can say that Cabinet was sloppy and did not do its job; the pressures that are on Cabinet are such that it is not reasonable to expect it to always pick up these sorts of irregularities. It is entirely reasonable to expect the responsible Minister—and the Minister now is responsible, which is a very different situation from that which pertained prior to the passage of this legislation—to exercise that responsibility with regard to overseas trips.

The Hon. J. C. BURDETT: I certainly support the Hon. Dr Cornwall in wanting to ensure that the question of overseas trips at the institute or anywhere else is properly vetted, but his amendment does not achieve anything that is not already achieved. All it does is to ensure that the Budget and itinerary of the trip has been submitted to the Health Commission. That already happens, because the budget submission is signed by the Minister, so the Minister signs the submission which goes to Cabinet.

First, the matter goes to the Overseas Travel Committee but, whatever that may involve, the Minister is certainly responsible because the Minister signs the Cabinet submission. I do not know of the practice in the past, but certainly at present it includes a budget and itinerary. What the honourable member seeks to achieve already happens. All his amendment would achieve would be to see that budget and itinerary go to the Minister, and that happens already because there is no way that the person can go overseas without the submission going to Cabinet and signed by the Minister, and accompanied by a budget and itinerary.

Amendment carried; clause as further amended passed.

Bill read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

Section 90 of the Family Law Act 1975 of the Commonwealth purported to exempt from stamp duty instruments of various kinds affecting property settlements related to matrimonial proceedings. On 24 December 1981 the High Court ruled by a majority that section 90 has no application to stamp duty levied by the States. This decision confirms advice tendered by the former Solicitor-General to the effect that the provisions of section 90 were much wider than could be validly enacted by the Commonwealth. Following this opinion the Commissioner adopted certain 'working rules' for assessing transfers to which section 90 applied. The view that the States should treat section 90 as having only limited effect was also adopted in three other States, namely, Queensland, Tasmania and New South Wales. Of these three States, it appears that Queensland and Tasmania are presently not contemplating legislation to replace the Commonwealth law that has now been found to be invalid, while New South Wales is contemplating legislation that will confer a stamp duty exemption in relation to transfers between spouses. In order to guard against fraudulent claims, the exemption will be conditional upon the dissolution of marriage. The Government believes that this proposal constitutes a satisfactory basis for legislative action and accordingly the present Bill contains a provision providing for an exemption along those lines.

The Bill also widens the power of the Governor to grant exemptions from stamp duty in respect of conveyances of securities issued by Government instrumentalities. Inscribed stock certificates issued by the State Bank of South Australia are not subject to the payment of stamp duty at the time of issue but, if the certificate is transferred to a third party, the transfer attracts duty at the rate of 0.1 per cent. Inscribed stock is issued mainly to other statutory bodies for the exclusive purpose of funding the concessional housing programme. Stamp duty on the subsequent transfer of the stock is a factor taken into account by prospective investors and has a direct influence on the interest rate offered at the time of issue. In the present competitive climate for deposit moneys, the bank's board of management believes that an exemption from the payment of stamp duty on transfers of its inscribed stock would enhance the marketability of the stock and would offer local statutory bodies a greater incentive to invest. The Government believes that the bank's proposal for exemption from stamp duty is reasonable. There is a problem in using the present provisions of paragraph 6 of the general exemptions contained in the second schedule to the Stamp Duties Act for the purpose of granting the exemption. If an exemption is granted under this paragraph it will operate in respect of all securities issued by the bank but it is intended that it should only operate in respect of a certain class of securities. An amendment is therefore made to this power of exemption so that an exemption may be granted in respect of a particular class of securities. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clause

Clause 1 is formal. Clause 2 makes the operation of the amending Act retrospective to 24 December 1981, i.e. the date of the High Court's judgment in relation to section 90 of the Family Law Act. The amendment relating to duty on conveyances of securities will, however, operate from a date to be proclaimed. Clause 3 enacts section 71 ca of the principal Act. This new section exempts from stamp duty instruments related to property settlements in matrimonial proceedings which provide for dispositions of property between the former spouses. Where such an instrument is stamped before dissolution of marriage takes effect, the parties are entitled to a refund of duty upon the subsequent dissolution of the marriage. Clause 4 amends the power of exemption contained in paragraph 6 of the general exemptions in the second schedule to the Stamp Duties Act. This amendment enables the Governor to declare a specified class of securities to be a class of securities to which the exemption applies.

The Hon. C. J. SUMNER secured the adjournment of the debate.

PAY-ROLL TAX ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

In keeping with its stated policy of removing as much as possible of the burden of taxation from individuals and businesses in South Australia, the Government is proposing to increase the maximum exemption level for pay-roll tax purposes from $84 000 to $125 000 with effect from 1 July 1982. The present level has been operating since 1 January 1981 and it is, therefore, apparent that the proposed change will do considerably more than maintain the real value of the present exemption. It will provide genuine relief to a large number of small businesses and enable many to escape pay-roll tax altogether.

For firms with payrolls in excess of $125 000 (to be precise, $124 992) the present tapered exemptions will continue to apply. Moreover, because of the increase in the maximum exemption, the range over which this tapered exemption applies will be extended, notwithstanding that the minimum exemption will remain unchanged at $37 800. As a result, only firms with annual payrolls in excess of $255 800 will receive no benefit. Many firms with annual wage and salary bills in excess of $125 000 will find themselves better off in real terms than they were immediately following 1 January 1981. Those with wage and salary bills more nearly approaching $255 800 will not benefit in that sense but will nevertheless pay less tax than if the legislation were left untouched.

The cost to the Government of raising the maximum exemption level as proposed is expected to be of the order of $5 000 000. Some part of this, of course, is no more than the cost of restoring the real value of the exemption limit

to the level of 1 January 1981, but a significant proportion represents a genuine taxation concession to small business men. The full $5 000 000 is revenue which the Government would otherwise have had available in 1982-83 and which must now be found from other sources or matched by savings on the expenditure side of the budget.

The need to seek out these savings is a clear indication of the dilemma faced by the Government whenever the issue of pay-roll tax arises. It is, without question, the most undesirable form of taxation. While it is difficult to argue that the extra cost represented by pay-roll tax actually influences the decision to hire the marginal employee, the overall burden of the tax almost certainly influences employers to minimise labour costs wherever possible and to reduce employment opportunities. At the same time, it is by far the most important of the State's limited sources of revenue and the decision to relieve somewhat the burden of the tax must be weighed carefully against the impact of the revenue forgone as a consequence. The Government has wrestled with these problems and come to the conclusion that an increase in the maximum exemption level to $125 000 per annum would be appropriate as from the beginning of 1982-83. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on the first day of July 1982. Clause 3 amends section 11a of the principal Act. This section establishes the deductions that are to be made from taxable wages in order to calculate pay-roll tax. The effect of the amendments is to increase the exemption level from $84 000 ($7 000 a month) to $125 000 ($10 416 a month). The present minimum deduction of $37 800 ($3 150 a month) is not altered by the clause.

Clauses 4 and 6 make consequential amendments to sections 13a and 18k of the principal Act. These provisions both relate to the assessment of pay-roll tax, section 18k applying where employers are grouped together, and pay-rolls aggregated, for the purposes of the principal Act. Clause 5 amends section 14 of the principal Act. This section requires employers who pay wages in excess of a certain amount to apply for registration. The clause increases the relevant amount from $1 600 a week to $2 400 a week.

The Hon. ANNE LEVY secured the adjournment of the debate.

PASTORAL ACT AMENDMENT BILL

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

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

It embodies the results of a complete review of the Pastoral Act undertaken by this Government. It is the Government's general policy to review and, where appropriate, to enhance the security of tenure of primary productive and other rural lands of the State, and also, where possible, to remove from land tenure legislation provisions that are archaic and inappropriate in the light of current social and economic needs.

The Government also recognises that there is public concern for the sensitive nature of the State's arid lands and that there is a need to retain and strengthen controls over the use of these lands, so as to ensure their conservation and, at the same time, their sustained yield. There has been a gradual emergence of alternative and joint land use needs in the State's outback, in the areas of tourism and recreation in particular, and the Bill seeks to provide appropriate tenures and management measures to meet those needs, whilst providing for the protection of the environmental qualities of these unique lands.

The Government holds the view that, where arid land users are required to have regard for the long term or infinite productivity of such lands, it is reasonable that they be accorded a comparable long term or infinite interest in leases of the lands, subject to appropriate reservations, covenants, terms and conditions. The Bill therefore provides for the conversion of current leases (most of which are for 42 years) to perpetual leases, if the lessee so desires. The security of terminating leases is to be enhanced by providing a right of application for renewal between the twenty-second and thirty-fifth years of the term of such leases.

Control of the level and intensity of arid land use will be gained by inviting lessees to submit management plans with all applications, including applications for renewal of leases. Such management proposals will, if approved, be expressed in lease reservations, covenants and conditions, and be subject to review, and change where appropriate, each 14 years. All leases granted after this amending Act will be subject to review of conditions and covenants each 14 years.

An Outback Management Advisory Committee is to be set up to advise the Minister in matters and issues related to the use and management of outback lands and their renewable resources. The committee will be comprised of representatives of public land use interest groups, and will also provide a forum for the presentation and discussion of outback management issues of general public interest and concern.

It is proposed that the rights of public access to pastoral lands in motor vehicle will be limited, and carefully regulated. Motor vehicles will by and large be limited to those roads constructed or maintained by the Commissioner of Highways, and some further tracks to be proclaimed, unless the driver holds a permit from the owner of the lands or the Minister. Finally, the Bill seeks to repeal a number of archaic provisions, some of which are unrealistic and unrelated to contemporary management needs and circumstances, or are unduly regulatory.

It should be noted that the Bill provides for differential proclamation dates. This will permit the Outback Management Advisory Committee to be established, and become involved in the determination of regulatory provisions related to the control of public access to the lands, prior to the proclamation of those sections of the Bill.

In summary, this Bill re-directs the thrust of the Pastoral Act from its previous management criteria related to development and improvements, to one which emphasises management according to the condition of the land and its natural renewable resources.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Certain provisions may be suspended if the need arises. Clause 3 amends the long title to reflect modern day policies in relation to pastoral lands. Clause 4 amends the arrangement of the Act. Clause 5 provides a transitional provision that preserves the validity of existing leases granted under provisions to be repealed.

Clause 6 amends the definition section. The definition of 'lands' is replaced by a definition of 'pastoral lands'—the expression used in the relevant provisions of the Act. The

definition of 'pastoral purposes' spells out the basic purposes for which leases under this Act may be granted. The definition of 'sheep' is amended to exclude reference to goats, to avoid possible future conflict with the Vertebrate Pests Act.

Clause 7 provides the chairman of the Pastoral Board with a casting vote in the event of an equality of votes. Clause 8 up-dates the powers of the Pastoral Board, and sets out various considerations that the board must take into account in exercising its powers. Clause 9 makes clear that the Pastoral Board may administer an oath when it is obtaining evidence in relation to any matter it is investigating. Clause 10 provides that a lessee, as well as an applicant for a lease, may be required to attend before the board.

Clause 11 sets up the Outback Management Advisory Committee. The committee will consist of nine members, selected from a wide range of relevant fields. The Chairman will be appointed by the Governor. The committee's task is to advise the Minister generally on any matter relating to the management, use or further development of pastoral lands. The committee may initiate its own inquiries, or may have matters referred to it by the Minister.

Clauses 12, 13 and 14 provide that perpetual leases may be granted under this Act in respect of unallotted lands. Clause 15 makes clear that a lease may not have included in it some of the conditions set out in the first schedule. Clause 16 makes clear that the blanket provision that a lessee may use the leased lands for pastoral purposes may be qualified by the provisions of his lease. Clause 17 is a consequential amendment.

Clauses 18, 19 and 20 remove the distinctions between lands north or west of the Murray River, and those south or east of the Murray River, a distinction that is no longer relevant. Clause 21 extends the power of the Minister to all small parcels of lands to existing leases, where those small parcels are in close proximity to the leased lands, or are separated merely by a railway. The power is further widened to cover parcels that are up to 150 square kilometres if inside the dog fence, and up to 1 500 square kilometres if outside the dog fence. This latter amendment will provide greater flexibility for boundary determination, and will increase the control over the fencing of areas in support of animal health and disease control programmes.

Clause 22 strikes out a provision that is now redundant.

Clause 23 gives the Minister the power to issue notices to a lessee not only in relation to reducing livestock numbers on his lease but also in relation to reducing other animal populations on the leased lands. If the animal population in question is a species of animal that is protected under the National Parks and Wildlife Act, then the Minister may require the lessee to apply for a permit under that Act for the destruction of a number of those animals.

Clause 24 is a consequential amendment. Where a provision of the Act is now to apply to both terminating and perpetual leases, it is no longer appropriate to refer to 'the term of a lease'. Clause 25 enables a lessee to apply for the renewal of a terminating lease at any time from the twenty-second year of his lease to the thirty-fifth year of his lease. As the Act now stands, he may only apply during the thirty-fifth year, a mere seven years before expiry. The Minister may invite a lessee seeking renewal to submit a management plan in relation to the management and use of the leased lands during the first 14 years of the new lease.

Clause 26 repeals a section of the Act that has no further work to do, in that it relates to surrenders of leases within 12 months of the commencement of the Pastoral Act Amendment Act, 1960. Clauses 27 and 28 are consequential amendments. Clause 29 provides that the rent of a perpetual lease granted under this Act is to be revalued every 7 years. Clause 30 is a consequential amendment.

Clause 31 inserts two new provisions. The first relates to the payment of interest on overdue rent. As the Act now stands, this is provided for by way of a condition of leases, and is stated to be 10 per cent of the unpaid amount. New section 60a will enable interest at the fixed rate (as provided for in section 143 of the Act) to be added as soon as an amount becomes overdue, and thereafter at the end of each year. The Minister is given the power to remit any such penalty interest where he thinks fit. Failure to pay such interest is to be treated as a breach of covenant.

New section 60b provides for the review of all the covenants, conditions, etc., of any lease granted after the amending Act, such review to be conducted every 14 years. Again, the lessee may be invited to submit a management plan in respect of the next 14-year period of the lease, to enable the board to determine the covenants and conditions that ought to apply over that period. The board's determination is subject to the Minister's approval. The lessee is given a right of appeal to the Tenants Relief Board, where new conditions sought by the lessee are rejected, or where the lessee opposes the proposed variations to his lease.

Clauses 32 and 33 are consequential amendments. Clause 34 repeals three sections of the Act that deal with the obligation of a lessee to effect improvements within a certain time. This is no longer considered appropriate as an across-the-board obligation. If it is desirable to have such a provision in a particular lease, it may be added at the Minister's discretion. Clauses 35 and 36 are consequential amendments.

Clauses 37 and 38 repeal provisions that provide that an outgoing lessee is not to be paid for improvements made without the prior consent of the Minister. These provisions are now considered to be inequitable. Clause 39 rationalises the penalty for pulling down or damaging improvements. Imprisonment for up to two years is changed to a penalty not exceeding $2 000. Clause 40 also repeals two provisions relating to improvements, being provisions now considered to be inequitable from a lessee's point of view.

Clauses 41 and 42 are consequential amendments. Clause 43 repeals those sections of the Act that provided for the resumption of pastoral lease lands for the purposes of closer settlement or for enlarging holdings. These provisions have never been used, and are seen as no longer appropriate for pastoral lands. Clause 44 is a consequential amendment.

Clause 45 provides that a lessee under a terminating lease may apply for the surrender of the whole, or part, of his lease for a perpetual lease. The Minister may invite the submission of a management plan in respect of the first 14-year period of the perpetual lease. The Minister may grant the application in part or in whole, and determines, upon the recommendation of the board, the conditions, convenants, etc., of the perpetual lease.

Clause 46 provides that a lessee under a terminating lease, granted for a term that has been fixed on an averaging basis pursuant to the section, may be permitted to apply for renewal earlier than the seventh year before the expiry of his lease. The same provisions are inserted in relation to the submission of management plans as are inserted in the general section dealing with renewal of terminating leases. Clause 47 is a consequential amendment.

Clause 48 provides that purchase-money paid by an incoming lessee for improvements shall bear interest at the rate fixed under section 143 until it is paid over by the Minister to the outgoing lessee. Clause 49 increases the penalty for contravention of the provisions relating to travelling stock over pastoral lands to $1 000. Clauses 50 and 51 are consequential amendments.

Clause 52 inserts a new provision that provides an alternative to forfeiture where a perpetual lessee is in breach of

his lease (other than default in payment of rent). The Minister may convert the perpetual lease to a terminating lease of 21 years. The lessee will be given a period of two months (or more, if the Minister so allows) to take action to remedy the breach, where appropriate. If he takes such action, the Minister will not exercise his powers under this section. The lessee is given the right to appeal to the Tenants Relief Board against a decision of the Minister to exercise his powers under this section. Once a perpetual lease has been converted to a terminating lease, the lessee of course may at any time apply to surrender the terminating lease for a fresh perpetual lease under the other provisions of the Act.

Clause 53 increases the maximum level for penalties under the regulations to $200. A regulation-making power is provided for the questions of public access to pastoral lands and the activities of the public on such lands. It is proposed, for example, to place certain restrictions on camping on pastoral lands. Clause 54 repeals two sections that deal with the laying of regulations before Parliament—this procedure is provided for in the Subordinate Legislation Act.

Clause 55 increases the penalty for carrying on mining operations in a certain manner on leased lands without the Minister's approval to $1 000. Clause 56 repeals the provision that requires the Minister to furnish Parliament with an annual report on improvements he has permitted to leased lands. This is now considered to be an administrative burden that no longer serves any valuable purpose. Clause 57 restates the Minister's power to grant annual licences and commonage licences without restriction, and upon such terms and conditions, and for such purposes, as he thinks fit. Clause 58 is a consequential amendment.

Clause 59 increases the penalty for failing to give notice of intention to muster cattle to adjoining lessees to $300. Clause 60 inserts two new provisions. The first provides that a person is not to drive a motor vehicle on pastoral lands unless he is on a public road (as defined), or unless he has permission to do so from the owner of the lands (as defined). Where a lessee fails to give permission, the Minister may grant a permit. Certain pastoral lands may be exempted from the application of this provision. A wide range of persons is also exempted, and the Minister has the power to exempt further persons, or classes of persons. The regulations also may permit limited rights of access, for example, the right to pull off a public road and picnic within a certain distance of the road. A defence is given to a person where he drives off a road in what he believes to be a situation of emergency. New section 140c provides that a lessee may erect barriers or gates across roads, etc., that traverse his lease and that are not public roads (as defined), if he has the permission of the Minister to do so.

Clause 61 makes it clear that the Minister may extend the period during which a lessee may perform any of the covenants or conditions of his lease, not only those referred to in the first schedule and section 61 of the Act. Clause 62 inserts a new provision exempting all leases and licences under this Act from stamp duty. Crown Lands Act agreements are presently so exempt, and it is intended also to exempt leases and licences under that Act and various other related Acts. It has been calculated that the costs of collecting stamp duty on leases and licences more than off-set the small amount of revenue derived in this area. New section 143b gives the Minister and the Director-General of Lands a power of delegation.

Clause 63 amends the first schedule which contains all the basic covenants and conditions of leases. The requirement to stock lands with a specified number of sheep or cattle is deleted, as such a blanket provision is no longer desirable. The prohibition against erecting brush fences is deleted. The condition dealing with payment of interest on overdue rent is deleted as the Act itself will now provide for this. The reservation relating to public access is modified so that it now relates only to public roads. Certain other consequential amendments are made.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

ADJOURNMENT

At 12.43 a.m. the Council adjourned until Thursday 25 March at 2.15 p.m.