LEGISLATIVE COUNCIL

Wednesday 30 March 1983

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

PORT ADELAIDE SEWER

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Port Adelaide Trunk Sewer Replacement—Commercial Road.

MINISTERIAL STATEMENT: JULIA FARR CENTRE

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: Yesterday I was asked by the Hon. Mr Burdett about the conditions of subsidy which the Government has decided should apply to the Julia Farr Centre for 1983-84 and for subsequent years. In the course of my reply I undertook to table the letter which was sent to the Chairman of the board, Mr Ringwood, last week along with a copy of the conditions of subsidy. I now table that letter, together with the conditions of subsidy which, as I informed the House yesterday, I understand have now been accepted by the board.

QUESTIONS

TOUCHE ROSS REPORT

The Hon. M.B. CAMERON: I seek leave to make a short explanation prior to asking the Attorney-General a question on the matter of the Touche Ross Report.

Leave granted.

The Hon. M.B. CAMERON: I understand that the Chief Secretary has informed the House of Assembly that he has made copies of the Touche Ross Report on prisons available to the media on the basis of a midnight embargo. As Parliament will not be sitting tomorrow, this action prevents the Opposition from asking any questions about the report or seeking any information from the Government during Question Time today. It means that this report cannot be questioned by this Council for almost three weeks. The embargo also prevents the major television and radio news services from reporting this matter tonight.

I seek an immediate tabling of this document on the basis that the Government is obviously attempting to prevent the Opposition from receiving this information over which we received some criticism from the Government for raising the matter before the report came out. Surely we are entitled to it once the report is available, and certainly more entitled than the media is. I believe that the Government is attempting to manipulate the media on a matter of vital concern to the community. Will the Attorney-General immediately table a copy of the report in the Council and release copies to the Opposition?

The Hon. C.J. SUMNER: The obvious answer to that, as I would have thought that the honourable member would have been aware, is 'No'. I do not have a copy of the report. Whilst the Chief Secretary has apparently said in another place that the report would be made public tomorrow, as I understand it the Government is anxious to ensure that the report is made publicly available. Following its receipt and some consideration of it earlier in the week, some additional matters had to be ascertained by the Government prior to its being released, including contacting the author of the report to see whether or not any of the events of the previous week that occurred at Yatala had altered in any way the conclusions that he had put in the report.

I understand that, while the Government wanted to release it as soon as possible, some time was needed to enable these inquiries to be made and for the position to be clarified. There is no attempt to hide the report from the Opposition. The report will be made publicly available. I would have thought that, rather than seeing some kind of conspiracy in this matter, the Leader of the Opposition should have applauded the fact that the report will be available. Of course, we know that the Leader of the Opposition needs time to study these matters. I would have thought that that would be to his advantage, rather than getting the report, flicking through it and making a song and dance about it today, without having considered it, which is a bit of tendency that the Leader has. Getting it tomorrow means that he has two weeks in which to thoroughly study the document. I am sure that the Government will then be very interested in his critique, if he has one, of its contents.

I assure the Council that there is no conspiracy, nor any attempt to deprive Parliament or the public of the report. On the contrary, the report will be made public, but some further information had to be sought during this week before the report could be made public because, without the information, it could well give an incomplete picture.

The Hon. M.B. CAMERON: I desire to ask a supplementary question of the Attorney-General. Every time he answers a question he has to descend to the level of personal abuse.

The PRESIDENT: Order! What is the supplementary question?

The Hon. M.B. CAMERON: Does the Attorney-General consider that the media of this State (I guess that it will be a limited range of media at this stage that has the report) are more entitled to the report at this stage than is the Opposition? Does he agree that the statement he has made so far, which implies that there is some hold-up even today, is nonsense, because I am aware of what has already been said in another place and because the report has already been released to some individuals in the community but not to the Opposition?

The Hon. C.J. SUMNER: I understand that there is a Budget presented every year in the Federal Parliament. That Budget is made available to representatives of the media well before, or even 24 hours before, it is presented to Parliament or made public.

The Hon. J.C. Burdett: Three weeks will elapse.

The Hon. M.B. Cameron: You are stopping us from seeing it today.

The Hon. C.J. SUMNER: That is not the situation as I understand it. The situation is as I have outlined it in answer to the Leader's first question which he put to me. Whilst he is critical that apparently the report has been given to the media on an embargo basis, I point out that that practice *vis-a-vis* Parliament and the general public is one that is always adopted in regard to the Federal Budget and the State Budget.

The Hon. R.J. Ritson: Not on the eve of Parliament's rising.

The Hon. C.J. SUMNER: Parliament is not about to get up for six months, as honourable members know. Parliament is about to get up for a two-week recess and will be resuming, as I understand it—

The Hon. R.J. Ritson: After it has cooled off.

The Hon. C.J. SUMNER: It may be after you have cooled off. I am not agitated about the matter. I am sorry if the honourable member is a bit hot under the collar. The Opposition will have the report—it will be made public. The Government should be commended for making the report public.

The Hon. M.B. Cameron: What nonsense!

The Hon. C.J. SUMNER: I am not sure what the honourable member is interjecting about.

The Hon. J.C. Burdett: You won't allow a full discussion.

The Hon. C.J. SUMNER: Not at all. The report will be discussed in the fullness of time. I am sure the Hon. Mr Cameron will be able to spend the next two weeks diligently studying the report. That will help him in his assessment of it, and it will also help him in the assessment of the difficult situation that exists in correctional services institutions in this State and enable him to make a constructive and well thought out contribution to the Council when it resumes after a two-week recess.

COMMERCIAL AND PRIVATE AGENTS ACT

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer and Corporate Affairs a question about the Commercial and Private Agents Act.

Leave granted.

The Hon. J.C. BURDETT: This Act deals, *inter alia,* with the registration and control of inquiry agents and security guards. In the *Government Gazette* of 24 February 1983 there appears an exemption from the provisions of section 14 of this Act in relation to inquiry agents and security guards employed by Associated Grocers Co-operative Limited. For what reason was Associated Grocers Co-operative Limited and its employees exempted from the provisions of this Act?

The Hon. C.J. SUMNER: I will obtain details of the exemption. As I recall, they are already required to hold a licence under the provisions of another Act. It seemed to be a duplication of the situation to require them to hold another licence under this Act. I will obtain the information for the honourable member and bring down a reply.

POLICE COMMISSIONER

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the authority of the Police Commissioner.

Leave granted.

The Hon. K.T. GRIFFIN: My question is directed to the Attorney-General as Leader of the Government in this Chamber and, therefore, as a Minister who should be aware of the decisions that have or have not been taken by the Government. There seems to be some confusion about the authority of the Police Commissioner in making decisions about issues such as random breath testing. In the *News* of 29 March, a spokesman for the Minister of Transport is reported as saying:

> . . . the Government had approved the expansion only for Easter.

Of course, he is referring to random breath testing. The report continues:

> After that [that is, after Easter], police have the right to submit an application to continue operations at that level.

The report also indicates that the Police Commissioner conducted a departmental review and that, within existing resources, the increase of the random breath testing programme could be managed. The media report suggests that perhaps some pressure is being brought to bear on the Police Commissioner to conform to a Government direction as to the allocation of resources committed to him by Parliament. The Commissioner is responsible for the control and management of the Police Force under section 21 of the Police Regulation Act, subject to any directions given to him by the Governor-in-Council and notified in the *Gazette* and to Parliament.

I cannot remember any recent formal directions being given to the Police Commissioner by the Government, except the infamous direction to Police Commissioner Salisbury some years ago. In the light of public confusion as to the authority respectively of the Police Commissioner and the Government, does the Attorney-General, as Leader of the Government in the Council, agree that Ministers and the Government cannot give directions other than formal directions under section 21 of the Police Regulation Act to the Police Commissioner? Does the Attorney-General agree that the Police Commissioner can arrange and use his resources as he sees fit within the Budget voted by Parliament?

Has the Government or any Minister brought any pressure to bear on the Police Commissioner to allocate or not to allocate his resources in a particular way? If the answer is 'Yes', will the Attorney-General identify the occasions? In particular, has the Government or any Minister brought any pressure to bear on the Police Commissioner with respect to his decision to allocate further resources to random breath testing? Finally, have any formal directions been given to the Police Commissioner under section 21 of the Police Regulation Act?

The Hon. C.J. SUMNER: I would have thought that the Hon. Mr Griffin, as a former Attorney-General, would be fully aware of the law and practice relating to relationships between the Police Commissioner and the Government.

The Hon. K.T. Griffin: I am sure—the Government does not seem to be sure.

The Hon. C.J. SUMNER: Well, the honourable member is asking me a question.

The Hon. K.T. Griffin: I want to make sure that you know.

The Hon. C.J. SUMNER: I would have thought that the Hon. Mr Griffin understood that relationship. In fact, I would be surprised if there was anyone in the Parliament who did not understand the relationship, as it has been a matter of considerble comment and discussion in this State since the royal commission that was established by the then Government to inquire into the circumstances surrounding the incident that occurred at the intersection of North Terrace and King William Street during the moratorium demonstrations in 1970.

Mr Justice Bright was appointed Royal Commissioner to inquire into that incident, and he made certain recommendations about the relationship between the Police Commissioner and the Government. As a result of those recommendations, section 21 of the Police Regulation Act was amended to make quite clear that the Police Commissioner is part of the executive arm of government and that ultimately he is responsible through his Minister to the Parliament and to the people.

In the ultimate analysis, the Government is able to give a direction to the Police Commissioner. The method of giving that direction is laid down in section 21 of the Police Regulation Act, and, as is the case in some other States in Australia, that direction is to be given not by a Minister alone but by the Governor. If such a direction is given, it is to be tabled in Parliament within a certain time after the direction has been given.

Subject to that, within his area of responsibility for the Police Force, the Police Commissioner has the authority for general control and direction of the force. That is also quite

clear. That does not mean that on a day-to-day basis there are not discussions between the Police Commissioner and his Minister. I am sure that that occurs on issues which crop up from time to time and which are of public concern. I am also sure that, under the previous Government, the previous Minister had discussions with the Police Commissioner about a number of matters that were raised in the Parliament and in public. It would be quite odd if that was not the case.

However, in the ultimate analysis, if there is a disagreement between the Minister and the Police Commissioner, the Government has the final say and can direct the Police Commissioner and table a copy of that direction in Parliament. That procedure was set out by Mr Justice Bright as a result of the moratorium royal commission. Also, it was the relationship between the Police Commissioner and the Government that was confirmed by the royal commission headed by Justice Mitchell into the sacking of Mr Salisbury. Justice Mitchell also indicated that the Government, as the elected Executive, through the Parliament, has the responsibility to the people to account for the actions of the Police Force. But, the way that that accountability is carried out is outlined in legislation. I am sorry that the former Attorney-General (Hon. K.T. Griffin) apparently was a bit vague about that situation.

The Hon. K.T. Griffin: I am perfectly clear on it. I wondered whether you knew what it was all about and whether your colleagues knew about it.

The Hon. C.J. SUMNER: I am speaking for myself. I have just indicated to the honourable member what the position is. As I said, I thank him for his question, and I trust—

The Hon. M.B. Cameron: Do you circulate a paper to your colleagues outlining it?

The Hon. C.J. SUMNER: Maybe I do, I do not know. If the honourable member would like a paper circulated I will run off a copy of my answer to the question and we can distribute it to all members of Parliament so that they are aware of the position.

Regarding the first question about whether I agree that the Government cannot give a direction to the Police Commissioner other than a formal direction under the Police Regulation Act, that is correct. Concerning the question whether I agree that the Police Commissioner arranges his resources as he thinks fit, technically, yes, that is correct.

However, I indicate, as I did previously, that there are always discussions between a Minister and his Police Commissioner, and so there should be. This happened under the previous Government and has happened under all other Governments. Any other relationship between the Police Commissioner and the Minister would obviously be detrimental to good Government.

In the ultimate analysis, if the Police Commissioner, as Mr McKinna did in 1970, said to the Government that he was not going to obey its direction or request, the Government has the ultimate power to direct the Police Commissioner. In 1970 the Government did not have that power, and that was clarified by the royal commission headed by Mr Justice Bright.

I am not aware of any formal direction having been given by the Governor in recent times, and I am not aware personally of any other measures that have been brought to bear on the Police Commissioner in relation to random breath testing or anything else. I trust that the Hon. Mr Griffin, in particular, is now well aware of the legal situation and the respective responsibilities of the Government and the Police Commissioner.

SOLDIER SETTLER

The Hon. I. GILFILLAN: I seek leave to make a brief statement before asking the Minister of Agriculture a question concerning the court case between the Kangaroo Island soldier settler, Mr Johnson, and the South Australian Government.

Leave granted.

The Hon. I. GILFILLAN: The case of *Johnson v. State of South Australia*, in which Mr H.J.C. Johnson, a soldier settler on Kangaroo Island claimed damages from the State for 'negligent mis-statements by departmental (Lands and Agriculture) officers' was heard before Mr Justice Zelling in the Supreme Court in 1979. The hearing occupied a total of 52 days and involved over 3 000 pages of evidence and over 600 exhibits. Mr Justice Zelling handed down his judgment on 6 May 1980 finding in favour of Johnson and awarding him $154 000 damages.

On 16 May 1980 the State lodged an appeal with the Full Court which was heard by Justices Mitchell, Mohr and Matheson in August 1980. On 23 September 1980 the Full Court upheld the earlier Supreme Court ruling that Johnson was entitled to damages for losses incurred as a result of negligence by officers of the Departments of Lands and Agriculture.

On 15 October 1980 the State lodged an appeal to the High Court against the Full Court decision. Justices Gibbs, Mason, Murphy, Wilson and Brennan handed down their judgment on 20 August 1982. They found that they would 'allow the appeal and set aside the judgment in favour of the respondent'. However, 'formal judgment in favour of the respondent (Mr Johnson) will remain'—which obviously was pretty sorry consolation for the fact that he then had no financial reward for having won the two previous cases.

What was the cost to the people of South Australia of this protracted case which was fought by the State against a soldier settler? In view of High Court's finding that 'negligent mis-statements' had been made by officers of the State, what action, if any, has been taken? If no action has been taken, why not? What protection do the citizens of the State have against negligence by public servants? Finally, as the farms of Johnson and five other soldier settlers were resumed by the State in 1977 along with their stock and plant, what compensation has been paid to those settlers?

The Hon. B.A. CHATTERTON: I am not in possession of the figures on what the State of South Australia spent in legal fees and everything else associated with that fairly protracted legal battle, but I can obtain them for the honourable member. As far as the 'negligent mis-statements' are concerned, it is important to understand the fairly limited nature of the negligence which was found by Justice Zelling within the case on Kangaroo Island as far as the statements by officers of the Departments of Agriculture and Lands were concerned.

The point was made that advice was given to Johnson after evidence was available elsewhere within Australia, and even within South Australia, that that advice was no longer correct. That was an unusual situation, because normally the officers of the department give advice in good faith, and one can understand, perhaps subsequently to that, that that evidence might be proved to be incorrect. However, at the time that it was given it was the best advice available.

That is what the Johnson case hinged on: that evidence from Western Australia in particular was available to the Departments of Agriculture and Lands at that time to show that Yarloop and some other subterranean clover had a high oestrogen component and were the cause of the problems associated with the ewes and lambs on Kangaroo Island.

As far as protection for the public is concerned, I suppose that the ultimate protection is legal action that members of the public can take. I point out that this is a fairly restricted area that was found in those judgments of Justice Zelling. So, it is not generally opening up the law and saying, 'You can sue officers of the department at any time' and, after all, because of the way that the court case went in the end, it would be fairly difficult to do that. What was the honourable member's fourth question?

The Hon. I. Gilfillan: Has any action been taken?

The Hon. B.A. CHATTERTON: No action has been taken as far as Johnson or other soldier settlers are concerned. I can certainly ascertain from my colleague, the Minister of Lands, whether there has been any change or contemplated change to the leases, and so on, made at that time.

The Hon. I. Gilfillan: What about compensation?

The Hon. B.A. CHATTERTON: No, there has not been any compensation.

YATALA PRISON

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Chief Secretary, a question about Yatala.

Leave granted.

The Hon. ANNE LEVY: I have today received a letter from a prisoner in Yatala whose family I have been trying to help over a period. Among other matters, the prisoner makes a number of comments about the parole system. I quote some of those comments. He says:

> I am very concerned about my wife and son. When and only when the parole system is changed, then I may stand a decent chance of being returned to my family. The present parole system acts as a second judge and jury, sending the applicant back to day one at Yatala. Then you have a very angry person, full of contempt and hate for the parole board members.

Elsewhere, he says:

> Mr Keneally must realise that there is a great deal of tension in Yatala that he alone can put to rest if he was to come in and talk to us. I feel that his intentions to bring in major changes to the parole system are long in the coming.

Elsewhere in the letter, he also says:

> With attitudes like that I'd hate to be here if more trouble is to arise.

First, can the Chief Secretary give any indication of when his review of the parole system will be completed, and when changes may be expected? Secondly, as well as the discussions that the Chief Secretary is having with staff and management at Yatala, will he consider speaking to the prisoners in Yatala in an effort to defuse the tension which obviously currently exists?

The Hon. C.J. SUMNER: I will obtain a report for the honourable member.

PARLIAMENT HOUSE SECURITY

The PRESIDENT: It has been drawn to my attention that persons being interviewed by members in their rooms are not being escorted from the building by the members concerned after they have concluded their business. It is the duty of members to ensure that the departure of their visitors is supervised to enable security to be maintained. I also remind honourable members that an interviewing room exists opposite the entrance to the Legislative Council on the ground floor and suggest that members may prefer to make more use of that facility.

FIRST AID TRAINING

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Transport, a question on the subject of first aid training of motorists.

Leave granted.

The Hon. R.J. RITSON: This issue relates to the Ministry of Transport to the extent that it may become involved in the administration of determining which people would be offered, or may even be compelled to undergo, such training, but it also, of course, is of great interest to the Minister of Health. In a sense, therefore, I direct my remarks in his direction as well. The Minister of Health will recall attending the launching of a programme called 'Don't let them die', which I also attended. I think that he will agree that it is a most useful programme.

This short course of three hours is well taught and deals essentially with the fundamental importance of first of all preventing a worsening of dangerous situations at the scene of an accident and then maintaining, as well as can be done, the vital functions of injured people until more expert help arrives.

I made some comments in the press about a month or so ago on this subject, and since then a number of feature articles have advocated this type of training for motorists. Indeed, statements have been made that up to 10 per cent of people who otherwise would have died at the scene of an accident might be saved by such training.

The constant fight against the road toll is being fought on a number of fronts. The fight involves factors of highway engineering, motor vehicle construction, driver education and enforcement, and specific issues such as random breath testing. It seems to me that, if authorities believe that up to 10 per cent of those people dying at the scene of an accident can be saved by this method, it is a matter of urgency to explore that avenue seeking a reduction in the road toll.

A medical colleague of mine in discussing this matter said that in his view one of the most important things that we needed to do was to overcome the common misconception that one should not touch anyone at the scene of an accident. He made the point that it is absolutely unreasonable not to extract someone from a vehicle by any means possible, if, for example, the vehicle is likely to catch fire. This course gives people a basic idea of when to touch a victim at the scene of an accident and how to go about it.

The proposition that I floated in a public statement was that it was by no means necessary to compel all motorists to undergo such training but that the training could be introduced, either by inducement or perhaps by compulsion, to a certain number of new applicants for driver training or for drivers licences. Thus, we would build up in the community a sufficient pool of people who had undertaken this course to create a situation whereby, within minutes of an accident, someone coming past would have had had such training. Can the Minister say whether the Government has formed a policy on this subject? If it has not, will the Government give serious and urgent consideration to doing so, particularly in the light of some of the figures coming out of the Canadian experience?

The Hon. B.A. CHATTERTON: I will refer the honourable member's question to the Minister of Transport and bring back a report.

EMERGENCY FLOOD RELIEF

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Attorney-General, as Leader

of the Government in this Council, a question regarding the flood relief appeal.

Leave granted.

The Hon. H.P.K. DUNN: At a meeting in Nuriootpa on Wednesday 23 March, the following resolution was unanimously passed:

That this meeting of residents of flood affected areas, convened at Nuriootpa on 23 March 1983, recommends to the Federal and State Governments that the District Council of Angaston Chairman's Flood Relief Appeal be subsidised by the Federal and State Governments or alternatively those Governments be requested to make a substantial donation to that appeal.

Then, at a meeting of the Mid-Northern Districts Local Government Association, held at Mallala on Friday 25 March, the same matter was again canvassed and the Minister of Local Government indicated that he would raise the matter at Cabinet on Monday 28 March. He also indicated that he would strongly recommend that the Government contribute to the District Council of Angaston Chairman's Flood Relief Appeal.

Has the Minister of Local Government raised the question of a substantial donation to the 'District Council of Angaston Chairman's Flood Relief Appeal'? If so, does the Government intend to make a donation? If the answer to the question is 'Yes', what amount does the Government intend to donate?

The Hon. C.J. SUMNER: The replies are 'Yes', 'Yes', and 'The honourable member will be advised in due course.'

HOSPITAL MANAGEMENT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about the management of hospitals.

Leave granted.

The Hon. L.H. DAVIS: The Minister of Health recently made a widely publicised statement regarding the management of hospitals. He criticised hospital boards as lacking the expertise to cope with proper management of their hospitals. First, was the Minister's criticism regarding the management of hospitals directed to country hospitals only, or did he also include the major metropolitan hospitals, including the Royal Adelaide Hospital, Flinders Medical Centre, Queen Elizabeth Hospital, Lyell McEwin Hospital and Modbury Hospital? Secondly, does not the Minister believe it to be highly improper and irregular to make such strong criticism publicly about hospital management, given that he himself has recently established the Sax inquiry to review the management and administration of hospitals?

The Hon. J.R. CORNWALL: No, the criticism was not confined to country hospitals only. My remarks were made in a very responsible way in order to stimulate members of boards and persons connected with hospitals generally to examine the position and, hopefully, arising out of that, to make submissions to the Sax committee of inquiry. As to whether they were grossly improper, of course they were not. My comments were a perfectly legitimate performance of my duty in the public interest.

What I was saying (and it is quite undeniable if the honourable member cares to think about it for a while), is that hospital boards of management have been completely overwhelmed by the course of events over the last decade. At the time when Mr Justice Bright (as he then was) first started to consider the matter of autonomy and the role and functions of hospital boards, they were using as models the sort of thing that was happening at the Adelaide Children's Hospital, for example, where, at that time, they had a genuine corporate structure. The hospital had a Chairman of a board of directors, which was almost comparable with a private sector board of directors. That was the sort of model that was ultimately recommended by the Bright Committee.

Of course, even before the legislation establishing the South Australian Health Commission was through Parliament the whole thing had been turned around by the quite radical changes in funding that occurred during the 1970s. Once the hospitals had gone to deficit funding, the whole concept of autonomy and a board of directors modelled on the private corporate sector was no longer relevant, and it has not been relevant for almost six years. There is no such thing as autonomy, and there cannot be such a thing as autonomy, in the absolute sense.

In practice, we have a fairly substantial degree of residual independence. There certainly cannot be autonomy when the Health Commission, the Minister and the Government are giving people a set amount of money for their budgets.

The Hon. L.H. Davis: Don't you think it is more appropriate for Sax to make his own observations rather than your prejudging the situation?

The Hon. J.R. CORNWALL: I am stating the obvious. There are specific terms of reference for the Sax committee, and the honourable member should take the trouble to read those terms of reference, which enable the inquiry to examine the future role and functions of boards of management.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: There is nothing wrong with me—I am stimulating public debate.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: If the stupid member will shut up for a minute I will reply to his puerile talk.

The PRESIDENT: Order! The Minister should not let himself be carried away to that extent, and I ask him to withdraw.

The Hon. M.B. CAMERON: On a point of order, Mr President, the Minister made two comments and I ask him to withdraw both of them. His first comment was 'Stupid member' and the other was 'puerile'. The Minister has reached the point where we ought to understand that he is a Minister of the Crown. He does not need to stoop to that level of language to express himself. I ask the Minister to not only withdraw but also desist from this level of language in the future.

The PRESIDENT: I will accept the Minister's withdrawal of the remarks.

The Hon. J.R. CORNWALL: Yes, Mr President, I withdraw. However, the member does annoy me beyond all reason. I am only human, and quite fallible like other human beings. If the honourable member would desist it would expedite the business of this Chamber. To return to—

The Hon. Frank Blevins: It's terribly boring, isn't it?

The Hon. J.R. CORNWALL: Yes, terribly boring.

The PRESIDENT: Order! The Minister should get on with his reply.

The Hon. J.R. CORNWALL: Mr President, I am being terribly distracted by members on both sides. To return to whether it is in order to stimulate public debate, of course it is and I have a duty to do so. I have explained at considerable length why it is quite wrong and inappropriate to refer to autonomy in the absolute sense any longer. Billy the goose knows that that is the situation. Obviously, the Hon. Mr Davis does not know that, although everyone else in the community knows it. What I am doing is perfectly legitimate. In fact, I am stating the obvious. I am asking boards to consider their positions. I am requesting and urging them to make submissions to the Sax committee of inquiry so that we can obtain the very best recommendations from it. We want a range of submissions right across the

board from the large metropolitan teaching hospitals through to small country hospitals.

The Hon. L.H. Davis: There's no need for you to attack them.

The Hon. J.R. CORNWALL: There is no way known that I am attacking them. I am asking them to consider their positions and to make submissions on their legitimate roles and functions for the remaining two decades of this century. That is perfectly legitimate. I have attacked no-one. If the honourable member is concerned about the 43 hospitals which as yet have not incorporated under the Health Commission Act, I can indicate that I have had some relatively stern words to say to them.

We pay the piper and, in those circumstances, I believe that we are entitled to be in partnership. There ought to be mutual trust between the hospitals and the Health Commission. That is the spirit and intent of the Act. I am charged with the business of co-ordinating and rationalising health services throughout this State. As such, we want the spirit and intent of this legislation to prevail. I have a Statutory obligation under the Act to see that it does prevail. That may mean some plain, honest talking. The honourable member may not be accustomed to that, but he will find that that is my style of operation and I am not about to apologise for it.

COMMUNITY HEALTH FUNDING

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about community health funding.

Leave granted.

The Hon. R.I. LUCAS: Last Saturday morning the Minister, together with officers of the Health Commission, attended a seminar in Mount Gambier to discuss the Catchlove Report on the Mount Gambier hospital and health services in the Mount Gambier area. The Minister mentioned at the seminar that he was hopeful that councils would take up the State Government offer of $1 for $1 funding in relation to public and community health services.

A representative of a South-Eastern council who is concerned with health matters expressed surprise at the Minister's statement and said that his council had not been advised of the new Government's policy and, therefore, was unaware of the offer. The Minister replied that the council should have been aware of it because it was contained in the Opposition's health policy, amongst other promises, of June 1982. That was certainly a novel concept for this Government—that a promise made in Opposition would be automatically assumed to be part of Government policy and that it would be kept.

Subsequently, the Minister indicated that letters outlining the offer to local government bodies had not been sent, but that he might now take up the matter with the Local Government Association. First, why has not the Minister advised all individual councils of his Government's intention to implement this promise? Secondly, will the Minister immediately advise all individual councils, not the Local Government Association, of the Government's offer? Thirdly, what level of funding has been set aside by the Government in this financial year for this item? Fourthly, are councils and other bodies involved in the health arena to assume that all promises made by the Minister in his health policy (released as part of Opposition policy in June 1982) are now endorsed as part of Government policy?

The Hon. J.R. CORNWALL: In relation to the honourable member's last question about promises made in the comprehensive policy document released on 29 June 1982, the brief answer is 'Yes'.

The Hon. J.C. Burdett: You've changed sectorisation.

The Hon. J.R. CORNWALL: Sectorisation is being reviewed. People are going to be put into regions—

The Hon. R.I. Lucas: Are you saying that everything contained in the policy document has been endorsed by Cabinet as Government policy?

The Hon. J.R. CORNWALL: Of course that is not what I am saying. The honourable member is very new, very young and has a lot to learn. He should just sit quietly and listen.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: That was the official policy of the alternative Government. It was publicly released on 29 June 1982. I am in the business at this very moment (and have been ever since I sat in the Minister's chair on 10 November) of moving with all due speed to implement the undertakings that were given in that policy document. If the honourable member would like to sit down with my officers at some time I will be pleased to expedite the matter. I think the honourable member has a bit of promise, and with a little bit of coaching he might have some future. We are about—

The Hon. J.C. Burdett: Haven't you changed sectorisation?

The Hon. J.R. CORNWALL: I do not intend to abolish it.

The Hon. J.C. Burdett: You have said that you would.

The Hon. J.R. CORNWALL: With the wisdom of hindsight—

Members interjecting:

The Hon. J.R. CORNWALL: Members opposite are great at picking nits, and that was one of the more outstanding failures of the previous Government.

The Hon. R.I. Lucas: Will all the policies contained in the policy document be implemented?

The Hon. J.R. CORNWALL: With perhaps a degree of modification, I intend to implement everything in that document within a time frame. Some of the things mentioned in the document will involve two Parliamentary terms. In fact, there are so many all-embracing policies that it may well take me three terms as Minister of Health. As I have said, I am looking forward to three terms as Minister of Health. In relation to the community health programme policy, the honourable member already has the policy and, obviously, he has read it. We are referring to a partnership with local government. I believe that it will come about, initially, on a consensus basis. It is an evolutionary programme in that we do not expect 129 councils to suddenly lob in my office and say that they want to be in it.

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Griffin sits back and chortles and chuckles. The poor man should have his head between his legs after the terrible defeat of his Party at the last two elections. We are offering local government a partnership.

The Hon. J.C. Burdett: But you didn't tell them.

The Hon. J.R. CORNWALL: Shut up!

The PRESIDENT: Order! If the Minister was not so distracted by arguing with members opposite he would have finished his reply.

The Hon. J.R. CORNWALL: Mr President, I ask you to control members opposite so that I am not distracted to that extent. Members opposite behave in an infantile manner.

The PRESIDENT: Order! The Minister should proceed with his answer.

The Hon. J.R. CORNWALL: Yes, Mr President, I will do that. The honourable member can read the policy—it is very good. I am saying that we want councils to come into partnership with the State Government so that we can put a community health programme into place.

The honourable member knows that, because he was present at the seminar on Saturday morning at which I stated that one of the reasons was, hopefully, to direct to this area some of the 3.5 per cent that the previous Government knocked off. The previous Government dismissed the Government levy. That money has not gone into the health area: it has gone into roads and rubbish. Some of that money should be used in an integrated new programme.

Any new programme will be considered as eligible: existing programmes are not eligible. The honourable member asked whether I would immediately contact all individual councils and whether or not those councils should have been informed. I would have thought that the councils would be aware of the policy document and, if they have an interest in the health area, as they profess to have, they would know about the proposal.

The Hon. J.C. Burdett: Come on!

The Hon. J.R. CORNWALL: What is this 'Come on' business? At this time we are finalising a document to take to the Local Government Association, which is the peak body of the 129 councils. I cannot negotiate with 129 councils individually. That is obvious. We will talk to the councils about the future of the Central Board of Health, and I am considering proposals to convert the board to the South Australian Public Health Board. Some modifications are involved. There is also a proposal in regard to the formation of the South Australian Community Health Advisory Council, on which, in my submission, there will be substantial local government representation.

These are matters for negotiation, and in the course of that negotiation I will also discuss in further detail the partnership arrangements with local government in the community health area. As I said, I believe that that will grow in an evolutionary way. Initially, half a dozen councils may want to be involved, and that number may include, say, the Mount Gambier council or the Port Adelaide council—councils in both the metropolitan and country areas. That is what I anticipate ultimately. If we can restore the level of funding to the pre-1979 level, $2 000 000 would be available from councils throughout the State, in which case we would have to meet it—$2 000 000 for $2 000 000.

In addition to that, funds will be forthcoming from the Federal Government, which made a specific election promise to restore community funding to pre-1975 levels. If this three-tier partnership is forthcoming, I believe that there will be a very exciting future for community health, and that is where one of the most significant possible advances lies. One can see that it is inappropriate to notify individual councils at this stage. However, the proposal has been made in the policy document, and I have talked about it openly, not only in Mount Gambier but also wherever I have addressed people.

The Hon. R.I. Lucas: Why, then, is it appropriate for the Salisbury council to have discussions with the Minister?

The Hon. J.R. CORNWALL: The council approached me in regard to shopfront counselling of youth. That was a meritorious proposition. I told the council that I was prepared to direct some of the money to that programme. The honourable member asked what funds are available this year. Very limited funds are available, but it will be a different story in 1983-84, when specific allowances will be made in the Budget for the community health programme.

However, the proposal is being developed quite openly at present. We are already prepared to talk to individual councils that have established innovative community health programmes but, until the whole issue is formally in place, I do not believe that it is right for me to talk to 129 individual councils. The honourable member can rest assured that I will do that once the whole package has been brought together.

MARTIN HOUSE

The Hon. I. GILFILLAN: Has the Minister of Health a reply to a question I asked on 24 March about Martin House?

The Hon. J.R. CORNWALL: At this time, the Martin House annexe of the Royal Adelaide Hospital has a total of 14 beds. Ten of the beds are in five double motel-type units and there are two double rooms in the main building, although one of these double rooms is presently out of commission, undergoing renovations.

All accommodation arrangements are made through the Radiotherapy Department of the Royal Adelaide Hospital and the following options are available:

1. Accommodation for patient and, where appropriate, escort at Martin House.

2. If no accommodation is available at Martin House and the patient cannot or does not wish to be placed in a motel or hotel, the patient is admitted to Ward B6 and the relative/escort is provided with a room in the hospital's residential wing at a modest cost of $6 per night.

3. The patient is found accommodation at a reasonably priced motel and assistance is given to seek reimbursement if applicable under the provisions of the Isolated Patients Travel and Assistance Scheme.

I seek leave to have the remainder of the reply inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Reply

Alternatively a patient may make private arrangements if they do not seek to avail themselves of the Martin House facilities. On occasions when Martin House has no suitable room available, the second and third options are followed and this may involve a maximum of three patients per month. I understand that the hospital is not aware of any complaints concerning these arrangements when they have been made. The average occupancy of Martin House for the past six months has been as follows:

September—56.9 per cent.
October—65.3 per cent.
November—57.2 per cent.
December—60.7 per cent.
January—80.3 per cent.
February—63.9 per cent.

I must point out however that these figures are distorted somewhat by the significant drop in occupancy rates (between 40-50 per cent) at weekends. While there is a shortage of rooms from time to time, I am assured that patients are not disadvantaged if accommodation is not available at Martin House. It is important that honourable members appreciate that treatment by the Radiotherapy Department for rural patients suffering from cancer is not in any sense dependent on the availability of accommodation at Martin House.

I turn now to Mr Gilfillan's statement that the Anti-Cancer Foundation wants to build another block of five motel units, each with two beds, and that the foundation needs an assurance that Royal Adelaide Hospital will provide staff. At the time this question was raised I mentioned that, although I had received a deputation from the Anti-Cancer Foundation shortly after I became Minister of Health, I did not believe there had been discussion on the building of further accommodation at Martin House. My recollection has been confirmed by the Chairman of the executive board of the Anti-Cancer Foundation, Dr Geoffrey Ward, who agrees that no specific proposal was raised.

Dr Ward has advised that, while the foundation is considering the need for more accommodation, because of

problems experienced with admitting patients from the country, he does not anticipate any firm proposal will be put forward before 1984. Under the circumstances, I am not in a position to give any guarantee of staff being provided from the resources of the Royal Adelaide Hospital, but I will undertake to examine any future proposition on its merits and to provide any assistance that I can.

WAGE PAUSE

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: What amounts have been saved or deferred respectively by the State Government and its instrumentalities as a result of the wage pause and in what areas have such savings or deferments been made?

The Hon. C.J. SUMNER: As the honourable member would know, $80 000 000 was set aside in the 1982-83 Budget as a round sum provision for increased salary and wage rates which were expected to occur in 1982-83. Because salary and wage increases have occurred already to a greater extent than anticipated and also earlier in the financial year than anticipated, the expectation now is that the round sum allowance will fall short of actual requirements by at least $12 000 000. That expectation of a shortfall was evident well before the wage pause was put into place in December 1982.

In these circumstances, there will be no saving, as such, as a result of the wage pause. However, the wage pause will contain the overrun on the round sum allowance in 1982-83 (and the deficit on the Consolidated Account) to a lower amount than would otherwise have been the case.

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 551.)

The Hon. R.J. RITSON: In speaking to this Bill, I believe it is useful to review the history and genesis of this piece of legislation and to review some of the social effects and social comments that surround it.

The Hon. Frank Blevins introduced a Bill in this Council two years ago which sought to provide for a so-called living will document which would create a duty on medical practitioners to withhold or withdraw unnecessary and distressing treatment from people who were facing death and for whom no useful recovery could be expected. I am sure that the Hon. Mr Blevins was motivated by compassion for people who, in the past, had been over-treated or subjected to distressing or undignified extraordinary treatment.

At that time there was no provision for legal recognition of brain death and, for a number of years prior to the original introduction of the Bill, there may have been a number of instances of brain dead people being artificially sustained on respirators, perhaps with medical officers reluctant to withdraw this extraordinary treatment lest their legal positions be tenuous. Again, there were ethical and theological opinions which expressed anxiety that perhaps this procedure of withdrawing such treatment might, in fact, be the killing of a human being.

So, the Hon. Mr Blevins introduced this Bill and stated at the time that he did not see the original draft of the Bill being free of controversy or the final answer, but saw it as a vehicle for further investigation of the problem by a select committee. As members know, that select committee sat for a long time, took a lot of evidence and, in terms of the usefulness of select committees in the process of legislation, the absence of bipartisan controversy and the presence of a genuine scientific and ethical examination of the problem, it was the most fruitful committee on which I have ever had the pleasure to serve.

The committee looked at a number of issues. The question of brain death was considered early during the committee's deliberations. Evidence was taken from medical sources and from private individuals. The reports of law reform committees, both in Australia and in Canada, were considered and it is my belief that the brain death legislation which has just passed this Council is a direct result of input and ideas that emerged from that committee and from studies conducted by persons concerned with that committee.

I am sure that the work of the committee was the foundation which perhaps shored up the former Government's resolve to introduce the Bill in this form and the present Government's resolve to accept the legislation in that form. Even if this Bill were to go no further, evidence taken and studies conducted at that time laid a foundation of understanding for members of this Parliament, which I am sure is one of the reasons why the Death (Definition) Bill has just passed this Council.

One of the other considerations that caused the select committee to deliberate for a long time was the question of which types of treatment and serious illnesses should be the subject of legislative pronouncements as to the basic right of refusal of treatment. There is little doubt that in common law countries patients have a right to refuse to have their body invaded in any way, whether or not it is for their own good. The right to refuse has been recognised by medical practitioners and, indeed, since I last spoke on this subject there has been a life lost due to a severe blood loss, the person dying having refused a blood transfusion on religious grounds.

It is of interest to note that when that person became unconscious his medical attendants, knowing his religious beliefs, did not say that now that he was unconscious they would go ahead and treat him in contradiction of the wishes he expressed while he was conscious. So, that is the probable state of the law. Certainly, nobody has ever successfully challenged it in the courts.

I point out to honourable members that in Northern Ireland the very unfortunate political circumstances there have caused certain people to starve themselves to death. No medical attendant intervened with treatment after the people became unconscious and no longer able to speak for themselves. The wishes expressed by persons while conscious and competent were honoured while the patient was unconscious, even though the treatment being refused would have been lifesaving.

So, a Bill that merely clarifies the common law and only a certain part of the common law cannot be seen in any way to be radical, revolutionary, destructive or damaging to life and must be seen as merely declaratory, informative and supportive of existing rights. A little later I will make some remarks as to how this Bill has been misunderstood, has not been seen for what it is by many and has been promoted in some circles as some form of euthanasia Bill, which it clearly is not. The question of distinguishing the refusal of useful treatment caused the committee some difficulty because we were asked by some people to enshrine in the legislation the rights of refusal of helpful and therapeutic measures.

That is to codify the existing rights of any person who wished to be permitted to die preventably from an intercurrent disease by refusing ordinary, but unnatural, treatment and declare them to be entitled to do so. An example would be a person suffering from cancer or from painful conditions such as chronic arthritis who would wish, in the event of

getting pneumonia, to refuse penicillin even though the penicillin would be life saving.

That question was put to the committee and addressed by it, and I can speak for members of that committee in saying that we agreed that the right to refuse such ordinary treatment and, therefore, die preventably probably existed in common law, but we did not think that any declaratory legislation should deal with such matters or attempt to promote such matters, and that the Bill should confine itself to, if you like, an expression or reinforcement of that portion of the patient's rights to refusal as was applicable only to the refusal of useless treatment when death was imminent, and could not be prevented or in any other way ameliorated by the treatment.

The Bill begins with a series of definition clauses which have been the bane of my trying to explain this Bill to people with certain biases, which give to many of the words of the Bill a meaning other than their natural or common meaning. The term 'extraordinary measures' is a case in point because when one examines medical practice one finds that there are almost no measures which are extraordinary in themselves. A transfusion of scores of pints of blood and artificial maintenance of circulation, artificial oxygenation of the blood, may be extraordinary. It certainly was extraordinary in the case of the unfortunate gentleman who received the artificial heart in the United States, but it is by no means extraordinary and is quite ordinary in the course of an operation for a coronary by-pass operation following which one might expect a patient to have a useful life for 10 years or more after the procedure. So, it is not the use of any procedure itself in medical practice which is either extraordinary or ordinary.

When doctors commonly speak of these measures, the thing that makes them extraordinary is the combination of unnaturalness—whether that be penicillin or a heart-lung machine—with a set of circumstances in which there is little hope of any useful return; that is, when a patient is certainly dying. It is that sort of combination that determines the extraordinary nature of treatment.

What the Hon. Mr Blevins has done here in defining the words 'extraordinary measures' is to define them in those terms virtually, because if one reads the parts of clause 3 in conjunction—the description of the 'extraordinary measures', the term 'recovery' and the term 'terminal illness'—one finds that the whole operation of the Bill is restricted to useless measures in the case of a dying person, and they have to be so useless that, as you see in the question of 'terminal illness', there is no reasonable hope of recovery, and recovery is a remission of symptoms of the illness. So, even an unnatural measure, however complicated, distressing or undignified, that would remit for a time the symptoms of the illness would not be an 'extraordinary measure' in terms of clause 3. So, this Bill has put right aside from its ambit any question of rights of refusal of remedial treatment, even though those rights exist in common law.

It has been the source of some regret to me that, after much public debate and after the explanation I have just given being stated and restated, some medical practitioners have said in public statements that the danger of this Bill is that 'it may compel us to let someone die who need not have died'. I am sure that that comes about because, no matter how often people read the definitions in clause 3 when they start to discuss the Bill at the club or the hospital change room, they apply the natural meaning of the words of the Bill without regard to the definition clause. I do not know what can be done about that.

The Hon. J.C. Burdett: Can't you educate them in some way? Isn't that the answer?

The Hon. R.J. RITSON: I hope so. The Hon. Mr Burdett has emphasised education. That is one of the reasons that I am standing here repeating myself, having said all of this a couple of years ago, in the hope that it might be understood and recorded and that people might realise that this Bill is very far from euthanasia. In fact, it does contain the first and only anti-euthanasia pronouncement in the South Australian Parliament?

The Hon. Frank Blevins: Clause 7 (2).

The Hon. R.J. RITSON: Yes, not that that alters the state of the law, of course, because the direct killing of a person always has been unlawful.

The Hon. J.C. Burdett: It is direct.

The Hon. R.J. RITSON: It is, indeed. It is declaratory; it is educative; it indicates and expresses the view of the Parliament that this Parliament considers that euthanasia is a bad thing and that this Bill does not authorise it. The point that was raised by way of criticism from some medical sources at the time of the previous debate was that, if a person was admitted to a hospital with a dangerous, life-threatening illness or injury, carrying one of these declarations that are envisaged by this Bill, the medical officer would be in a terrible bind because he would not know how to act if his view of what was best for the patient's recovery conflicted with the Bill. The Bill clearly states that the patient must be terminal in terms of the definitions on page 1 beyond reasonable doubt. The mere expression by that doctor of that doubt immediately relieves him of obligation to withdraw treatment. Other people have said that the Bill instructs them as to what to regard as terminal illness, almost adopting the attitude that the Bill seeks to describe the means of diagnosing terminal illness. The Hon. Mr Davis gave us a very good description of the method of operation of ethical committees at the Flinders Medical Centre and the way groups of clinicians acted in considering the decision as to whether to withdraw treatment from a gravely ill but not brain-dead patient.

He described the very careful and painstaking procedure of obtaining several medical opinions, of performing certain tests, making a decision and delaying that decision for certain periods and then reviewing the situation again. I thought that he was describing a very wise and clinical approach.

My only answer to any criticism of the Bill in terms of that approach is to say that there is no rule set by the Bill. If that is what the medical profession decides is necessary before deciding that someone is terminally ill, that is what the Bill means. After all, if one legislates to give workers compensation for appendicitis, one does not then put four pages of the pathology book in the Bill to describe appendicitis. One assumes understanding of the meaning of the word and, if there is a dispute, the judge will hear that dispute and hear medical witnesses. One relies on medical opinion. If the medical profession has doubt, the patient is not terminally ill and the living will would not apply. That is what the Bill says, and that is the way it should be.

The Hon. J.C. Burdett: Should 'death' be defined?

The Hon. R.J. RITSON: It has not been defined in the Bill.

The Hon. J.C. Burdett: What about the Bill that has passed this Council?

The Hon. R.J. RITSON: That Bill has not defined death. It gave legal recognition to criteria that will enable one to state that death has occurred, but it did not state what death is. One can talk about death as changes in the nuclei of the cells of the entire body or in many different ways. The Bill assumes that everyone knows what death is. It is the criteria of diagnosing death and legal recognition of it that was dealt with by that Bill.

I do not see that this Bill in any way restricts or diminishes the flexibility that the medical profession has in deciding at what point in the progress of a grave illness death is

inevitable, and what sort of clinical tests and human opinions they should seek before they come to that conclusion. The only thing the Bill says is that when they come to that conclusion, by whatever clinical means, beyond doubt, the patient having expressed a desire not to be sustained in that condition (and having expressed the desire whilst conscious and competent), those wishes should be carried out.

There are a number of other clauses in the Bill which are in the form of indemnities and which really restate the common law position. Changing the law is not the only purpose of an Act of Parliament. Social education can be one of its purposes, and I suspect that this is one of the principal purposes that the Hon. Mr Blevins is pursuing in this Bill. Clause 6 (1) provides:

> For the purposes of the law of this State, the non-application of extraordinary measures to, or the withdrawal of extraordinary measures from, a person suffering from a terminal illness does not constitute a cause of death.

The key to interpretation of clause 6 is found in clause 3 in relation to the words 'terminal illness', because 'terminal illness' means an illness in which no measure, even extraordinary, could prevent death or relieve symptoms. Clause 6 is really only saying that, if one withdraws measures that could not have prevented death, it shall not constitute the cause of death. That is plain, so long as one refers to the definition clauses of the Bill in reading the other clauses.

Without dissecting each clause (we did that in great detail two years ago, and the Bill is the same), my view of the Bill is that it is declaratory of the common law position in regard to the refusal of treatment, but only in so far as a refusal of useful treatment is concerned, and it remains silent as to the common law right to refuse remedial treatment. It is perfectly consistent with the moral pronouncements on this matter issued by His Holiness the Pope shortly after the Bill was initially introduced.

His Holiness went further than this Bill and addressed his mind to the refusal of useful treatment, treatment which may save life, and discussed the question of proportionality, how much pain and suffering one had to go through in order to save one's life, and various other factors like that. In his deliberations, His Holiness ended up giving no decisions in that matter, and he certainly did not give any moral pronouncement that refusing useful treatment was always wrong. Certainly, he did not say that. He agreed that useless treatment in extreme circumstances could and should be withdrawn. There is no conflict between the meaning of this Bill and pronouncements of the Pope on this subject.

Many people who have not read the Bill have believed that there is such moral conflict. I received a very strong and ill-informed letter from a group of Catholic women who quoted Bible tracts, informing me of the dire consequences in the afterlife of giving poisons to people to kill them. It was very clear that those people had not read or understood the Bill.

For a while, I considered opposing the Bill on this occasion, even though I had a hand in drafting it and even though I supported it when it was last before the Council. I considered opposing it because of the social effects of the misunderstandings that surrounded it. The misunderstandings were, in a way, on both sides of the coin. Whilst a number of people referred to it as a euthanasia Bill, a senior and informed lawyer told me that he was concerned that people should not sign the form because they might not realise that it was not as effective a living will as would be a statement outside the scope of this Act dealing with refusal of remedial treatment. For instance, a person who has merely signed a living will under this legislation would in no way be refusing blood transfusion during a normal delivery or operation.

Such treatment is remedial. On the one hand, people were arguing that this Bill would further the cause of euthanasia, and on the other hand at least one senior lawyer said that a declaration under a euthanasia Bill would not give a person as much freedom of refusal of treatment as would a declaration under common law. Indeed, Edward Keyserlink, the convener of the Law Reform Commission in Canada, dealt with this problem and argued strongly in favour of living wills. However, he argued that they should be non-legislated living wills, that people should be educated in common law and advised (if they were sufficiently concerned to leave a written declaration as to how they were to be treated) how to make such a declaration, relying on common law.

The Hon. R.C. DeGaris: How would common law define 'terminal disease'?

The Hon. R.J. RITSON: My whole point is that it would not need to. If one relies on common law any treatment can be refused.

The Hon. R.C. DeGaris: You might not want to refuse any treatment.

The Hon. R.J. RITSON: No, but one might want to refuse a specific treatment, such as a blood transfusion or some other specific treatment. For example, one might want to refuse penicillin if one suffered from pneumonia, knowing that one had lung cancer. This Bill was widely misunderstood on both sides. On the one hand, people were calling it a 'euthanasia Bill', and on the other hand other people complained that it was too narrow. I felt satisfied that it was educational and expressive of existing rights and that it did no harm, did not change the law and did not change medical practice. However, one cannot ignore public reaction.

The effect of a law may be gauged from the effect that it has in the law courts. However, very often its social effect is gauged in terms of how it is perceived and discussed over the back fence between citizens. The general public's understanding of the law may be as important a social factor as the judicial interpretation. I was concerned about the social perception of this Bill. In fact, Barbara Page, a well known journalist about town, referred to the Bill in her writings in terms which implied that it was a euthanasia Bill.

I have already mentioned the letter that I received from a group of Catholic women. I also noticed in the *Nation Review*, which I think is now defunct, the report of an interview with Mr Justice Kirby. I do not believe that Mr Justice Kirby is incapable of understanding this Bill, and he had some rather nice things to say about it at the time. The editorial treatment of the interview happened to include within one paragraph praise by Mr Kirby for this Bill, but also contained mention of euthanasia and abortion. That gives a fair amount of strength to the argument put forward by Dr Ted Cleary that no matter what the Bill really is it will be abused by the protagonists of euthanasia to further the cause of euthanasia.

In fact, a noted senior Australian citizen, whose name is known by almost everyone in this State and around the nation, in opening a scientific meeting at which this Bill, among other things, was to be discussed, opened the batting by saying, 'I see that you are going to discuss euthanasia.' It became quite clear to me that, to a certain extent, Dr Cleary was right and that people would misunderstand the Bill and use its existence to raise the issue of euthanasia. That left me with a great conundrum, because I believe that the Bill itself will not further the cause of euthanasia.

I believe that this Bill will not alter medical practice. It is merely declaratory, educational and expressive of existing rights and doubts. However, I have perceived community pressure and community misunderstanding. As I have said, I considered opposing the Bill in order to yield, as it were, to those pressures, not so much from a fear of criticism, because I do not think that one can be a member of Parlia-

ment for very long without becoming used to daily criticism. In fact, one is already used to criticism if one has practised as a doctor before entering Parliament.

It is important for a member of Parliament to determine for himself from time to time the extent to which he should reflect public opinion, rightly or wrongly, and the extent to which he should lead public opinion. Unfortunately, I still do not have the answer to that global question. After vacillating for some days and worrying a great deal, I have decided to lead public opinion rather than respond to it in relation to this matter. For that reason, I support the second reading of the Bill.

The Hon. R.I. LUCAS secured the adjournment of the debate.

CASINO BILL

Adjourned debate on second reading.
(Continued from 23 March. Page 552.)

The Hon. G.L. BRUCE: I rise to support this Bill, which was introduced by the Hon. Mr Blevins. I have no strong objection to the Bill as such. In my travels in Tasmania and Darwin and down to Alice Springs I had occasion to visit two casinos in operation. I believe that the evils that had been anticipated through the criminal element and the wasted way of life were not in evidence at those casinos. The casino at Alice Springs was virtually completed, but it had not been commissioned. However, it has now been commissioned, and it has been a great boost for tourism in the Northern Territory.

Tasmania began with one casino and it now has two. The casinos in Australia usually operate as part of a complex incorporating other facilities along with gambling. They have full dining and drinking facilities, accommodation, convention rooms and an information facility to provide first-class tourist arrangements. There are also travel centres in the foyers that take care of arrangements for travellers from interstate and overseas. The travel centres provide first-class travel arrangements for tourists in relation to things to see in the city and State that they are visiting.

I believe that a casino in South Australia will not have the same impact or profitability as had the original casino in Hobart, because that sort of facility is no longer a novelty. A natural rationalisation in the industry will mean that a casino in South Australia will not now be operating in isolation but will be in competition with casinos in other States. I believe this shows how far thinking has come since the first casino was established in Tasmania. If we are to concentrate on the development of tourism in this State, I do not believe that we should be the odd State out in the casino stakes. Even Queensland, with Premier Joh, is seriously considering a casino complex.

A casino should offer increased employment in the hospitality industry as well as employment through the goods and services that it supplies to its customers. While initially the novelty value of a casino may attract the locals in large numbers, I do not believe that that will continue. The novelty of a casino will soon wear off. We could look at the question of a casino in South Australia in relation to other novelties such as Maslins Beach. When it was first suggested that Maslins Beach should be set aside, the police were directing traffic on the first day and one could not get near the place. Now, it is just ho hum.

I do not doubt for a minute that the same situation will apply to the novelty value of a casino. Eventually, people will view the gambling aspect as the idea of having a night out gambling (and that is one's right), or a night out with a meal and a show at the casino. I cannot see that gambling in a casino is any worse than the State-supported forms of gambling that we already have. Overseas visitors will accept a casino as a normal part of the tourist circuit: I cannot see that a casino will raise the eyebrows of these people.

I was most interested in the report of the select committee that was brought down during the life of the previous Government. I believe that the Bill adequately covers all the points raised in that report. The Bill proposes that there should be a casino supervisory authority that determines the terms and conditions of the licence to be issued and to supervise the operations of the casino. This gives adequate safeguards to ensure that the so-called criminal element cannot take over the running of the casino, as is often suggested by those who oppose casinos. In fact, no evidence has been forthcoming that any of the casinos in Australia have been subjected to this so-called criminal element about which we hear so much.

I notice that the Hon. Ren DeGaris has amendments on file relating to this Bill. I am not particularly uptight about those amendments. The honourable member is obviously trying to point out that, if we want more than one casino (and I presume that he will elaborate on this matter), we could have more than one. I presume that the honourable member is thinking of the tourist areas of Mount Gambier, Whyalla, and other places. The casino need not necessarily be situated in Adelaide, but I suggest that that is the right place for it.

The Hon. R.C. DeGaris: There are two casinos in the Northern Territory with its population.

The Hon. G.L. BRUCE: There are also two casinos in Tasmania. The honourable member has not taken into consideration the provision (page 5, clause 15 of the Bill) that there shall not be more than one licence in force under the Act. I do not know how he squares that.

The Hon. R.C. DeGaris: Shall I tell you why?

The Hon. G.L. BRUCE: If the honourable member wants to, he can tell the Council.

The Hon. R.C. DeGaris: If the amendment is carried, I will seek to report progress and make other amendments.

The PRESIDENT: Order! I must remind both honourable members that we are not addressing our attention to the amendments at this stage.

The Hon. G.L. BRUCE: I would not like to see this sort of argument develop and perhaps jeopardise the chance for reasonable, rational debate on South Australia's having a casino, so in all probability I would not support the honourable member's amendment at this stage. It would appear that Tasmania experienced no trouble when a casino was built in Launceston. If my memory serves me correctly, I believe that there was a 10-year gap between the building of the two casinos in Hobart and Launceston. No trouble was experienced in the Northern Territory. One casino was built in Darwin, and eventually another casino was built in Alice Springs. There seemed to be no mad rush.

Rather than jeopardise the Bill and confuse the debate with a red herring across the trail, I would not support the amendment at this stage. Looking back over the years, I believe it is rather unique that Tasmania has been in the forefront of gambling and chasing the gambling dollar. I can recall that when I was a teenager the big thing in Victoria was a ticket in Tatts. Of course, Tasmania operated the Tattersalls system from the Hobart headquarters. There were no lotteries in Victoria or South Australia, and I understand that the Golden Casket operated in Queensland, and that there was some form of gambling in Western Australia. Hundreds of thousands of pounds went across the borders of Victoria to Tasmania in those days.

It seems rather unique that Tasmania pioneered official casinos in Australia (and there is no doubt at all that illegal

casinos have operated in New South Wales). Times have certainly changed.

I believe that the right to gamble is a personal choice that people have to make, and the way in which it is to be done is a matter to be decided by community consensus. I believe that community consensus in South Australia is not opposed to casino gambling at this stage. It is our duty as a Government to see that, if a casino is introduced, it is introduced in a proper manner and that it is supervised so that it gives benefit to the State.

I support the Bill introduced by my colleague, and I trust that it receives a proper and balanced debate in this Council and does not become subjected to what seemed to be a hysteria debate when the Bill was introduced on previous occasions in the other place. The opponents of a casino have not introduced the fear that organised crime will proliferate in South Australia because of this Bill. The Bill has my support, and I trust that the debate is carried on in a reasonable and rational manner.

The Hon. R.C. DeGARIS: I support the second reading of the Bill. I have opposed generally over many years the provision of gambling devices in our community, not on moral grounds but on economic grounds. There is no advantage to the economic life of the community in providing gambling devices. However, since lotteries, bookmakers, T.A.B., Instant Money, raffles, soccer pools, and other forms of gambling have been established in this State, how can we say, 'Yes, it is legal to gamble on soccer pools, to buy Instant Money tickets, or to back racehorses, trotters, or greyhounds, but no-one can gamble on any other form of gambling'? That is quite illogical in my view.

When the Bill in relation to soccer pools was introduced in the Council, the Hon. Mr Blevins crossed the floor and voted for the Bill. I believe that he was the only A.L.P. member to vote for that Bill. I will not debate the reason why the A.L.P. opposed that Bill, but I will say that I appreciated the fact that the Hon. Mr Blevins probably took the same view as I am taking now—that is, how could we, when money is leaving the State to go to soccer pools, not take steps to establish such a system in this State?

Having said that, I support the Bill for the reasons that I have given. Let me say also, in regard to gambling devices, that a casino offers the best odds to the gambler. For example, on a roulette wheel the returns are about 97 per cent weighted towards the gambler. I compare that with Instant Money and all lotteries, which I believe involve about a 60 per cent return, and the T.A.B. about an 85 per cent return, to those who invest. Therefore, one cannot say that gambling at casinos is heavily biased against the gambler.

The next question is that there are some gamblers who want to use casinos, whether or not they are black jack players, roulette players or players of some other game. I do not know of any casino in Australia that is running a crown and anchor board, but I suggest that the amount of crown and anchor played at the present time in an illegal fashion in South Australia would make the game of crown and anchor in a casino extremely popular.

The Hon. L.H. Davis: You speak with some experience.

The Hon. R.C. DeGARIS: I know of quite a number of crown and anchor games played in South Australia.

The Hon. H.P.K. Dunn: Do you have a list?

The Hon. R.C. DeGARIS: If the honourable member would like to gain my information on this I am quite prepared to provide it to him—for a fee. How do we say to those who like horse racing that they can gamble, but to those who like roulette that they cannot? My only objection to the Bill, as the Hon. Mr Bruce pointed out, is that it restricts the licence to one casino. If we are to allow the establishment of a casino in South Australia, we should not restrict it to only one. As I pointed out by way of interjection to the Hon. Mr Bruce, the Northern Territory has two casinos operating and has a population of about 100 000 people, Tasmania has two casinos operating and has a population of about 250 000 people, Queensland will be establishing two casinos, in Sydney there would be more than two casinos operating (not legal casinos by any means), and, as everyone knows, more than two casinos are operating in Perth.

To have a Bill going through this Council to allow one casino appears to be too restrictive. If casinos are to operate in this State, an authority should be established to make inquiries in the South-East, the Riverland, the Iron Triangle and Adelaide to ascertain the number of casinos that could operate successfully. I would say that there is room for more than one casino to be established in Adelaide. I am also certain that in other areas of the State a casino could operate extremely well.

If we pass this Bill to allow one casino, we will establish one 'crystal palace' where every person who wants to play roulette will have to go. People in other parts of the State enjoy playing black jack and roulette and should have a casino where it could operate quite satisfactorily. For example, in Launceston, where there is a population of about 60 000 people, there are 10 to one dozen roulette tables, about 20 black jack games, Keno games, two-up and one or two other games as well. Also, Launceston does not have a high tourist attraction. Of course, Wrest Point has a tourist attraction, although if one looks at the figures one finds that about 80 per cent of the money that goes over the casino tables is local Tasmanian money, and not that of tourists. So, one can see that if a city like Launceston, with a population of approximately 60 000 people can support a casino, it would be possible to establish a casino in country areas of South Australia. This could occur in the Riverland district, the South-East and the Iron Triangle, as well as the establishment of casinos in the City of Adelaide.

If the authority, in its examination of the Bill, found that a casino could operate with success in those places, I see no reason why it should not so recommend. The Bill allows the authority to recommend whether or not a lease should be let for a casino or whether it should be run by a statutory authority. I do not mind very much how it is done. The authority may recommend that it be done one way or another. In most of the casinos operating in Australia, the operators with some knowledge of running casinos handle the running of them in a much better way than where a statutory authority is established to run a casino.

I support the second reading but will be moving, during the Committee stage, for an expansion of the right to establish more than one casino in South Australia. I think that that is reasonable. As I pointed out to the Hon. Mr Bruce, I have not moved all the amendments that are required and have put on file amendments to clause 4 and clause 10 in the hope that, if they pass, we will then need to report progress to allow another 60 or 70 amendments to be moved taking it to plural rather than singular consent. I support the Bill.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

RAMSAY TRUST

Adjourned debate on motion of Hon. K.L. Milne:

That—

i. the Ramsay Trust could be a viable proposition and of great value to this State in relation to the provision of low cost housing;

ii. in view of the fact that no interest is payable to investors, the element of indexation received by investors of the Trust should be treated as capital and exempted from income tax in order to protect the capital of the investors against inflation; and

iii. the Premier be asked to convey the substance of this motion to the Ramsay Trust for a report prior to requesting the Prime Minister to take the necessary action to ensure that tax exemption as set out in ii above be introduced for limited liability companies which are either public benevolent institutions under section 78 of the Income Tax Act, or are exempt from company income tax under section 23 of the Income Tax Act.

(Continued from 23 March. Page 554.)

The Hon. L.H. DAVIS: In moving this motion both the Australian Democrats, the Hon. Mr Milne and the Hon. Mr Gilfillan, expressed some support and sympathy for the aims of the Ramsay Trust. I agree with them in so far as the Ramsay Trust had a worthwhile aim, which was to provide welfare housing in South Australia. It is worth while noting that it was a modest ambition in the sense that with a $1 500 000 minimum subscription the trust would have provided for some 30 houses at $40 000 each. The proposition must be accepted that welfare housing is a high priority in our society.

Indeed, as I mentioned in my Address in Reply speech on the same matter, the previous Liberal Administration recognised that and had significantly increased the funding to welfare housing. On the day that the failure of the Ramsay Trust was announced, the Hon. Mr Gilfillan said that it was tragic and despicable for the Liberals to carp about the establishment of the trust. He went on to say:

> The trust was outstandingly the most brilliantly conceived and best motivated attempt to overcome the severe housing situation in South Australia.

I am not sure whether or not the Hon. Mr Gilfillan still believes that after reading my Address in Reply speech or, indeed, after hearing his colleague on the matter, as the Hon. Mr Milne freely admitted that the Ramsay Trust had severe limitations.

Today I signal my opposition to the motion moved by the Hon. Mr Milne. I do this not because I think that the aim of the Ramsay Trust is not worthy but simply because I believe that the Ramsay Trust as presently structured cannot operate. I propose to look at the Ramsay Trust and its operation in two stages. The first stage, the fundraising, was a hurdle that was not overcome. The second stage is the operation of the Ramsay Trust over a minimum period of 22 years if it is to run for the full length of the rental purchaser's agreement with the trust.

The Hon. Mr Milne conceded that there were errors of judgment made by the Ramsay Trust in so far as it expected investors to support a venture such as this out of a gesture of kindness, even though there was a guarantee by the Government. Implicit in the Hon. Mr Milne's statement was an admission that the Ramsay Trust was not terribly competitive. That is reflected in his motion when he says that to make it more effective we should seek tax exemptions for income accruing to investors from the Ramsay Trust.

It is important to note that the Hon. Mr Milne has been candid enough to accept the lack of attractiveness of the Ramsay Trust debentures in the marketplace, and that might be regarded by some as at odds with the Hon. Mr Gilfillan's previous statement about the Ramsay Trust being brilliantly conceived.

The Hon. K.L. Milne: It was, really, quite a brilliant conception, but it made some errors; that is all.

The Hon. L.H. DAVIS: The conception was easy, the birth rather difficult. Perhaps if we can recap on the provision of the Ramsay Trust which led to this failure and then examine the motion now before us seeking tax exemption for Ramsay Trust debenture holders, we will see that the points that I made in my Address in Reply speech still stand today and I am even more firmly convinced of their merit.

First, it was simply not marketable; it was simply not competitive. It offered a rate of interest equivalent to the rate of inflation, and that rate of inflation at years end is estimated to be something like 10 per cent That is well short of what the South Australian Gas Company, for example, is offering in its current debenture issue. It is offering for a four-year term 15 per cent with interest payable every six months.

The lack of competitiveness and marketability is also reflected in the fact that the State Electricity Commission of Victoria has announced that it is looking at a similar scheme to that proposed by the Ramsay Trust, namely, to issue securities indexed to the consumer price index and repayable at maturity—the capital together with the increases according to the consumer price index, repayable at maturity. The State Electricity Commission, according to the *Financial Review* of only last Friday (25 March) in Chanticleer's column, has asked various financial institutions and sharebrokers whether there is any support in this field for this proposal. The State Electricity Commission is seeking to raise a large amount by this scheme, and the feeling from the Chanticleer article is that it will not be a zero coupon with inflation index-linked income.

The Hon. K.L. Milne: Income or capital?

The Hon. L.H. DAVIS: Income, in time deemed to be income. But also it will have a coupon of perhaps 2½ to 3 per cent. When I discussed this with people in the marketplace in the last two or three days there was a very strong feeling that that coupon would have to be at least 3 per cent. That, of course, is exactly in line with the comments I made in my Address in Reply speech last week. In fact, there is some doubt whether it will be attractive at that level because of the fact that interest rates have moved up and are well in excess of the current inflation rate, which seems to be about 10 per cent on an annualised basis.

So, we have a direct contradiction of the arguments put by the proponents of the Ramsay Trust in the proposal of the State Electricity Commission of Victoria's recent sortie into the market with the issue of its first major index-linked debenture issue. The fact of the matter is that, if the Ramsay Trust had been successful in raising its $1 500 000 minimum subscription as required by the prospectus, the debenture holders would have had a par value of $100 on day one and straightaway on day two in the marketplace if, for example, for any reason they had to sell them, they would have had a value of $89, if one assumed the redemption yield on those securities if the debenture was sold was 13 per cent.

The Hon. Mr Milne will not be unfamiliar with the concept that the marketplace puts its own value on those securities, given the nature of the security and the interest rate in the marketplace at any one time. Certainly, the Ramsay Trust holders were being asked to hold the securities for some five years. I pointed out that that was an inordinately long time in today's market, notwithstanding the high interest rates that exist would attract people to invest for a long time. Nevertheless, the uncertain economy at this time is an important factor, and if they seek to invest for periods of two, three or four years at the most.

So, the very people who were being initially asked to subscribe to those debentures (namely, pensioners, people approaching retirement putting aside something for their retirement or for their grandchildren) would perhaps have needed to sell them in the event of something unexpected

occurring and would have been faced unduly with a severe discount in the marketplace if those debentures had been readily marketable. Everything has a price, and my very strong view (and it is backed up by general opinion in the financial world) is that Ramsay Trust debentures would have had a very severe discount in the marketplace.

The fact that the State Electricity Commission in Victoria came on with perhaps a 3 per cent coupon when the Ramsay Trust was floated with a zero coupon indicates that that would have been the general opinion in the marketplace, and it strongly suggests to me that there was something unfortunate about the terms of the Ramsay Trust. The people who could least afford to lose their money were the sort of people who were the most likely investors in the Ramsay Trust, given the Government guarantee and given that they might have been pensioners who did not want income because it would have jeopardised their pensioner status. There would have been something faintly immoral about their being, if they were forced to sell in the marketplace, subject to a significant discount in the event of a sale—at least a 10 per cent discount on day two.

The Hon. K.L. Milne: The Government guarantee would not come in on that?

The Hon. L.H. DAVIS: No. So, that is the reality. Now, of course, the Democrats, through this well-intentioned motion, are asking the people who are concerned with the Ramsay Trust in its aim to turn the Ramsay Trust right around and instead appeal, not to the people who are on low incomes (to pensioners and those saving for retirement), but to the taxpayers, the people who are paying high taxation, and by asking for taxation exemption are quite obviously appealing mostly to the 60c in the dollar taxpayer and the 46c in the dollar taxpayer. It will now be more attractive to them to invest in the Ramsay Trust if the Federal Government accedes to the terms of this motion.

The Hon. K.L. Milne: Would they still need a coupon?

The Hon. L.H. DAVIS: That is something on which I would like to reflect. My view is that, if the income accruing to Ramsay Trust debenture holders was tax free, the index inflation guarantee would be sufficient because the 33c in the dollar taxpayer would find that a Ramsay Trust debenture was equivalent to about 14½ per cent pre-tax, assuming a consumer price index in the vicinity of 10 per cent.

To a taxpayer paying more than 46c or 60c in the dollar it will be much more attractive. In answer to the Hon. Mr Milne's question, I concede the point that he has made. Undoubtedly, tax-exempt status for the trust would improve its attraction. I would not guarantee that the funds would be raised, but obviously tax-free status would provide a much better opportunity to raise the funds. That is evident to everyone. However, my objection to the Ramsay Trust lies on more fundamental ground. There are two aspects. In regard to fund raising, perhaps the Hon. Mr Milne's motion may well overcome that difficulty.

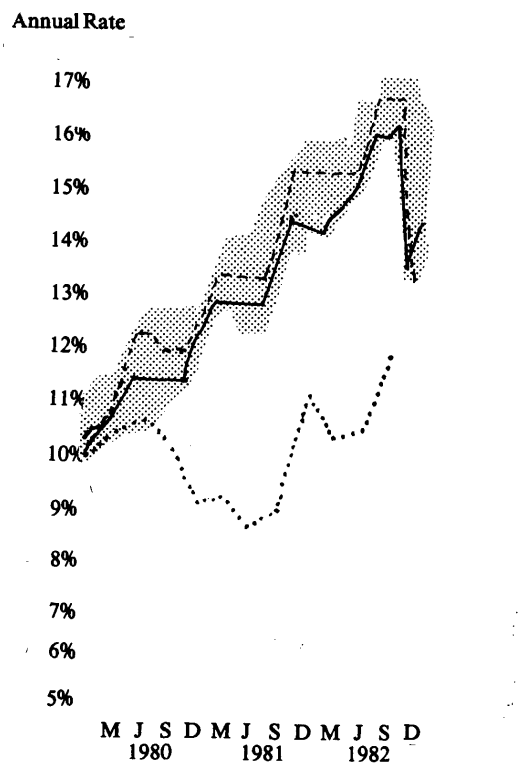
The State Electricity Commission of Victoria received from the Commissioner of Taxation only last August a written view to say that there was not any intention to grant tax-free status to an inflation indexed-linked debenture. Therefore, it would have to be a positive policy by the present Government to change that tax law, as has been proposed by the Hon. Mr Milne. Certainly, the proposal to change the tax status of the trust could make fund raising much easier.

I was appalled to see $100 000 spent on advertising and administrative costs to raise the paltry sum of $200 000, including $50 000 from one person. That makes the exercise even worse. I seek leave to have inserted in *Hansard* a graph of a purely statistical nature.

Leave granted.

INTEREST RATES

Longer Term Rates



..... Rate of Inflation.

Range of 2 Year First Ranking Debenture Rates.

——— Interest Rate on 2 Year Government Non-Rebate Bonds.

- - - - - - - - Maximum Yield on Local and Semi-Government 4-9 Year Public Loan Raisings.

Source: Reserve Bank of Australia, Australian Bureau of Statistics and Australian Finance Conference.

The Hon. L.H. DAVIS: The graph underlines the point that I made in my Address in Reply speech; namely, that there has been a trend over the past three years for real interest rates to be well above the rate of inflation. Both the Hon. Mr Gilfillan and the Hon. Mr Milne will be aware that, apart from the period in 1974-1975, when inflation was 17 per cent compared to interest rates of only 14 per cent, interest rates in Australia have been real in the sense that they have exceeded the current rate of inflation.

This was true also in the 1960s, when inflation averaged 3 per cent and interest rates were between 5 per cent and 7 per cent. The predictions of financial experts (if there are any left) suggest that real interest rates will continue to be the fashion in the 1980s.

As I have said, my objections to the trust are based on more fundamental grounds. First, 90 per cent of the people who invest in the trust would clearly be attracted to the five-year coupon rather than the 10-year coupon.

There seems to be strong agreement amongst financial experts about that fact. At the end of five years the Ramsay Trust would have to roll over 90 per cent of the moneys received. If the rate that it offers is not competitive in the market place, the trust is in jeopardy and, clearly, the trust has been structured in such a way that there is not a lot of fat: the benefit where possible is to go back to the purchaser

in terms of keeping the rental/equity arrangement as low as possible.

The Hon. K.L. Milne: The trust would adjust its terms according to the situation.

The Hon. L.H. DAVIS: The trust may be forced to adjust its terms, but it could severely jeopardise the viability of the trust. That is the point I make and about which I am concerned.

The second point is that the trust assumes that there is going to be a certain movement in real estate prices. The rental/purchaser's weekly payment is indexed for inflation in each year. That means that, irrespective of whether interest rates for conventional house buyers rise or fall, the trust's rental/purchasers will be paying more and more rent in each year because inflation is going to be positive. Also, it is worth noting that the value of a house at the beginning of each year is indexed for inflation for Ramsay Trust purposes.

The Hon. K.L. Milne: It would be indexed for real estate purposes.

The Hon. L.H. DAVIS: No, for trust purposes. I seek leave to have inserted in *Hansard* a statistical table regarding the Ramsay Trust operations.

Leave granted.

RAMSAY TRUST IN OPERATION

	Market Value of House	Rental-Purchasers weekly payment (indexed for inflation)†	Rental-Purchasers equity at end of year	Trust's equity at end of year	Value of house at beginning of year (indexed for inflation)†	Trust's value in house at end of year
		$			$	$
Year 1	House purchased Elizabeth $28 392 (1977)*	38.20	Nil	100 per cent	28 392	28 392
Year 2		42.02	Nil	100 per cent	31 231	31 231
Year 3		46.22	5 per cent	95 per cent	34 354	32 636
Year 4		50.84	10 per cent	90 per cent	37 789	34 010
Year 5	$28 145 (1981)*	55.92	15 per cent	85 per cent	41 567	35 331
Year 6		61.51			45 723	
Year 7	(1983)	67.66				

*Average price of house in council area as issued by the Valuer-General.
†Indexed annually to the consumer price index—assumed to be 10 per cent in the period 1977-81.

The Hon. L.H. DAVIS: This table seeks to illustrate the actual operations of the trust. It takes as an example a house purchased in Elizabeth in 1977 at $28 392. That happened to be the average price of a house in that council area as issued by the Valuer-General. At the end of five years, in 1981, the house was worth $28 145, about $250 less than its original purchase price.

The Council will remember that the rental/purchaser's weekly payment is indexed for increases each year. In the first year the purchaser is paying 7 per cent of the capital value of $28 392, which is $38.20. By the beginning of year six, the purchaser is paying $61.51 in rental. By the end of year five he has 15 per cent equity in the Elizabeth house. However, as I understand the trust, it values its house at the beginning of each year indexed for inflation rather than market value.

As is often the case, if the rental-purchaser wishes to move on and is forced to dispose of the house, the value at the beginning of year five would be $41 567 when indexed for inflation. That has been assumed to be 10 per cent over the period from 1977 to 1981. It is close to the real figure. The trust's value in this house, which has an imputed value of $41 567, is $35 331, 85 per cent of its imputed value.

In other words, the rental-purchaser has no equity at all in the house. In fact, there is a $7 000 gap between the market value and the trust's value of the house after taking inflation into account. My understanding is that the rental purchaser bears that loss.

These are my calculations. They may well be wrong, because Opposition members in this Chamber, especially the Democrats, suffer from a severe disadvantage in that the only information that we have on the operation of the Ramsay Trust is that which is contained in the prospectus and that which has been discussed in our debates and in Government press releases. I am concerned to think that a matter that involves public money (indeed, the loss of $100 000 in public money), following a firm commitment by the Labor Government during the election campaign, is not the subject of more disclosure.

To be debating this important motion of the Democrats without any of the evidence that has been submitted over many years in relation to this matter is most unfortunate. I repeat my request to the Government to make public the information of experts such as the Under Treasurer, the Public Actuary and other people who advised the previous Government and the current Government about the viability of the Ramsay Trust, its advantages and disadvantages and its strengths and weaknesses. Without this information the Australian Democrats and all members of this Chamber are severely limited in making an intelligent contribution to this debate.

The Ramsay Trust prospectus itself is fairly thin on detail about how the trust operates from the point of view of rental/purchases. I am not blaming anyone for that, because that was not the point of the prospectus; rather, it was designed to set out the basis of the prospectus for potential lenders.

The examples set out on pages 7 and 8 of the Ramsay Trust prospectus leave something to be desired, because they bear little relationship to the way that people have actually invested their money over a period of time.

It is also instructive to note that the comments that I made about the Ramsay Trust in my Address in Reply speech have been taken up in one of the few comments by the financial press. I refer to a regular newsletter that is sent to many financial institutions and to people interested in financial matters. I refer to *Money Matters* which, in a recent article headed 'Indexed bonds a flop', stated:

> State Government loan raising authorities should have learned a lesson from the failure of the Ramsay Trust issue in South Australia to reach the minimum subscription level in its $5 000 000 issue of indexed bonds. Regarded as a test of the market for indexed securities issued by Governments in Australia, the Ramsay Trust attracted only about $200 000. This was a disappointing test but, before the other States write off the experiment and forget about indexed securities, they ought to consider a few factors in the Ramsay Trust's failure. When these are taken into account, they might still decide to try their own experiments because the Ramsay Trust issue was poorly handled.
>
> For a start, the advertising outside South Australia was sparse and not very informative for the casual reader. People had to

look hard to see that the bonds were Government guaranteed. Second, the Ramsay Trust was not well known and any investor considering debentures or bonds prefers a borrowing name he knows and trusts. Third, the issue's public relations were poorly organised. Media representatives received no general distribution even of prospectuses in the eastern States. Stockbrokers in some cases claimed they were waiting for copies to be sent even the week the issue closed. Four, the timing—in a Federal election campaign—was bad. Most important of all, the Ramsay bonds offered a nil coupon rate. *Money Matters* believes that indexed securities will come in Australia—and sooner, rather than later. But the cause will not be helped by a sloppy, amateur approach like the South Australian prospectus.

That is a fairly reasonable comment on the Ramsay Trust issue. It is harsh but, in my view, it is justified. The Ramsay Trust as it was initially proposed and floated to the public was a failure.

As I have said, the Labor Government was strongly committed to the Ramsay Trust. In fact, the Premier, Mr Bannon, said at its launch that people should purchase the debentures as an investment for their children's future or for their retirement. He also said that the risk of loss was limited. That proved not to be true. The Minister of Housing, when confirming the fact that the Ramsay Trust had failed dismally, said that the idea was a good one. He also said that it worked in the United Kingdom and in New Zealand and that it had the South Australian Government's backing. Of course, that is another misconception. The fact is, and this is well realised in this Chamber, the indexed debentures in the United Kingdom and New Zealand are horses of a different colour. They both offer tax relief; they are tax exempt; and they also have a small coupon attached.

At least the Democrats' proposal has the merit of proposing to make Ramsay Trust debentures more attractive by providing tax exempt status. However, my opposition to this motion, as I have clearly demonstrated, is based on the fact that there are ongoing difficulties with the trust in respect of being able to guarantee the roll-over of debentures when they fall due. I have argued that 90 per cent are more than likely to fall due within five years.

There is a real difficulty in predicting how real estate prices will move in the future. The actual example that I have tabled demonstrates that a rental/purchaser of a house at Elizabeth in 1977 who wants to quit that house five years later will, on my understanding of how the Ramsay Trust operates, be forced to put money into it. Of course, if the Ramsay Trust fails for any reason the Government may well pick up the tab.

The Hon. I. Gilfillan: I think it is the trust that takes the loss.

The Hon. L.H. DAVIS: I am not quite sure about that point, because we do not have all the information before us. Finally, before everyone becomes starry-eyed about the benefits of the Ramsay Trust, we should realise that there are some excellent existing housing finance provisions already available. It may surprise some members to learn that a single person receiving a wage of $316.90 a week or a married couple with a combined income of no more than $528.20 per week has only a seven or eight month waiting period with the State Bank of South Australia for a loan of up to $35 000 at a very attractive interest rate of 7.25 per cent. That is equivalent to a repayment of only $233 per month, which is less than $60 per week. That is comparable with the rental/purchase provisions provided by the Ramsay Trust.

For my part, I would much prefer to see the existing financial facilities of the State Bank and the Housing Trust strengthened to provide adequate welfare housing in South Australia rather than sinking $100 000 into the Ramsay Trust. On reflection, that $100 000 could have given 50 needy people $2 000 each by way of deposit to enable them to buy their own homes. I oppose the motion.

The Hon. C.J. SUMNER secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES BILL AND CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Orders of the Day, Private Business, Nos. 9 and 10.

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

That Orders of the Day Nos. 9 and 10 be discharged.

The Government has introduced Bills that are very similar to the two Bills that I introduced. The Attorney-General explained in the second reading explanation of the Second-hand Motor Vehicles Bill that, in the interim over the vacation, Parliamentary Counsel has been able to reconsider the draft of the Bill that was prepared for the Government and has made drafting amendments. The Attorney also indicated that there had been further consultation with the industry.

For those reasons, I accept that the Bills introduced by the Government are a better basis on which to discuss the issues. We are now doing that. I do not agree with all parts of the Government Bills, but I consider that the Government Bills are a better basis for discussion.

Motion carried.

The Hon. J.C. BURDETT: With the leave of the Council, I move:

That the two Bills be withdrawn.

Motion carried.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to establish a register of certain interests of members of the Parliament of South Australia; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

There have been numerous attempts by the Labor Party in the past decade to establish a register of the interests of members of the South Australian Parliament and their immediate families. In September 1974 a private member's Bill was introduced in the House of Assembly to require all members of the State Parliament to disclose annually all sources of income in excess of $500 received by themselves, their spouses and their infant children. The Bill lapsed.

The South Australian Government introduced a Bill on 30 November 1977 to establish a register of information relating to the sources of income and financial interests of members of Parliament and their immediate families which subsequently passed the House of Assembly in March 1978 but lapsed at the end of the session. On 22 August 1978 the then South Australian Government reintroduced the Bill in a modified form as the Members of Parliament (Disclosure of Interests) Bill. The Bill was passed by the House of Assembly in November 1978 but was laid aside in 1979 after amendments sought by the Legislative Council proved unacceptable to the House of Assembly and a conference of both Houses was unable to resolve the issue. The main problems revolved around the issues of who should be required to declare, what interests should be disclosed and who should have access to the register of interests.

In October 1981, I reintroduced the lapsed Members of Parliament (Disclosure of Interests) Bill in slightly modified form. After protracted debate lasting many months the Bill was not passed. The Liberal Party has repeatedly refused to agree to any Bill which provides for the public disclosure of members' interests.

The Hon. K. T. Griffin: We introduced our own Bill.

The Hon. C.J. SUMNER: As all honourable members know, that did not require public disclosure. This attitude is completely out of keeping with developments elsewhere. The United Kingdom Parliament has had public disclosure since 1975 and the Victorian Parliament since 1978, but regrettably, although South Australia under a Labor Government was the first to propose such legislation, it has still not been enacted in this State.

The Labor Party believes that members of Parliament, as trustees of the public confidence, ought to disclose their financial and other interests in order to demonstrate both to their colleagues and to the electorate at large that they have not been, or will not be, influenced in the execution of their duties by consideration of private personal gain. It is based on the Labor Party's belief that, in the exercise of their duties, legislators should place their public responsibilities before their private responsibilities.

In Australia in recent times, the Victorian land scandals have been the most obvious demonstration of the need for this kind of legislation and no doubt prompted the Liberal Government legislation in that State in 1978. The situation in South Australia at present is totally unsatisfactory. There is no obligation on members to make any disclosure. It is a poor argument which would claim that standing orders and the scant provisions of the Constitution are sufficient to make disclosure legislation unnecessary.

When previous Bills providing for the disclosure of interests have been introduced into this Parliament, many of the arguments against them used by the members of the Liberal Party concerned the inadequacies of those Bills as compared with the Victorian legislation. The Bill now before the House is a modified version of the Victorian legislation. The differences are as follows:

1. No provision is made for a member declaring that he is not going to seek re-election to be thereby exempt from filing a return. A State election is not due for another three years and it is considered undesirable for a member to be able to sit in this Parliament without having made a declaration for such a long period.
2. The Bill provides for a member to make a declaration in relation to the interests of himself, his spouse (and putative spouse) and children under 18 living at home. More substantial declarations relating to spouse and children are required under this Bill than the Victorian Act.
3. Provision is made for the register itself to be open for public inspection as well as the publishing of a Parliamentary paper containing information from the register.
4. Provision is made for a wilful contravention of the Act to attract a penalty of $5 000. Where a contravention occurs in Parliament and the statement would therefore be covered by Parliamentary privilege, provision is made for such a breach of the Act to be a contempt of Parliament.
5. Election candidates are included in this Bill.

The disclosure of interests by members of Parliament is a desirable and necessary step if the public is to be confident that its elected representatives are discharging the public duties without bias or the influence of personal gain.

It is recognised by this Government that public servants and members of statutory authorities with influential positions should also be required to declare their financial and other interests. To this end proposals for obtaining declarations from people such as these are being examined. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides definitions of expressions used in the measure. Under the clause, the members of the family of a person required to disclose information under the measure are to include a spouse (including a putative spouse within the meaning of the Family Relationships Act) of the person and any child of the person who is under the age of 18 years and normally resides with the person. The meanings of other expressions used in the measure will be explained as the expressions appear in subsequent clauses. Clause 3 provides that there is to be a Registrar of Members' Interests and that the Governor may appoint an officer of the Parliament to be the Registrar.

Clause 4 provides for the lodging of returns by each member of the House of Assembly and the Legislative Council and each person nominated as a candidate for election as such a member. Under the clause every person who is a member on 1 September 1983 must, before the end of that month, submit to the Registrar a return referred to as a 'primary return', the required contents of which are set out in clause 5. Under the clause, every person who is nominated as a candidate for election to either House after 1 September 1983 must, within three days after the date of nomination, submit to the Registrar a primary return. This is not to apply to candidates who were members within three months before the date of nomination. Finally, the clause requires that every member must, on or within 60 days after 13 June 1984 and each succeeding year, submit to the Registrar a return that is an ordinary return in the terms of clause 5.

Clause 5 provides that a primary return must be in the prescribed form and contain the following information:

(a) a statement of any income source that the person required to submit the return or a member of his family has or expects to have in the period of 12 months after the date of the return ('income source') being defined by clause 2 to mean a person or body of persons with whom the person or member of his family entered into a contract of service or held any paid office, or any trade, vocation or profession engaged in by the person or member of his family);

(b) the name of any company or other body in which the person or a member of his family holds any office whether as a director or otherwise; and

(c) the information required by subclause (3).

The clause provides that an ordinary return must be in the prescribed form and contain the following information:

(a) where the member or a member of his family received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit ('return period' being defined by clause 2 as the financial year preceding the lodging of the return, except where the previous return was a primary return, in which case it is the period from the date of that return up to the end of the financial year; and 'financial benefit; being defined as any remuneration, fee or other pecuniary sum exceeding $500 received in respect of a contract of service or paid office, or the total of all remuneration, fees or other pecuniary sums received in respect of a trade, profession or vocation where that total exceeds $500).

(b) where the member or a member of his family held an office as a director or otherwise in any company or other body during the return period—the name of the company or body;

(c) the source of any significant contribution in cash or kind (other than from the State or a public statutory body) to any travel undertaken by the member beyond the limits of South Australia during the return period;

(d) particulars of any gift of or above the amount or value of $500 received by the member or a member of his family during the return period from a person other than a relative;
and

(e) the information required by subclause (3).

Subclause (3) requires the following information to be included in a primary or ordinary return:

(a) the name or description of any company, partnership, association or other body in which the person required to submit the return or a member of his family holds a beneficial interest;

(b) the name of any political Party, body or association or trade or professional organisation of which the person is a member;

(c) a concise description of any trust in which the person or a member of his family holds a beneficial interest and any discretionary trust of which the person or a member of his family is a trustee or object;

(d) the address or description of any land in which the person or a member of his family has a beneficial interest other than by way of security for any debt;

(e) any fund in which the person or a member of his family has an actual or prospective interest to which contributions are made by someone other than the person or a member of his family;
and

(f) any other substantial interest whether of a pecuniary nature or not of the person or a member of his family of which the person is aware and which he considers might appear to raise a material conflict between his private interest and the public duty that he has or may subsequently have as a member.

Subclause (4) provides that a member is not required to include in an ordinary return information included in a previous return. Subclause (5) provides that a person may at any time notify the Registrar of any variation in the information relating to him in the register. Subclause (6) provides that disclosure is not required of the actual amount or extent of any financial benefit, gift, contribution or interest.

Clause 6 requires the Registrar to maintain a Register of Members' Interests and to enter in it all information furnished pursuant to the measure. Under subclause (2) the Registrar is to make the register available for public inspection. Under subclauses (3) and (4), the Registrar is, after his receipt of returns, to prepare a statement setting out the information in the register relating to the persons lodging the returns and to lay the statement before each House of Parliament. In the case of returns lodged by candidates, the statement is to include only information relating to those candidates elected at the election in relation to which the returns were lodged.

Clause 7 provides that a person is not to publish (whether in or outside Parliament) any information derived from the register or statements unless the information is a fair and accurate summary of the information in the register or statement and is published in the public interest. The clause also prohibits such publication of any comment on the information in the register or statements unless the comment is fair and published in the public interest and without malice. Subclause (3) provides that any such publication that occurs within Parliament is to constitute a contempt of Parliament.

Clause 8 provides that a wilful contravention of any of the requirements of the measure is to be a summary offence punishable by a penalty not exceeding $5 000. This is not to apply to a publication referred to in clause 7 (2). Clause 9 provides for the making of regulations.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

MINING ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Mining Act, 1971-1982. Read a first time.

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

That this Bill be now read a second time.

It makes two amendments to the Mining Act in regard to the appointment of wardens. The increasing complexity of the warden's jurisdiction requires the exercise of a greater degree of legal expertise than hitherto. The Bill accordingly enables the Attorney-General to nominate a special magistrate to act as a warden under the Act. The present Senior Warden is about to retire from the Public Service. It would be helpful if he could continue to act, on a sessional basis, in the exercise of the jurisdiction of the Warden's Court. A further amendment makes such an appointment possible. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 makes an amendment to section 6 of the principal Act which is the interpretation section. The definition of 'warden' is repealed and a new definition substituted. Under the new definition 'warden' means a special magistrate nominated by the Attorney-General to exercise the jurisdiction and powers of a warden under the principal Act or a person appointed under the principal Act as a warden.

Clause 3 repeals section 13 of the principal Act, the effect of which was to empower the Governor to appoint suitable persons to offices for the purposes of the Act and its administration, subject to the Public Service Act, 1967-1981. The clause substitutes a new section 13 which provides for the appointment of officers and employees for the purposes of the administration of the principal Act. The appointment of such an officer or employee may be made subject to the Public Service Act, 1967-1981, or on some other basis determined by the Governor or the Minister. The Public Service Act, 1967-1981, does not apply to a person appointed on such other basis.

The Hon. L.H. DAVIS secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

Third reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I cannot let this opportunity pass without once again repeating what I have said on previous occasions, that is, that the Liberal Party and I are gravely disappointed that the Council has not seen fit to abolish the right of an accused person to make an unsworn statement. Whilst the Bill which is now passing the Council

will modify the right of an accused person to make an unsworn statement, it is certainly not the significant reform which the Liberal Party when in Government and now in Opposition was seeking.

The Liberal Party has reaffirmed its commitment to the abolition of the unsworn statement. I repeat what I said yesterday, namely, that at the first available opportunity the Liberal Party, when in Government, will introduce a Bill to abolish the right of an accused person to make an unsworn statement. It will be Liberal Party policy at the next election and, when we win the election, I hope that the Australian Democrats will recognise it as part of our policy and allow us thereafter to implement that policy.

The Hon. M.B. CAMERON: I support the remarks of the Hon. Mr Griffin. There is little doubt that this Bill does not conform to what was announced before the 1979 election and was not recognised by the previous Government, Opposition and the Australian Democrats. I am also disappointed that the Liberal Party was not allowed to bring into being its election promise, which was also put forward by the Labor Party at that time. There was a unanimous view on this matter prior to the 1979 election.

This Bill has come out of Committee a bit like the uranium policy of the Labor Party: it is trying to please a little of everybody. All it has done is go to a halfway house, which is not satisfactory. Certainly, I do not regard the Bill as satisfactory in relation to those people that will still be the victims of unsworn statements. I know that some restrictions have been put on it, but they are not sufficient.

If a person is telling the truth in court, why should he not be subject to cross-examination? I do not believe that people should have the right to make statements that cannot be tested except by the introduction of fresh witnesses. I believe that people wishing to make a statement should be subject to cross-examination. However, the Council has now made this decision. All I can do is express my extreme disappointment at the result of the Committee stage of this Bill.

Bill read a third time and passed.

SECOND-HAND MOTOR VEHICLES BILL

In Committee.

(Continued from 29 March. Page 685.)

Clauses 2 to 17 passed.

Clause 18—'Notices to be displayed.'

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

Page 9, line 41—Leave out 'and address'.

Page 10—

Line 3—Leave out 'and address'.

After line 37—Insert subclause as follows:

'(4a) Where a dealer offers or exposes a second-hand vehicle for sale, he shall, at the request of a prospective purchaser of the vehicle, provide the prospective purchaser with the following information:

(a) the address of the last owner of the vehicle who was not a dealer;

and

(b) where the owner referred to in paragraph *(a)* carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement—the address of that other person.

Penalty: One thousand dollars.'

I referred to the amendments in my second reading speech. Briefly, the position is that presently and over the past 10 years it has been necessary on the so-called 'red sticker', which is attached to the windscreens of secondhand motor vehicles, for the name and suburb of the previous owner, but not the detailed address, to be displayed. The Government Bill seeks to require that the detailed address be included on the red sticker. My amendment, as with my private member's Bill and the previous Government's Bill, requires that the name only be displayed and imposes on the dealer an obligation that, on request, he disclose the detailed address to the prospective purchaser.

The industry is concerned about this because it says—fairly cogently, I suggest—that it involves the dealer, the person who is given the duty of dealing with the prospective purchaser. In fact, the dealer is usually the owner of the vehicle at that time because, unlike land agents, the dealer has bought the car.

The problem that arises under the law as it stands and under the Government Bill is that, particularly at weekends, a prospective purchaser will look at the sticker, see the name and, under the Government Bill, see the detailed address; he will contact the previous owner, ascertain perhaps that there had been some defect and decide, therefore, not to go any further with his inquiries into purchasing the vehicle. If the purchaser did make inquiries from the dealer, he would find that the dealer might have repaired the defect and carried out extensive repairs, which would explain differences in price, and so on. It is proper that the respective purchaser should inquire of the dealer before he has access to the previous owner.

It has been said both by the Attorney-General and by me at the second reading stage that the purpose of the Bill is to strike a fair balance between the dealer and the purchaser. This would be such a fair balance. It might be argued that in circumstances such as I have outlined the dealer might find excuses why he would not give the address—such as that he had mislaid it temporarily, or something of that sort. That does not ring true, because under my amendment he would be committing an offence, a complaint could be made to the tribunal and he could be struck off for failing to carry that out. The whole purpose of the amending Bill is to rely on the obligations imposed on the dealer, there being remedies in the event that he does not carry them out. So, I would not be persuaded by that argument if it was put.

Because it has been intended for some time to bring the principal Act up to date—it has been a good Act, but has needed to be brought up to date to represent a fair balance now between the consumers and the dealers—the previous Government instituted a review and set up a working party which comprised Mr Noblet (Director-General of the Department of Public and Consumer Affairs), Mr R.B. Nicholls (at that time a research assistant to the Premier, Department of the Premier and Cabinet) and Mr W.J. Willis (Senior Investigation Officer in the Department of Industrial Affairs and Employment).

That working party reported to the Minister of the day on 28 May 1982. It took so long between that date and now because the report was discussed and re-discussed and there were extensive consultations with the industry, which wanted the amendment to which I referred. At page 79 of that report, paragraph 3.9.5, the following is stated:

> Representations were made to the working party that the requirement to disclose on the first schedule notice the full name of the last private owner of a vehicle should be deleted. It was suggested that some persons who have sold their car have objected to being contacted subsequently by a series of people wishing to make inquiries about it. A further claim was that a prospective purchaser will often contact the previous owner of a vehicle and ascertain how much he received for it when he sold it or traded it to the dealer. If the dealer's selling price is significantly greater than the price for which he acquired the vehicle, a prospective purchaser may tend to think it is over-priced. It may be, however, that the dealer has carried out considerable work on the vehicle to prepare it for sale and that this justifies the increased price. He often has no means of explaining this to a prospective purchaser because such a person makes no further inquiries after he has formed the impression that the vehicle is over-priced.

That was on the basis of the suggestion that not even the name should be on the windscreen. I am not suggesting that. I am saying that the name should be there, but not the address. On page 80, paragraph 3.9.6, the following appears:

> The working party considers that the reason why the first schedule notice is required to disclose the name of the previous private owner is so that enquiries can be made by a prospective purchaser as to the history of the vehicle. However, it is accepted that such enquiries ideally should be restricted to persons who are genuinely interested in purchasing the vehicle. It is therefore proposed that only the name of the previous private owner should be disclosed on the first schedule notice but that the dealer must supply at the request of any prospective purchaser the previous owner's address. Not only should this tend to minimise casual enquiries and complaints about invasion of privacy, but it will enable a dealer to explain to a prospective purchaser, when he supplies the previous owner's address, any particular features that justify a substantial increase in price over and above the amount paid to the previous owner. In order to provide an effective sanction against abuse of this amendment, it should be made an offence for a dealer to fail to supply to a prospective purchaser the address of a previous owner or to give false information to a prospective purchaser.

It is precisely on this report that the relevant provision of my private member's Bill and the previous Government's Bill was based. The present Government's Bill departs from that. My amendment seeks to write back this provision, which was recommended by the working party consisting of such eminent officers as the Director-General of the Department of Public and Consumer Affairs, Mr Robert Nicholls, and Mr W. J. Willis of the Department of Industrial Affairs and Employment.

Of course, the officers of the Department of Public and Consumer Affairs—the inspectors, and so on—made input into this report through the working party. Their views surely were included in the views expressed by the working party, and the situation between that time and this has not changed at all. What the officers said when they made input into the working party is valid today. I notice that the Hon. Lance Milne, in his second reading speech, said that he would support this amendment. I trust that that is the case. In any event, the point I am making is that the amendment is moved in consequence of a serious recommendation and decision taken by that working party when it reported in 1982.

The Hon. K.L. MILNE: We have listened to the argument put forward by the Hon. Mr Burdett. It is a good one, and we felt sympathetic towards it when we first heard the suggestion, with the information available to us at that time; all that he said is quite true. Today, we have had further discussions with the appropriate section of the Department of Consumer Affairs and have heard the argument, to be quite fair to them, for and against what the Hon. Mr Burdett is proposing in his amendment. While there is an argument in favour of not having the previous owner's address on the schedule, there is an even stronger argument, in our view, for having it there.

After all, the name of the suburb and the date are supposed to be already displayed. As I have said, in most cases the name and suburb would allow people to look it up in the telephone book if they really wanted to.

The need for the full address has been explained to us by the officer responsible for handling complaints from the purchasers of second-hand motor vehicles, and there are evidently about 100 a week. Apparently many purchasers attempt to get the address, but cannot do so. There is always some excuse such as that the person with the file is away. That officer gave us many instances where regrettably that applied. On the other side of the coin, the officer said that in his nine years in the department he had received only two complaints from former owners who had been contacted by prospective buyers and had found it a nuisance.

Furthermore, the officer assured us that there are numerous complaints by purchasers who simply cannot get dealers to co-operate and be open with them about the address and what has been done to the vehicle. It was suggested by the department that tightening this provision slightly would be to the benefit of the industry, and we believe that it would. After knowing all this, we feel that we are unable to support the amendment. We support the clauses as they are, although we would prefer one or two drafting differences. However, that would be nit picking, and it would be better to leave the situation as it is. It would be better in the interests of the industry and the dealers in particular, in the long run. If it was not, and if it could be proved to be to their detriment, we would be willing to discuss the matter again.

The Hon. J.C. BURDETT: It is obvious that the department has set out to can the amendment.

The Hon. Frank Blevins: Don't blame the department.

The Hon. J.C. BURDETT: An officer of the department who was involved in this area, so the Hon. Mr Milne says, saw the honourable member and explained the matter to him.

Members interjecting:

The Hon. J.C. BURDETT: If honourable members opposite just wait a moment, I will explain that it does somewhat dent my trust in the Public Service. The working party report presented to me in 1982, doubtless in good faith, suggested to me the very amendment that I have moved. There was input from the whole department then, doubtless including the officer who briefed the Hon. Mr Milne.

The Hon. Frank Blevins: Perhaps the Minister heavied the Public Service.

The Hon. J.C. BURDETT: I did not heavy the Public Service at all. Officers present will know that I did not, and I find it strange that I have a report which was prepared for me without any sort of suggestion as to which way it should go. It was prepared for me at that time, and prepared on the advice of inspectors, and so on, who were able to make input to that working party. I got that advice, and now I find that officers of the department have seen the Hon. Mr Milne—I am not criticising him at all—and given him contrary advice. As I say, it is obvious that the department has set out to can the amendment, despite the fact that it advised me to the contrary in 1982. I find that somewhat puzzling.

The Hon. K.L. MILNE: I should like to clarify one point in fairness to both sides. I did receive a letter from the Director-General of the department enclosing a number of Bills that were coming up. He said that, if we wanted advice and wished to discuss the Bills, he would be pleased to do so.

The Hon. C.M. Hill: We did not get that kind of service.

The Hon. K.L. MILNE: I hope that the Opposition does not express surprise, because that is the facility the Opposition gave us when it was in Government.

The Hon. C.M. Hill: We didn't send you letters.

The Hon. K.L. MILNE: Perhaps not, but we asked for assistance and it was given to us. I do not see anything improper in the department's giving us the information that it has given. I am sure that it is in good faith, and I am sorry that it is contrary to what the Hon. Mr Burdett wishes, but I believe that the position should be left as it is. Certainly, if there is any evidence that the amendment is not working properly, we will discuss the matter again.

The Hon. J.C. BURDETT: I make clear to the Hon. Mr Milne that I am not expressing any criticism of him. It is quite fair that he should receive briefings from Government officers of the day, which advice he is getting from this Government and which he got from us. My criticism is the fact that, when I was a Minister and sought a report on this subject, I got one which was set out in clear terms and

which I read out, and I now find that the Hon. Lance Milne has been briefed by officers of the same department in a way contrary to the advice that I received in 1982.

The Hon. C.J. SUMNER: I can indicate the nature of the report that was undertaken by the Hon. Mr Burdett, at his instruction. That working party contained the political stooge that the Liberal Party used during its term in Government, Mr R.B. Nicholls, Research Assistant to the Premier and Liberal Party candidate for Unley. That is who prepared the report. Let the Hon. Mr Burdett expose that to Parliament. Of course he will not do that. Mr Nicholls, Liberal candidate for Unley, was put on those working parties by the Liberal Party to ensure that its view of the situation was imposed on the Public Service. The Opposition knows that that was the tactic adopted during its period in Government.

Frankly, the Opposition's implication and attacks on the Department of Public and Consumer Affairs and its officers this afternoon are completely unwarranted and should be withdrawn. If it wants to attack anyone in this area and this Parliament, the Opposition should attack me. I am responsible for the department and for the decisions in this Parliament—I take that responsibility.

The Opposition's action here this afternoon in launching a cowardly attack on public servants is particularly unwarranted, especially as Mr Nicholls, a Liberal Party candidate and a Liberal Party political appointee in the Premier's Department, served on that committee.

The Hon. K.T. Griffin: He is a member of the Public Service.

The Hon. C.J. SUMNER: He is a member of the Public Service, but was appointed to the Premier's Research Division as a political appointee. He served on a number of those committees. I do not want to rehash that report or what was involved in it.

However, I do not believe that the Hon. Mr Burdett's attack on departmental officers over this issue is justified. I am responsible for this legislation: I have introduced it and I am responsible for this clause. Quite frankly, it is totally unacceptable to the Government to retract what has been a benefit for consumers. Since 1971, consumers have had access to the addresses of previous owners of motor vehicles on the red stickers that are displayed on used motor vehicles in car yards. I think that situation should continue. There is no rational justification for discarding that practice.

In my view, no rational case has been put forward in support of taking away what is, and has been since 1971, a clear benefit to consumers. What harm has it caused to car dealers? What evidence has the Hon. Mr Burdett produced to indicate that there has been harm to car dealers? The only evidence that the honourable member can produce in Parliament is his statement that some consumers might see over the weekend the previous owner's address on the red sticker attached to a car, telephone the previous owner and receive an adverse report on the car and not return to the car yard. I would be surprised if that happened in many cases. In any event, I have seen no evidence which suggests that that has happened to any great extent.

The fundamental principle is that, if consumers want to obtain this information and be better informed about whether they will make a purchase (which is sometimes quite significant), that information should be available to them. If they want to make their own inquiries about the state of the vehicle, they should be able to do so. The Hon. Mr Burdett would impose on a consumer, if he wanted this information, the obligation of asking a used car salesman for the address of the previous owner of a car.

The Hon. J.C. Burdett: Why not?

The Hon. C.J. SUMNER: Why should not he have it in any event? What is the difference? Why should not he have it as a matter of course, as he has been able to have it for the past 12 years? There is no merit in the Hon. Mr Burdett's amendment. I think that, if a salesman was asked for this information, he could easily evade the request. The amendment does not stipulate that a salesman should answer forthwith a request for the address. A salesman could dilly-dally around and delay a consumer before producing the information.

In any event, I am surprised that car dealers and the South Australian Automobile Chamber of Commerce have agreed to this proposition because, quite frankly, I believe that it would be a bureaucratic burden to them. In fact, it will be much greater than the burden they have to bear at the moment, because they will have to keep a separate record on tap and available at all times in their car yards to enable consumers to have access to these addresses if they request that information.

Surely, it is a much more practical solution for dealers to come out in the open and have the addresses openly available to consumers right from the start. That is one practical aspect. Further, I doubt whether the proposal of requesting information would work in practice. I suggest that there could be a delay. A salesman could say that he has the address and that he will find it later, and then simply continue with his sales pitch to sell the car. The Hon. Mr Burdett argues that the whole basis of this Act is to rely on dealers to carry out their obligations and provide penalties if they fail. Whilst that is true, in every other case the obligation on the dealer to make disclosures is clear and unequivocal. It does not depend on a request from a prospective purchaser.

I can find no other provision in the Bill where it would be necessary to prove a conversation between a dealer and a prospective purchaser in order to establish that an offence had been committed. I am sure there would be cases under which a person would claim that he had requested an address from the dealer and the dealer had refused to supply it. The dealer would inevitably deny that such a request was made and, in the event of a prosecution, the court would have to assess one person's word against another. That is a messy way of determining the truth.

I refer to an example that has been provided by the department in relation to the sorts of things that could happen. Mrs T. was considering buying a secondhand car from a particular dealer and asked that salesman for the service books for this vehicle because she could not find them in the glovebox. The salesman told her that there were service books for this car but that they had been removed from the car in case someone stole them, and they had been placed in a desk in the office for safekeeping. This seemed to Mrs T. to be a sensible procedure and she proceeded into the dealer's office to discuss further the possible purchase of this car. While in the office, she asked again about the service books, and the salesman said that he was unable to locate them but that he would post them to Mrs T. in a few days time. No books arrived, so Mrs T. telephoned the salesman, who asked her to wait while he checked with the previous owner on another telephone. The salesman came back on the line and said that he had spoken to the previous owner, who had said that he had the service books and would send them to the dealer. The dealer promised to post them to Mrs T. as soon as they were received. The service books never arrived, and a dispute subsequently developed between Mrs T. and the dealer regarding a warranty claim. In order to establish her claim, Mrs T. decided to contact the previous owner of the car to check on its mechanical history. During the course of her discussion with the previous owner she mentioned the missing service books. To her amazement, the previous owner said that he had never had any service books for the car and he had never had any

telephone conversation with the salesman about them nor any request from the dealer to supply them.

That is one example of the sort of thing that can happen when a person purchases a car. Purchasers can be given the run-around by car dealers. An amendment such as this will facilitate that sort of situation.

Quite frankly, I do not believe that this amendment will be of benefit to genuine car dealers. As a matter of principle, I oppose the amendment. There have been no problems in evidence over the past 12 years and, in any event, as a matter of practicalities, I oppose the amendment.

The Hon. J.C. BURDETT: I think that the amendment is soundly based and I do not propose to canvass its merits again. It is obvious that it will not succeed, because the two Australian Democrats have changed their minds again. I read out the names of the three members of the working party, and Mr Noblet was the convener. I was advised by the working party that the substance of this amendment should be introduced. As I have already said, I find it surprising that officers of the department who presumably advised the working party did not, as I understood the Hon. Mr Milne to say, simply canvass the matter, giving both sides, but advised him in relation to the contrary position.

The Committee divided on the amendments:

Ayes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, C.M. Hill, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and C.J. Sumner (teller).

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Amendments thus negatived; clause passed.

Clauses 19 to 24 passed.

Clause 25—'Duty to repair.'

The Hon. C.J. SUMNER: This clause deals with the warranty provisions that apply to secondhand motor vehicles and, amongst other things, the question of whether there should be any warranty period in regard to vehicles that are more than 15 years old. From 1971 to 1979, there was no restriction, in terms of the age of cars, on the warranty that applied. In November 1979 the Liberal Government introduced a 15-year cut-off point for vehicles. If vehicles were older than 15 years, they did not attract warranty provisions under the Act.

While it was indicated yesterday that the *Sunday Mail* article was inaccurate, it seems that a 15-year-old rule has been in effect for some years. This is a matter to which I would like to give further consideration, because my research has indicated that such a cut-off period does not exist in other States to the same extent. In New South Wales, cars that are 35 years old are excluded from warranty; in the A.C.T., there is no restriction in regard to the age of a vehicle; in the Northern Territory, the exclusion of warranty relates to rare, imported cars, or a car for which it is difficult to obtain parts; in Western Australia, the exemption is in regard to rare or imported cars; and in Victoria, all cars more than 40 years old are exempt.

There are other provisions in this Bill that provide some benefits to consumers in this State that do not exist in other States, particularly in relation to the value at which the warranty comes into effect. In the A.C.T., for instance, vehicles purchased for under $1 500 attract no warranty, whereas in South Australia vehicles purchased for under $500 are not subject to warranty, although those vehicles must be roadworthy at the time of purchase. Certainly, there are benefits in this Bill that do not apply in some other States. In Western Australia, for instance, a vehicle sold for more than $750 is subject to warranty, but there is no restriction relating to the age of the car, which means that there is no cut-off point for the warranty after a certain age.

Therefore, because I have obtained this information today and because I am concerned that consumers in South Australia, in that particular matter, are not placed in a more disadvantageous position than are consumers in other States, I ask that progress be reported at this time to enable me to discuss this issue further and to obtain the comments of the interested parties. The point I make quite strongly is that from 1971 to 1979 there was no requirement that a car over a certain age would not attract a warranty: that came into existence only in 1979.

I believe that it is true to say that some 11 per cent of cars on the road, if the 15-year rule continues, potentially would not attract warranty provisions. I am concerned about the 1979 provision and, as I said, while there are some provisions in the Bill overall that create benefits for consumers in this State, I believe that this particular aspect of warranty requires further inquiry. I seek to report progress.

The Hon. J.C. BURDETT: I support the Attorney's suggestion and I agree with what he has said. I will just add that the industry feels that there is a need for this Bill. I hope that the Attorney will be able to prosecute his inquiries in time to get the Bill through both Houses of Parliament in this session.

The Hon. C.J. SUMNER: I can give that undertaking. I certainly do not intend to delay the Bill. If the Bill were pushed through today, it would not be debated in the House of Assembly until the first week of the resumption in a fortnight.

I have absolutely no intention of delaying the Bill. I understand the need for it, and it has been under consideration now for an interminable time. Without wishing to prejudge the end result of this further discussion, this is the only issue in my mind that is outstanding at the moment. I do not believe that it will delay the Bill unduly to report progress and enable the matter to be further considered. I give an undertaking that, provided Parliament agrees to the Bill, it will certainly pass this session.

Progress reported; Committee to sit again.

OATHS ACT AMENDMENT BILL

In Committee.

(Continued from 29 March. Page 682.)

Clause 3—'Repeal of ss. 28 and 29 and substitution of new sections'.

The Hon. C.J. SUMNER: The reason I wish to report progress at this stage is that the Hon. Mr Griffin has an amendment on file to exclude Supreme Court and District Court judges and all special magistrates from becoming commissioners for the taking of affidavits under this legislation. I undertook to obtain further comments on this matter and contacted the Chief Justice. As I indicated yesterday, one of the judges in the Supreme Court conveyed to me through the Chief Justice that judges in the Supreme Court, the District Court and magistrates should be commissioners for the taking of affidavits as, indeed, legal practitioners will be under this Bill.

I contacted the Chief Justice and he indicated that he still had no difficulties with the Bill. I referred the comments of the Hon. Mr Griffin to him and showed him a copy of the remarks that the honourable member made in the Council. The Chief Justice cannot see any practical problems with it. While the historical analysis which the honourable member gave was of some interest, I do not think that it

necessarily meant that in current-day modern circumstances there is any difficulty in judicial officers being commissioners for the taking of affidavits. Certainly, that is the view of the Chief Justice.

The Chief Justice also pointed out what I said yesterday, namely, that I think most of the Supreme Court judges are justices of the peace and would face the same practical difficulty as commissioners if they were to witness documents. So, that is the result of my inquiries and I provide that information to the Committee for its consideration. If the Hon. Mr Griffin wishes to pursue the matter further I am happy to report progress. I indicate that I would like the matter dealt with when Parliament resumes.

The Hon. K.T. GRIFFIN: I do not wish to hold this matter up. When I spoke yesterday the Attorney-General indicated that he would seek the views of the judges and I suggested that when he had that information I would certainly want to give further consideration to the matter I raised. The Attorney-General also pointed out possible technical drafting difficulties in the amendment. The Attorney-General has just reported to the Committee and if he reports progress I can consider the matter over the next two weeks and be ready to deal with it completely when we resume.

The Hon. C.J. SUMNER: There is no desperate urgency about the matter and I am willing to concede to the honourable member's request.

Progress reported; Committee to sit again.

[Sitting suspended from 5.58 to 7.45 p.m.]

DENTISTS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General), on behalf of the Hon. J.R. Cornwall, obtained leave to introduce a Bill for an Act to amend the Dentists Act, 1931-1974.

Later:

The Hon. J.R. CORNWALL (Minister of Health) introduced a Bill to amend the Dentists Act, 1931-1974. Read a first time.

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

That this Bill be now read a second time.

The purpose of this short Bill is to provide for certain dental technicians to deal directly with the public in the construction, fitting and maintenance of full and partial dentures. As honourable members would be aware, dental technicians have been seeking the right to deal directly with the public—'chairside status', as it is often called—for many years. Legislation has been introduced in several States to permit this to occur, and was at the point of introduction in South Australia in 1979. The proposals at that time envisaged the establishment of a board; the introduction of a system of registration of laboratory dental technicians; and the registration of dental technicians who had undertaken additional training as clinical dental technicians, permitting them to deal directly with the public.

The Government has reassessed the situation and does not believe it is practical at this time to proceed with the on-going registration systems proposed in 1979, taking into account the costs of mounting training courses, the impact of the pensioner denture scheme and the dental manpower situation. However, the Government is also aware of a significant public demand for, and acceptance of, the services provided by dental technicians in a deal-direct situation. It is a practice which has existed for many years, albeit in contravention of the Dentists Act. It is a situation to which the proverbial 'blind eye' has been turned. The Government recognises the inconsistency of the present situation. It recognises that patients in this situation have no legal redress in the event of unsatisfactory work. The Government believes it is time to regularise the existing situation.

The Bill before you today therefore provides a system whereby persons who can satisfy the Minister that a substantial part of their income for five years preceding the commencement of the Act has been derived from the construction, maintenance and fitting of artificial dentures, will be given approval by the Minister to practise. The approval may be subject to such conditions as the Minister may specify. Approved dental technicians will be able to supply full or partial dentures, but partial dentures can be supplied only if a registered dentist has first examined the jaw and certified in writing that there are no abnormalities, diseases or surgical wounds present in the jaw or associated tissue.

Approval will be by notice in the *Gazette,* thereby enabling the public to determine who is a *bona fide* practitioner. Power is included to enable the Minister to revoke an approval or vary or revoke conditions. The Government maintains that approved dental technicians dealing directly with patients should be subject to similar restrictions in relation to advertising as are dentists. The regulation-making power in the Act is broadened accordingly.

The Government believes that this Bill clarifies the present unsatisfactory situation. It gives notice that, following the implementation of the Bill, illegal work in this area will not be tolerated. I seek leave to incorporate the explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides a definition of 'approved dental technician' and excludes from the definition of the practice of dentistry a person who manufactures dentures in the course of his employment by an approved dental technician. Clause 4 provides that an unregistered person who, prior to a day to be proclaimed by the Governor, manufacturers or fits dentures shall not be held to have committed an offence under the Act. After that proclaimed day, an approved dental technician only does not commit an offence if he manufactures or fits dentures. The proclaimed day will be at least two months after the commencement of the amending Act.

Clause 5 extends the ambit of this section by providing that an approved dental technician may recover charges for work that he is permitted to do under the Act. Clause 6 provides that an approved dental technician is permitted to use the title 'dental technician' or 'dental laboratory' with impunity. Clause 7 brings approved dental technicians within the ambit of the provision relating to obtaining registration by fraud. Clause 8 provides that the onus of proving that a defendant was, at the relevant time, an approved dental technician shall lie upon the defendant, as it does with any other person registered under the Act.

Clause 9 inserts a new provision empowering the Minister to approve a person or company as a dental technician if, in his opinion, that person or company derived a substantial part of his or its income from making and fitting dentures over the period of five years preceding the amending Act. The approval must be subject to a condition that the technician will not fit dentures where the patient still has some natural teeth unless a dentist has examined the patient and certified that there are no abnormalities present. The Minister may attach any other conditions to an approval. An approval may be revoked at the discretion of the Minister, and approval conditions may also be revoked, varied or added. Clause 10 amends the regulation-making power to provide that regulations may be made regulating advertising by approved dental technicians.

The Hon. J.C. BURDETT secured the adjournment of the debate.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

WHEAT DELIVERY QUOTAS ACT (REPEAL) BILL

Returned from the House of Assembly without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 March. Page 683.)

The Hon. M.B. CAMERON (Leader of the Opposition): I support this Bill, but in doing so I want to speak on a subject related to this question of P plate drivers because over the years in this Council, particularly in recent times, I have indicated to the council the need for some provisions to be brought in which affect the people who have P and L plates and who are subject to alcohol restriction. During the passage of the random breath testing legislation some attention was given to the question of the alcohol reading that is allowed P and L plate drivers. The random breath testing legislation provided for that to be lowered to .05. The authorities have not been able to reduce to .05 the level above which people are penalised because of some failure to legislate in another Act; of course, this legislation, as I understand it, covers that deficiency.

In Tasmania there is a provision concerning the level at which people are prosecuted. As the Hon. Miss Levy will remember, I have raised this matter previously. It is something that this Parliament should look at closely, because there is little doubt that the community has a problem in regard to people who are learning to drive and who drink. When a person drinks, no matter what the amount of alcohol, it impairs the person's capacity to maintain control of a vehicle. Certainly, it is when learning to drive that this deficiency is most obvious.

It is a matter of concern that many young people have not survived to adulthood because of the problem encountered during the learning stage that, as they learn to drive, alcohol becomes available, either legally or illegally. There is no doubt that many people under 18 years of age drink in hotels. Honourable members know that that occurs. The combination of learning to drive and drinking for the first time is lethal. These two activities do not combine satisfactorily. The Hon. Anne Levy previously raised the matter that, if one moves towards banning alcohol for P plate and L plate drivers, one catches people who are in the older age bracket. This relates particularly to women.

The Hon. Anne Levy: The figures are in *Hansard.*

The Hon. M.B. CAMERON: Yes. It is not a matter about which I will argue. The Council must also accept that, if one learns to drive at a younger age, it is easier to pick up the skill. Although that is a generalisation on my part, I believe that it is a fact. Older people do find difficulty in developing skills later. I have two daughters in their early twenties, and I have dissuaded them from driving because I know what occurs.

The Hon. Frank Blevins: A drunk will still get them even if they do not—

The Hon. M.B. CAMERON: That is the problem: it is not just they who are involved, because other people are involved as well. Even at the age of 20 or 21, or any age above 18, it becomes more difficult to pick up these new skills. Despite that being a generalisation, I believe that to be the position. I believe that a minimum driving age of 16 is good, and I would not like to see that changed. The sooner people learn to drive the better. People learn much faster at a younger age.

The Hon. Anne Levy: Why did you stop your daughters?

The Hon. M.B. CAMERON: I have not stopped them—they just did not go ahead with it. They found it was easier for other people to drive them. This matter should be looked at closely. A person who is older cannot necessarily combine drinking and driving during the learning stage any better than can a young person. While I accept that this situation probably affects the female population more than it affects the male population, before we provide an age limit we should examine the situation carefully.

I have considered moving amendments to the Bill, as I did previously. However, I have had discussions with the Minister of Transport, who indicated that he would like to put this measure into a general review of P plate provisions which he assures me will be carried out. Certainly, I will be interested in hearing from the Minister representing the Minister of Transport whether that is the case. I would like that stated publicly. If that is the position, it would be a satisfactory move at this time. There is some doubt about this matter in the community now, and it should be looked at in regard to the whole P plate legislation. The matter must be looked at seriously. The provision has been in force in Tasmania for the last five years, and there have been no moves to cancel it. If it was not satisfactory for Tasmanian Governments, both present and former, then I am sure there would have been moves to delete it from the Statute Book.

I rang an officer from the Road Safety Branch in Tasmania to see whether any statistics were available to prove that the provision worked. He said that they had not taken out statistics because they were difficult to obtain in order to prove that, because they had this legislation, they had fewer road deaths and accidents. One problem with such legislation is that academics say, 'Show us the statistics.' It is difficult to do that.

The Hon. B.A. Chatterton: They have to be particularly significant.

The Hon. M.B. CAMERON: Yes. We encountered that problem in regard to random breath testing. We were obliged, and it was proper, to have a statistician look at the statistics to assure us that they were sound. It can become difficult for the ordinary layman, with one statistician arguing against another.

The Hon. Frank Blevins: Common sense is probably a better guide.

The Hon. M.B. CAMERON: That is exactly what the officer in Tasmania said. One has to get back to what common sense dictates. In such circumstances this measure must work. If people are educated at the beginning of their driving career to know that when they go out at night they must have a safe driver or they must not drink and drive, then common sense will dictate that, if not everyone, then at least a percentage of the population will realise that it must be good training. This must arouse an awareness that one cannot combine these two activities. Common sense tells that. If one looks at statistics it is impossible to determine the cause of accidents in regard to P plate and L plate drivers. An accident may be caused by a variety of circumstances, but common sense will show that many deaths among young people can be avoided.

The Hon. Mr Blevins will remember the position at Keith, in the area from which I come; a group from that town urged us to support random breath testing when we were taking evidence on that legislation.

In fact, they offered to buy a breathalyser unit for the Government to ensure that there was some means of testing people who were caught driving under the influence, to try and persuade people that there was a facility available to the authorities to test drivers and, therefore, frighten them away from drinking and driving. There was good reason for this group proposing that course of action. The main road to Melbourne passes between Keith and Bordertown. Bordertown has quite a good pizza bar, and most of Keith's young population head to Bordertown for pizzas after drinking at the hotel. Normally, they would stay at Keith, but they do not do that because of the attraction at Bordertown. Many young people from Keith have been killed on that road when travelling to Bordertown after drinking at the hotel all night. If this provision were implemented, it might stop that practice.

I know that is only one example, but I am sure that, if we look elsewhere in the State, we will find similar examples. I think it is part of our duty as legislators to ensure that the young people of this world are properly trained and persuaded not to go out and commit suicide, because that is what it amounts to. Inevitably, these young people have powerful cars and that, combined with drinking and learning to drive, causes an enormous problem and an enormous loss to the community.

As I have said, I do not intend to press this issue at this time. I accept the Minister's word that he intends to look at this provision within a proposed general review. However, I intimate that, if nothing is done about this matter after the review, I will introduce a private member's Bill. What happens to that Bill will be up to members of the Council. I think it is fair enough to allow the Government to look at the whole ambit of this legislation and make a decision of its own. I am willing to accede to the Minister's point of view. However, if nothing is done, I will introduce a Bill to provide for nil alcohol content in learner and probationary drivers. I think the sooner that review is completed, the better, and the sooner we introduce this provision, the better.

I will be moving amendments to the provision relating to the Registrar of Motor Vehicles having a discretion to allow people who have not held a licence for three years to obtain a licence again, providing they are competent to drive and have previously held a drivers licence. Those amendments are not ready, because we have had a problem, as the Minister well knows. I do not believe that it should be mandatory that these people receive a licence automatically, but there should be some discretion. Many people who have returned from an extended trip overseas and many others who have decided not to have a licence for a period come into this category. At the present time, there is no discretion. Sometimes there are difficulties associated with the notice of renewal, especially with the three-year licence system. I believe that there should be some discretion, and I trust that the amendment will receive the support of members.

I refer to learner and probationary drivers who lose their licences for minor offences under the current provisions of the Act. I think it should be within the committee's discretion to allow drivers in this category one chance. It is very difficult for a learner driver not to make one mistake. It amounts to sudden death to be cut off after one minor mistake. There are certain offences where they should not be given another chance, and I am sure the committee would see it that way, too, and would not give them a second chance. However, as I have said, there are some offences where a second chance should be given. I understand that that has already been done in some cases. My suggestion will, therefore, tidy up the law, because some discretion has already been used. I support that, because it is a sensible provision. Generally, I support the Bill, but I would like the Minister to give the Committee the assurance that he has given me in relation to the general review into drink driving and the penalties for learner and probationary drivers. I indicate again that, if nothing is done to provide for nil alcohol content in learner and probationary drivers, I will introduce a private member's Bill for that purpose. I support the Bill.

The Hon. R.J. RITSON: I support the second reading. I merely wish to support the Hon. Mr Cameron's remarks in relation to alcohol levels in probationary and learner drivers. I begin by referring to the accident statistics presented to the select committee by the University Accident Research Unit. The accident involvement curve in relation to the number of accidents and the blood alcohol content began as an almost flat line, with a gentle rise; there was a small dip in the curve at a blood alcohol level of about .02 and then a linear rise until about .10 or .12, and then it soared.

The Hon. M.B. Cameron: Straight up.

The Hon. R.J. RITSON: Yes, straight up. I suppose the first thing that one can deduce from this is that there is a level of blood alcohol at which no-one, no matter how great their driving skills and no matter how responsible their attempts to drive carefully, can control a motor vehicle properly. Defects of vision, balance, and so on are such that no-one can drive a motor vehicle in an acceptable fashion at this level.

The Hon. B.A. Chatterton: You didn't draw that conclusion from those statistics?

The Hon. R.J. RITSON: No, not from the graph.

The Hon. B.A. Chatterton: The graph was the other way around. It was the accidents and the blood alcohol level of people involved in accidents.

The Hon. R.J. RITSON: I would like the Minister to explain that to me either now or when we go into Committee. The real point is that there are some levels of blood alcohol content which cannot be compensated for through experience, care, or any other individual quality possessed by drivers. They are the blood alcohol levels which carry the higher penalties and which also tend to be found in people convicted of driving under the influence of alcohol or a drug.

At the level to which people drink socially, for example at a dinner party (and those levels tend to be from .04 to .08), there is some significant variation in the manner of driving at these levels because the manner of driving ultimately depends not only on the b.a.c. but also on the basic skill that one had before one began to drink, as well as the personality and personality changes that may occur with drink. All of the evidence presented to the select committee indicated that there was little argument in favour of reducing the statutory limit from .08 to .05. The tendency would be to achieve more convictions without achieving fewer accidents.

The rather curious phenomenon of people driving at .02 and having a lower accident rate than people who drive with no alcohol in their blood stream was regarded by one of the expert witnesses as an artifact. It occurred to me that one should not argue from that that two or more drinks will improve one's driving. Perhaps there is a class of person who has only two or three drinks and then stops. He is probably a mature and responsible person, and drives more carefully instead of less carefully. That may account for the .02 level phenomenon.

Evidence also indicated that, when young and inexperienced drivers were analysed, there was a difference. It was

recommended that there be a lower limit of statutory b.a.c. in the case of young and inexperienced drivers. In attempting to set that limit, we must bear in mind that a limit of .05 still represents a significant degree of impairment, and this level of impairment may induce an inexperienced and immature driver to drive unacceptably poorly.

As I see it, the problem is that, if one attempts to set a limit which one knows will have negligible impairment (such as .02), what one is really saying to young drivers is, 'The law says you can drink and drive, but if you have one or two drinks, you risk prosecution.' That seems absurd. The only alternatives would be for the law to say, 'The law believes that you should not drink and drive at all in your first year of driving,' or, 'The law says that you can become nearly as impaired as a very experienced driver.'

I prefer the first point of view. I know that all statutory limits create a few harsh cases, but this is not the sort of legislation that was ever intended to administer perfect justice in every case: it was intended to produce a social effect, perhaps even at the expense of the occasional injustice, and an effect that would result in young drivers consuming less alcohol and having fewer accidents. One day I would hope to see this Parliament grasp the nettle and not say to these young people, 'You can drink or drive, but if you have two or three drinks, you will be prosecuted,' or, 'You can drink nearly as much as an experienced driver': instead, we should say, 'In your first year of driving you may not drink and drive.' I know that the proposition does not have the support or numbers at present, but I would applaud the day when it does have the support and when the proposition passes. I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 29 March. Page 688.)

Clause 2—'Application for a disabled person's parking permit.'

The Hon. B.A. CHATTERTON: The Hon. Diana Laidlaw raised a number of questions in the second reading stage, and I assured her that I would answer them. The honourable member sought a definition of 'physical impairment'. The Minister responsible for this Bill has indicated that there are really three criteria that will apply to people who seek to gain those permits. First, the applicant must be unable to use public transport; secondly, the speed of movement by reason of the impairment must be severely restricted; and, thirdly, the definitions that are covered within the Handicapped Persons Equal Opportunity Act will apply.

Those are the criteria applying to people who seek to obtain permits under these provisions. The second question raised by the Hon. Ms Laidlaw was the question whether or not the permits will apply outside of the Adelaide city council area. The indication from the Minister is that they will apply to all local government areas.

The third question raised concerned the manner in which permits would be issued. The permit is issued in the form of a card which is required to be displayed on the windscreen of a parked vehicle. Many holders of permits do not own or drive their own vehicles, and the card can be displayed on any vehicle used to transport the permit holders. This is more convenient than having a sticker on a vehicle. So, any person who is transporting a permit holder can display the card on the windscreen of that vehicle. This will not restrict the permit holder to a single vehicle, which would be the case if a sticker was the form of providing that permit.

Clause passed.

Title passed.

Bill read a third time and passed.

RIVER MURRAY WATERS BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 696.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports the Bill, which results from negotiations between the former Government, the New South Wales Government, the Victorian Government and the former Federal Government concerning the future management of the Murray River. The resulting legislation represents a combined effort on the part of many people, but I would pay tribute to the Hon. Peter Arnold who proved to be a first rate Minister of Water Resources and who exhibited an outstanding knowledge of the Murray River in particular.

This legislation and the agreement that has been reached between the three States and the Commonwealth is of vital importance to all Australians. The Murray River system is the life-line for the country's three key industrial States. All Australians, no matter where they live, benefit from the river and the people it supports.

This agreement introduces new flexibility into the management arrangements for the river and gives greater control over water quality matters. Goodwill, however, remains an essential element in guaranteeing the success of any agreement involving a number of Governments. No matter how strong the agreement appears, it will not work without the goodwill of all Parties. We must all want to make it work. With the goodwill which has been shown since October 1981 at the heads of Government meeting we will achieve good management of the river system.

This agreement will not provide all the answers to the problems facing the Murray River system. Amendments could well become necessary as times change and new problems and difficulties face the river, but at least the agreement that we have reached enables the River Murray Commission to look at the much wider range of problems which are now facing the Murray River system.

At last States, when planning to construct new capital works that are likely to have an impact on the total river system, must notify the River Murray Commission of their plans and take the views of the commission into account. This is a big step forward.

The River Murray Commission cannot be left with the task of improving and co-ordinating our use of the Murray. The Government still has an important job to play. We must, as a State, be constantly looking at improved practices and new initiatives that will help reduce the major salinity problem facing the whole of the river system. The recent drought has brought home to all of us how important the Murray River is to our State. Its future is our future. South Australia has more to lose from any deterioration of the Murray River. We are after all—and this has been said so often but must be repeated because people must understand—the driest State in the driest continent in the world.

More than that, the Murray River is the single most important water resource that we have. Because we are the last down the line, the actions of other States will have a significant effect on us. I took part in a protest in New South Wales a few years ago when a paper mill was mooted up-river from Albury/Wodonga. That matter caused a great

deal of concern in South Australia. One of the thoughts we had at that time was that it would be a good idea, if any city or town on the river decided to allow an industry to establish, that it should always establish up-river from the town and that its waste disposal system, if that industry wanted to use the river, should be up-river from the town's water intake. The proposition was put to the engineer at Albury/Wodonga that the waste outlet for the new paper-mill be up-river from the water intake system for the town and, although there were many assurances that absolutely no danger was associated with the waste, the engineer said that that would not be good enough because there might be an accidental spillage of waste materials into the river.

If ever there was shown to be a need for a provision to ensure that industries that issue waste into the river have the town involved taste the water first, that is it. At that stage we realised how important it was for the River Murray Commission to have some control over water quality. It has some control over developments such as this, but this particular development was not the only concern: it was the fact that major irrigation projects had commenced in New South Wales, and many had not sufficiently planned their disposal of salt away from the river. I am sure that over the years we will suffer, particularly with water from the Darling River.

The River Murray Commission does not have any control over the Darling River, and that is unfortunate, as we will find a growing problem because of this. Throughout history it has been a fact that salt problems have arisen as a result of the major irrigation of rivers. There are many examples of this in history. This problem has occurred in major river systems for over 2 000 years and the Murray River will never be exempted from it. We must take whatever steps are necessary to rectify this.

At the October 1981 meeting, which saw this agreement reached, the then Minister of Water Resources put forward proposals in a document entitled 'The permanent solution to the Murray River salinity problem'. The proposals contained in that document will have a real effect on long-term salinity in the Murray River. The cost of these proposals will be significant only in the short term—perhaps as much as $500 000 000—but the long-term cost to the State will be so high that if we do not overcome the problems of the river, I believe that it will be impossible to put a monetary amount on it.

I believe that the agreement will be an important step forward in our efforts to improve the Murray River. More, of course, will have to be done. I offer the support of the Opposition in this place to ensure that bipartisan action can be achieved in the best interests of the Murray River and the people of South Australia.

This year has highlighted the need for action on the Murray River. I am certain that this is only the first step of many steps that will be needed to ensure that agreement is reached and that the spirit of the agreement reached continues in the future.

It is no use one State (that is, the end user) complaining. All States must be aware of the problems arising and it must actually affect them. In the past there has not been sufficient concern in the States up river about our problems at the other end. It is a problem that we have continually to put before not only the river States but also the Federal Government to ensure that they understand the problems that we as a State face.

This year there has been a lot of talk about the problems with the Murray River that will arise if we do not have a very good rainfall and snowfall in the river. A former Government, under Mr Steele Hall, offset a lot of the problems that we would have had now by ensuring that the Dartmouth agreement was finalised and the dam built. It is essential to plan for the next storage to ensure that in future droughts we do not have the concern which has been felt to some slight degree this time but which would have been enormous if we had not had that facility on the river. I support this legislation and congratulate the former Minister, the Hon. Peter Arnold, on helping to obtain this agreement between the States and the Commonwealth.

The Hon. K.L. MILNE secured the adjournment of the debate.

MEDICAL PRACTITIONERS BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 691.)

The Hon. J.R. CORNWALL (Minister of Health): Yesterday I sought leave to continue my remarks with regard to this Bill. Honourable members will remember that at that time I undertook to make senior officers from the commission available for discussions with the Hon. Dr Ritson, who understandably has a very keen interest in this legislation. He has literally gone through it with a fine tooth comb and has done a splendid job.

It has also come to my attention during the course of discussions that Dr Ritson had with my officers this morning that he distinguished himself at one stage by doing first year law and was able to tie up some of the more legal people with his remarkable knowledge of case law. It now seems that the points that he has raised (and there were some very good and valid ones) have been substantially satisfied. As a result of that, I have some amendments placed on file. I understand that they will satisfy Dr Ritson's problems. It would be my proposal at this stage, as this is essentially a large Bill and a Committee Bill, that we should move into Committee and members can raise their problems as they occur.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'The Chairman.'

The Hon. J.C. BURDETT: I will move the amendments standing in my name on the basis that I will oppose clause 8 and, if that clause is negatived, I will move a new clause. I trust that in explaining the amendments I can address both matters, namely, the striking out of clause 8 and the new clause. There are really two matters. Clause 8 in the Bill reads:

> The Governor shall appoint one of the members of the board to be the chairman of the board.

This is, of course, the Medical Board, around which a large part of the Bill revolves. The proposed new clause reads:

> The Board shall appoint one of its members to be the President of the board.

So, two matters are addressed in the short new clause. One is the title of the chairperson and the other is the method of appointment. If I can address the less important matter first (that is, the title), I do not suppose that it matters very much whether we call the chairperson the 'Chairman' or the 'President', but I am informed that in other similar bodies commonly the person chairing the board is called 'President', and the term 'President' would maintain status with other similar bodies. Names are not important—a rose by any other name shall smell as fair.

The Hon. R.C. DeGaris: Will you call the President, 'President chairperson'?

The Hon. J.C. BURDETT: No. That is not the important part of the amendment, but the term 'President' is preferable in this area. The more important part is the matter of

appointment. The Bill proposes that the Governor (that, in effect, means the Government in this instance) shall appoint one of the members of the board, and the amendment is that the board shall appoint one of its members. I might add that the Minister in his second reading explanation referred to the Bill introduced in the House of Assembly by the Hon. Jennifer Adamson. My amendment seeks to amend the Bill back to her Bill.

The Minister indicated that the Bills were substantially identical, and that was correct. He indicated one of the changes, namely, in regard to the present indemnity insurance being made compulsory as a condition of retaining registration; there is no argument about that, but this was another departure.

Who shall appoint the Chairman or President of the board is, in its small way, fairly important. Should it be the Governor (the Minister, in effect) or should it be the board itself? It is better for it to be the board itself, because, if the board appoints its own chairperson, by whatever name, the board will have more confidence in that chairperson. The chairperson will have better communication with the board than if the chairperson is imposed on it by the Minister. For these reasons, I will move the amendment, but I suppose that technically I must first of all oppose clause 8.

The Hon. J.R. CORNWALL: The Government opposes the amendment, although I serve notice that, if this amendment is defeated, there will be a further amendment at line 11 to delete 'Chairman' and insert 'President'. I have no difficulty with that amendment, which would give us a President instead of a Chairman. There are several reasons for this. First, it overcomes the awkward Chairman/Chairperson situation. After discussions with the Parliamentary Counsel, I have learnt that we would have to alter consequentially about 400 Acts, but we can overcome that problem by going back to a President. That is highly desirable. The Government will support it.

In regard to the method of appointment, we believe it entirely proper that the Chairperson/President/Chairman should be appointed by the Government of the day of whatever political persuasion. It has nothing whatever to do with politics in that sense. We believe that there is an onus on the Government of the day and the Minister. Governments come and go, and we are talking not about the person of John Cornwall, John Burdett or anyone else but about the Minister and the Government of the day having the onus on them to find the best person available. There is some inconsistency with what the Opposition proposes.

We have just passed clause 7 without any difficulty. It provides that the board will consist of eight members appointed by the Governor. That is as a result of a Cabinet decision on the recommendation of the Minister of Health. The clause provides that five members shall be nominated by the Minister. One, who shall be a medical practitioner, shall be nominated by the Council of the University of Adelaide. That person comes up, anyway, and the Minister has no discretion in that respect, and rightly so. That person will be nominated by the Council of the University of Adelaide. One, who shall be a medical practitioner, shall be nominated by the Council of Flinders University. Again, there is no Ministerial or Government discretion.

It is appropriate that the best person available from Flinders University is appointed. Again, that is entirely appropriate. One shall be nominated by the South Australian Branch of the Australian Medical Association. Therefore, of the eight members, three are appointed with no Government discretion. It is not for a panel (and that is an important principle) but a person nominated by the appropriate body in those three instances. Of those members who can be appointed on the nomination of the Minister, three shall be medical practitioners and one shall be an officer of the South Australian Health Commission. Here enters some Ministerial or Government discretion. One shall be a legal practitioner and one, in practical terms, shall be a lay person. There is not much room for manoeuvre, and I stress that that is quite appropriate.

When it comes to nominating the President of the board, the Committee should consider that that is the last thing that the Minister or the Government of the day will do. The board has its statutory power under the Act and is entirely removed from the Minister and the Government in regard to discretion or direction. Certainly, the Minister is responsible for the Act but, quite appropriately, the Minister is in no way responsible at all for the conduct of the board or tribunal.

As I said, that is precisely as it ought to be. I refer to precedents in a whole range of areas where any professional board that has been set up in the last decade has involved the normal practice of the board's President or Chairman being appointed by the Governor on the nomination of the Minister. It applies in a whole range of areas. No-one has ever seriously suggested that it is inappropriate for the Government of the day to appoint judges to the Supreme Court, the highest judicial office in the State. There are a whole range of areas in which the Government of the day, acting with the responsibility that devolves on a Government quite independent, separate and distinct from political considerations, must appoint the best person that it can find for this important office.

It is our contention that when one looks at all the circumstances not only has the Government the right but also, far more importantly, there is an onus on the Government of the day, acting responsibly, to appoint as President the best person it can find, just as the onus rests on the Government of the day to appoint the best person that it can find to high office such as that on the Supreme Court.

The Hon. J.C. BURDETT: I agree with the Minister, as I usually do, on the question of personality. I do not suggest for a moment that the question of nomination involves the personality of whoever may be the Minister. The analogy of the Supreme Court and Chief Justice is quite a different one that has no bearing in this case. We are dealing with the board and a committee. My suggestion has been, and still is, that such a board is likely to adhere better, to have more confidence and have better communication if the board has elected its President itself, rather than having the President imposed on it.

That seems to be a democratic procedure. I trust that because this is a democratic procedure it will commend itself to the Australian Democrats, who surely support democracy. There is no reason, when one goes through clause 7, as the Minister did, why that board should not appoint its own Chairperson. If the President was appointed by the Minister, there is some suggestion of control. If the President was appointed by the board, there would not be a suggestion of control of the board.

True, the Minister is responsible for the administration of the entire Act, but the board is responsible to carry out its own duties. It seems to me that there is no better way for the board to carry out its own duties than under the chairmanship of a President of its own choosing.

The Hon. J.R. CORNWALL: I must refute the honourable member's last remarks. The fact that the Government of the day appoints the President of the board in no way suggests to any reasonable person that there is a suggestion that the Government or the Minister controls the board. I am merely saying that, in a case like this, one can make comparisons with a whole range of areas, with existing

legislation in regard to a number of boards, and with the procedures of appointing the Judiciary. That is done by the Government of the day.

We can make comparisons with appointing persons to other distinguished offices, such as the chairmanship of S.G.I.C. The Government has one area in which it can exercise discretion, and only one. If one looks at the 27 pages comprising what will be the new Act, there is no way that the Government can influence the conduct of the board or tribunal, nor is there any way that there ought to be.

I am saying that in relation to the question of responsibility, which is accepted in our democratic system. The Government of the day has a responsibility to find the best person available.

The Hon. M.B. CAMERON: I am sorry, but I cannot agree with the Minister. The analogy used by the Minister is not acceptable. Frankly, I do not think that the situation in relation to Supreme Court judges is relevant, because they are appointed until they retire or until they are the subject of an address to both Houses of Parliament. The appointment of the Chairman is for a period not exceeding three years. Therefore, that is a totally different situation. In fact, the Chairman of the board could be taken out after only one month. That is totally different from the analogy used by the Minister.

The Hon. J.R. Cornwall: Taken out by whom?

The Hon. M.B. CAMERON: He could be appointed for one month or for six months. It is a totally different situation, and I cannot accept the Minister's analogy. I think the Minister would be wise not to use extreme examples.

The Hon. I. GILFILLAN: I hope the Hon. Mr Burdett is not disappointed that I have beaten him to the draw, because he motivated my response when he used the word 'democracy'; that is an appropriate way of looking at this issue. There does not seem to be an over-supply of democracy in the way that members of the board are appointed, because the majority are appointed by the Minister. There seems to be a substantial contribution by the Government in relation to the appointment of board members. I confess inadequate experience in this field to be able to feel positive about my position.

I appeal to the Minister to give me more information so that I can make my decision. Does the Chairman have extraordinary powers? In other words, is the Chairman a unique contributor to the board's work? I gather that the board will deal solely with the profession itself; it is not a board directly involved with the community at large. If the board is properly appointed I believe that it would be capable of electing a Chairman, because his role is not especially unique. Even if the person elected Chairman was not quite the type of person who the Government intended, that should not seriously detract from the board's performance. My inclination is to support the amendment, but I would appreciate some comments from the Minister.

The Hon. J.R. CORNWALL: I think the honourable member asked whether the Chairman of the Medical Board of South Australia should possess some special attribute. The Chairman of the South Australian Medical Board should possess many attributes. It is for that reason that the responsibility for appointing that person should rest, democratically, with the Government of the day.

The Hon. I. Gilfillan: I refer particularly to his powers. Will the Chairman have extraordinary powers and responsibilities?

The Hon. J.R. CORNWALL: He will have extraordinary responsibilities, because he will be responsible for the good conduct of the medical profession in this State.

The Hon. J.C. Burdett: The board as a whole has that responsibility.

The Hon. J.R. CORNWALL: The Chairman will be the first among equals. I believe we must ensure that he is the best person we can find. As the Hon. Mr Burdett has pointed out, the appointment is for three years. If there is any doubt at all about the appointment it can be rectified at the end of that three-year term. I believe it is an important position. The honourable member should also be aware that, in terms of special powers, the Chairman of the board has both a casting and a deliberative vote. Therefore, in terms of being the first among equals, he or she will be a good deal more first in that respect. I do not think that I can add anything else. I believe that it is in the interests of the people of this State, and especially in the interests of the good conduct of this new and expanded board, that we find the best person available. The appointment should be based on the recommendations of a whole range of people acting in good faith.

The Hon. K.L. MILNE: If honourable members ever wondered whether they would see democracy work properly they will see it now, because I am going to disagree with my colleague, the Hon. Mr Gilfillan. My experience with statutory authorities, boards, company boards and positions of special responsibility indicate to me that it is the prerogative of the people who are most concerned to select the Chairman. I think the Chairman or President, especially in the case of a medical board, should be appointed by the Government of the day, and possibly the Deputy Chairman, also. I have seen that occur in relation to a number of boards already.

When the Liberal Party was in office I think it appointed several chairmen, and the Labor Party has used its right to appoint chairmen to various boards. I think the Government of the day should be in a position to choose chairmen. I believe that, if the membership of a board comes from various places and the members are free to select a Chairman, the person that the Government requires may not be among the membership.

The Hon. R.J. Ritson: The Bill requires that the Chairman be appointed from the membership, in this case from the eight members.

The Hon. K.L. MILNE: I know that, but there may not be one among those eight who is capable of being Chairman.

The Hon. C.M. Hill: The Chairman must come from one of those eight members. The Bill states that.

The Hon. M.B. Cameron: The Minister will select a Chairman from the eight members. He is already a member of the board.

The Hon. K.L. MILNE: I thank honourable members for pointing out my error.

The Hon. J.R. Cornwall: The principle remains the same.

The Hon. K.L. MILNE: The principle remains the same, because I think it is a Government's responsibility, and the Minister must be able to say that he chose the Chairman and that he shares the responsibility with the Chairman. I think the principle is very much the same.

The Hon. J.C. BURDETT: I do not propose to be long, because I think that all relevant matters have been aired. I think honourable members have probably made up their minds. The Hon. Mr Gilfillan asked whether any special attributes will apply to the Chairman. I suggest that special attributes will apply to all members of the board. All members appointed by the Government must have special qualities. I suggest that, because they will have special qualities, they should be able to democratically elect their own Chairman. Different principles apply to all sorts of different boards and committees.

The Hon. Lance Milne has addressed some of those matters. Under the Local Government Act, a district council elects its Chairman from among the members. On the other hand, in a corporation the Mayor is elected by the ratepayers.

Various principles apply to different kinds of board and committee. It is my suggestion that this kind of board will operate best if it is democratic, in the best sense of the word—namely, that the eight members are appointed and that they decide who shall be the Chairman or the President, and he is simply that, because he chairs the meeting. The Chairman has no particular duties to carry out apart from the fact that, as the Minister has pointed out, he may give a casting vote. For that very reason, he is best selected by the board as the person who should have that responsibility.

The Hon. R.C. DeGARIS: Will the Hon. Mr Burdett say how many committees, similar to this board and appointed by the last Government, selected their own Chairman? I agree with the honourable member's principle, but I have argued for a long time that we take too strong a view in relation to the Chairman or the President of many boards. I remember in regard to the Statutory Authorities Review Committee that the Government had the power to appoint a Chairman. How many committees that were appointed by the previous Government elected their own Chairman? I support the views of the honourable member strongly, but I agree to some extent with what the Hon. Mr Milne said. I would not like to see the S.G.I.C. appoint its own President or Chairman.

The Hon. J.C. BURDETT: I cannot give the honourable member a figure: I do not know.

The Hon. R.C. DeGaris: I think there were none.

The Hon. J.C. BURDETT: The honourable member asked me a question, and the answer is that I do not know. We are talking about this Bill's being put forward by the Government. I take the point that was raised by the honourable member that he tends to support the view that I put forward.

The Committee divided on the clause:

Ayes (8)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, Anne Levy, and K.L. Milne.

Noes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, H.P.K. Dunn, I. Gilfillan, C.M. Hill, Diana Laidlaw, and R.J. Ritson.

Pairs—Ayes—The Hons C.J. Sumner and Barbara Wiese. Noes—The Hons K.T. Griffin and R.I. Lucas.

Majority of 1 for the Noes.

Clause thus negatived.

New clause 8—'The President.'

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

Page 6, after line 9—Insert new clause as follows:

8. The board shall appoint one of its members to be the President of the board.

New clause inserted.

Clause 9—'Procedures at meetings of the board.'

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

Page 6—

Line 13—Leave out 'Chairman' and insert 'President'.

Line 14—Leave out 'Chairman' and insert 'President'.

I understand that the Minister agrees with these amendments, involving a change from the term 'Chairman' to 'President'.

Amendments carried; clause as amended passed.

Clauses 10 to 24 passed.

Clause 25—'Constitution of the Tribunal.'

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

Page 11, line 9—Leave out 'or the Registrar'.

The clause as it stands enables the Chairman of the tribunal or the Registrar to adjourn proceedings of the tribunal. I understand that the Hon. Dr Ritson has some concern about this provision. I believe that such a power should preferably be exercised only by someone with legal training rather than an administrative person. The thought was that a person with legal training was in a better position to appreciate the purpose of adjournment. I appreciate the honourable member's concern. As I have said consistently since the original Bill first appeared in this Parliament last year, the tribunal has considerable power at its disposal and can impose pretty severe sanctions. In the circumstances I do not think that it is unreasonable to restrict the power of the adjournment to legally trained persons.

The Hon. R.J. RITSON: I thank the Minister for his co-operation in this matter. I am flattered that he saw fit to refer to the smattering of law I have studied in the past. I do not intend that to mean that it qualifies me to sort out complicated matters like this: it enables me to ask questions, but not to answer them. Indeed, I asked dozens of questions of the officers generously made available to me, who were both very helpful and pleasant. Most of my queries were resolved. The remaining amendments I have are basically only minor. I support this amendment.

Amendment carried; clause as amended passed.

Clauses 26 to 65 passed.

Clause 66—'Appeal to Supreme Court.'

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

Page 23, line 38—Leave out 'thirty' and substitute 'sixty'.

Page 24, lines 3 to 5—Leave out these lines and substitute 'appellant's registration or quash the Board's decision and, in a case where the Board has refused an application, direct the Board to grant the application upon such conditions (if any) as the court determines and, in a case where the Board has imposed conditions on the appellant's registration, impose such conditions on his registration as the Court thinks fit.'

This clause provides for an appeal to the Supreme Court against various decisions of the board and tribunal. A period of 30 days is provided for the instituting of an appeal. The Hon. Dr Ritson, when speaking to the second reading, indicated that 30 days seemed to be inadequate. Given the procedures which have to be gone through (for example, when a doctor may be on a study tour and it is not unusual for them to be away for some time), this amendment is needed. I am persuaded by the argument of the Hon. Dr Ritson.

Amendments carried; clause as amended passed.

Clauses 67 and 68 passed.

Clause 69—'Practitioners to be indemnified against loss.'

The Hon. R.J. RITSON: In view of some of the statements made in the current monthly bulletin of the Australian Medical Association in which some disappointment was expressed regarding the Medical Defence Union not being specified in legislation and the hope for amendments during the Committee stage of this Bill, I place on record that I do not intend to move any amendments. I have taken advice on this subject which is that it is extremely unwise to specify any such thing in legislation, apart from a legislative edict denying other insurance companies from competing in the field. Of course, any changes to the name of the Medical Defence Union would require changes to the Act.

Doctors are almost invariably insured in this way. I feel that this matter, promoted by the medical association, should not be incorporated in legislation at all. I understand that the concern of the association was that doctors should not shop around for cheap policies from collapsible insurance companies. Nevertheless, the arguments in regard to this matter have been put to me quite strongly. I wish to record this in *Hansard*, should anyone be moved to read that publication.

The Hon. J.R. CORNWALL: I am puzzled by the honourable member's remarks. The wording of section 69 has specifically been amended from one of the original draft Bills to take on board the Medical Defence Fund. The Government raised a query with the A.M.A. and, in the spirit of consensus, compromise and commonsense that characterises most of the things I do, we have had to take that on board. As I understand it from my legal advisers

there is no longer any problem with the Medical Defence Fund in the Bill we are about to put through.

The Hon. R.J. RITSON: I think that there is a misunderstanding here. I thought that the A.M.A. was seeking a legislative requirement that the company with which one took insurance must be the Medical Defence Fund. The brief conversation I had with someone interested in this conveyed the point to me that they did not want people insuring with cheap premium insurance companies and would have preferred legislative direction to specify that only the Medical Defence Fund be used. That was the point I was making. I am placing on record reasons why I am not pursuing that point of view in the Committee stage. I was not saying that this is incompatible.

The Hon. J.R. CORNWALL: We would not as a Government be prepared to do that. Subclause (1) *(a)* provides that a medical practitioner shall not practise medicine unless 'an agreement subsists between him and a person approved by the board', so it is quite flexible and a very sensible arrangement. I have taken on board the comments of the Australian Medical Association and have accommodated them without prescribing a particular organisation or organisations.

Clause passed.

Remaining clauses (70 to 77) and title passed.

Bill read a third time and passed.

ABORIGINAL LANDS TRUST: COOBER PEDY

Consideration of the House of Assembly's resolution:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, section 1257, out of hundreds and allotment 1430, Town of Coober Pedy, be vested in the Aboriginal Lands Trust.

(Continued from 29 March. Page 691.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this resolution from the House of Assembly which relates to an extension of the boundary of the existing reserve for Aboriginals at Coober Pedy. It has been requested by the Umoona Community Council, and I understand that negotiations have taken place between the Umoona Community Council Incorporated, the Coober Pedy Progress and Miners Association, the Department of Lands and Department of Mines and Energy, and that the boundary has been agreed to. It is land that must be used for a housing programme. The additional land will provide a greater degree of privacy for the families involved. The Opposition believes that this is a good move which should be supported by the Council. The Umoona Community Council has done an excellent job in Coober Pedy and is a very good representative body of the Aboriginal community. It is proper that this land be vested in the Aboriginal Lands Trust, and I support the motion.

Motion carried.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 565.)

The Hon. K.T. GRIFFIN: I generally support this Bill, but I need to ask the Attorney-General a number of questions before considering whether or not amendments may be required in Committee. Essentially, the Bill seeks to re-establish the assurance fund to the extent of providing the legislative basis for prescribing a levy on Real Property Act documents to be set aside specifically for the assurance fund, from which persons suffering from fraud in respect of Land Titles Office documents or an error or omission of a public servant may be able to recover their loss from the fund in the circumstances outlined in the Bill.

The other broad aspect of the Bill is that it seeks to increase the penalty for improperly certifying a document lodged at the Lands Titles Office, to provide also for the Registrar-General to exempt instruments of specific classes from the requirement of certification, and to provide that solicitors or licensed landbrokers who make an error in an instrument lodged with the Registrar-General of Deeds will not be able to recover the costs for work done in relation to complying with a requisition.

With respect to the assurance fund, my questions relate to the amount of money that may be able to be identified as having accumulated up to about 1945, when the levy was abolished. When I was Attorney-General, this matter came before me. I recollect that there was an estimate of something like $350 000 as possibly being the amount in the fund, but the records were quite inadequate. So, I wonder whether the Attorney-General is able to give us something more specific than what he has referred to in the second reading explanation regarding the amount that may have been accumulated over the years.

The Hon. Frank Blevins: It has all disappeared; it is a deficit.

The Hon. K.T. GRIFFIN: I am not sure what has happened to it. I suspect that it was paid into general revenue and that somewhere along the line someone forgot to identify it separately in the Treasurer's account.

The Hon. R.C. DeGaris: There should be a figure in a column somewhere.

The Hon. K.T. GRIFFIN: Yes. I am really asking the Attorney-General whether he will make some inquiries and endeavour to come back with something more specific than what is in the second reading explanation.

The next question in respect of the assurance fund is whether the Attorney-General can give us some indication of the amount of the levy that may be prescribed and on what documents it will be prescribed. It is very open-ended at present. Perhaps that is necessary, but it is important for the Parliament to have some idea of what may be prescribed pursuant to the amendments that we are now considering.

The other matter related to the assurance fund is whether the Government will make a contribution from Consolidated Revenue to enable the fund to be established immediately. If it is acknowledged that funds have been collected by the Treasurer over many years and appropriated to Consolidated Revenue, it would be fair that in 1983-84 accounts, if not before, the Treasurer makes an allocation to the assurance fund in recognition of the amounts that have already been collected. Of course, from that will have to be deducted the $90 000 that was paid out last year in settlement of a claim against the assurance fund. That was paid out of Consolidated Revenue.

In regard to clause 7, in his second reading explanation the Attorney merely said that there is no longer the need for notice to be given to both the Registrar-General and the Attorney-General under section 208 of the principal Act, because notice is already required under section 210. I would like the Attorney to give further clarification of that. My impression is that the notice provisions under section 208 of the Real Property Act still serve a useful purpose.

In regard to clause 14, we are being asked to allow the Registrar-General in his absolute discretion to exempt instruments of specified classes from the requirements of certification. I would like to know what are the specified classes, because some concern has been expressed by land brokers and solicitors that forms Nos 9, 10 and 11 under

the Real Property Act land division regulations are, in fact, instruments and dealings under the Real Property Act. If the Registrar-General was to exempt those documents from the requirement of certification, it opens the door for the Registrar-General and his officers to admit any document, dealing or instrument.

I do have some concern about that. I have taken the trouble to circulate the Bill to a number of people who have some interest in the Real Property Act and who practise in that area, both land brokers and lawyers, and they have expressed some real concern about the wide discretion that we are being asked to give to the Registrar-General and the potential for creating an asset or dealing with an estate or interest to be exempted from the requirements of certification. In some special cases it may be appropriate for the Registrar-General to grant such an exemption, but I remain to be convinced of that.

Accordingly, I would like the Attorney-General to give me more information about that before I decide whether or not I will move an amendment in Committee to tighten up on that power. Clause 15 seeks to establish an offence, where a solicitor or licensed land broker has charged for correcting an error or omission in an instrument, if that error was the fault of the solicitor or licensed land broker, he would be liable to a penalty of up to $500.

Essentially, the provisions of the Act which relate to the charging of fees establish the basis on which solicitors or licensed land brokers may charge. They affect the civil relationship between solicitors and client or licensed land broker and client. It is somewhat curious that here we have not only a civil relationship being affected but also a criminal or statutory offence being created. I really have some concern about that. I remember in the Bill that the Council has just passed that there was provision for reference to the Master of the Supreme Court where there was a dispute about medical fees.

The Master could tax the fees and then issue a certificate as to the amount that it would be proper to recover. My recollection is that that is in relation to disciplinary proceedings. It seems to me that that is appropriate in this clause where there is any suggestion that a solicitor or licensed land broker has charged for correcting something that was his fault. Certainly, I have no criticism of the principle of refusing solicitors or licensed land brokers the right to recover, but I do have some concern about its being made an offence.

If it is established that a solicitor or licensed land broker has charged fees for correcting an error in a Lands Titles Office document which is the fault of that solicitor or licensed land broker, disciplinary provisions are already available under the Legal Practitioners Act that would adequately deal with a solicitor. I understand that adequate disciplinary provisions are also available in the Statutes relating to the conduct of licensed land brokers. It is not as though there is any deficiency in the law and no capacity for such a person to be reprimanded or otherwise dealt with; there is already that power.

It is for that reason that I express concern about the clause. Perhaps the Attorney can express more clearly the reasons why he believes that it is important to make it a statutory offence. I understand that the Attorney-General will read my comments in *Hansard*, and will consider them and reply when we resume after Easter. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for his learned, if not somewhat pedantic, contribution. I am of a mind to respond to the matters that he has raised, but I do not want to become involved in a demarcation dispute with the Attorney-General. The comments will be responded to in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

RIVER MURRAY WATERS BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 762.)

The Hon. K.L. MILNE: Like previous speakers, I rise, with considerable enthusiasm and with a large sigh of relief, to support this Bill. I believe that this is a big step forward in the protection of South Australia's rights in relation to water from the Murray River system. I congratulate the previous Government and the previous Minister (Hon. P. B. Arnold) for the part that they played in achieving this agreement. We must remember that they were were supported by the former Minister of Water Resources (Hon. J. D. Corcoran) and the Labor Opposition.

It was a great achievement to have assisted in persuading the Commonwealth, New South Wales, Victoria and this Parliament to agree, and it took about eight years to do it. The big advancement in this agreement is the increased emphasis that is placed on water quality and the increased responsibility given to the River Murray Commission to supervise and report on it. At last, the fact that water quantity and water quality are interrelated has been acknowledged, and that is a real breakthrough for South Australia.

As I outlined in my Report on the Control and Management of the Murray River system of July 1982, three Government or statutory bodies play a part in the management of the Murray River. South Australia is represented on only one of those bodies. There is the River Murray Commission, which comprises four commissioners representing the Commonwealth, New South Wales, Victoria and South Australia, and the Commonwealth Commissioner is President of that commission. There is also the Snowy Mountains Hydro-Electric Authority, which comprises a Commissioner and a Deputy Commissioner. The link is that the President of the River Murray Commission is also the Commissioner of the Snowy Mountains Hydro-Electric Authority.

It is not generally known that the Snowy Mountains Hydro-Electric Authority is controlled by the Snowy Mountains Council, which consists of eight members. Its Chairman and Deputy Chairman are appointed by the Commonwealth, and two representatives each are appointed by New South Wales and Victoria; the Commissioner and Deputy Commissioner of the Snowy Mountains Hydro-Electric Authority are also members. Therefore, South Australia is not directly represented as a member of or an observer on two bodies that have an enormous influence over our water system—in fact, an enormous influence over the amount of water that the River Murray Commission receives to distribute. This may change in due course, and I hope that it does. I think that South Australia should continue to press at least for representation on the Snowy Mountains Hydro-Electric Authority, and possibly that on the Snowy Mountains Council. However, our lack of representation does not alter the fact that this agreement is a big step forward, and I support the Bill.

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

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 697.)

The Hon. R.C. DeGARIS: The Bill does two things: it reduces bookmakers tax by .23 per cent, and it provides for a sharing of unclaimed dividends and fractions between the Hospitals Fund and the racing codes within the Racecourses Development Board in proportion to the amount bet on the T.A.B. I will oppose the clause in regard to the reduction of bookmakers tax, and the reason is clear: there will be a need for the Government to introduce new taxes or to increase existing taxes in the very near future. One has only to read the news of the day to see that that will occur. It is also clear that the Government promised in its policy speech that there would be no increase in State taxation. In a situation where the Government must certainly increase taxation, I cannot support the proposed reduction in bookmakers tax. There are other areas in which I could enlarge in this matter, but I will not: other speakers may do so.

My second objection is that this is a complex issue in certain respects. My first argument will be that the money that accumulates in fractions and unclaimed dividends is really money that belongs to the punter. The fraction, of course, involves the money that is collected when a dividend is declared and reduced to the nearest five cents. If the dividend is $2.19, then $2.15 is paid, and the fractions are paid into the fund. One knows exactly what unclaimed dividends means. The money from fractions and unclaimed dividends is really money that belongs to the punter. Without the punter, the whole racing industy would not prosper.

The Hon. J.R. Cornwall: Particularly the little punter.

The Hon. R.C. DeGARIS: That is quite right. Therefore, before we decide how that money is to be distributed, we should ensure that the punter is not disadvantaged in the T.A.B. system. I believe that under the present Racing Act the punter is disadvantaged, particularly in relation to place dividends on the T.A.B. I would like to give an illustration of what I mean.

Section 75 of the principal Act refers to the winning dividend. If that dividend is short, money is transferred from the fractions and unclaimed dividends to make up the payment. When it comes to the question of place dividends, that is not the case. No money is transferred from the fractions or unclaimed dividends to make up any short-fall in payments to the punter. The money from the two horses, not involving the favourite, is transferred to make up the short-fall.

I can give an illustration. There may be a pool of, say, $2 000, with a Government tax of about 15 per cent taken out, leaving about $1 700. Thus, there is $570 or thereabouts for each horse. I suggest that $1 500 may be lodged on one horse, $20 may be lodged on another horse and $20 may be lodged on the third horse. It can be seen that the $570, which is one-third of the pool, cannot refund the 50c to the $1 500 on one horse. Therefore, $930 is taken from the other two horses, to make up the short-fall of the dividend for one horse. It is a complete denial of normal betting procedures where a winner's money has to be removed to make up a short-fall for someone else.

I believe that section 75 is correct in regard to the winning bet dividend: if it is short, the fractions or the unclaimed dividends make up that short-fall. However, that is not so in regard to place betting. Money on two of the horses makes up the short-fall in regard to a third horse. Therefore, I believe that the first thing we should do in relation to unclaimed dividends and fractions is to ensure that that money goes to make up the short-falls in any dividends.

I do not mind what the Government does with the remainder of the money: it can go to the development fund, the race clubs, or the Treasury. It does not matter very much. It is only fair that unclaimed dividends and fractions should be contributed to making up the statutory dividend of the strongly backed favourite. It is not fair that the backers of the less fancied runners should subsidise the favourite. Therefore, if the fractions and unclaimed dividends (or part of them) are to go back to the racing codes, the first step taken should be to use that money to reimburse the affected punter.

I refer to another matter that is of some interest. There is a question of whether or not a percentage of the moneys that are going from the fractions and unclaimed dividends will go to the Country Racing Association. An agreement between the Country Racing Association and the S.A.J.C. was reached some time ago in regard to a period of two years, whereby the Country Racing Association received 11½ per cent with certain initial charges that would change with c.p.i. increases each year being deducted before the 11½ per cent went to the association. I do not know how the agreement has operated, neither do I know whether it will be renewed. I must admit that at that time I believed that 12½ per cent of allocations should go to country racing, based on the country portion of T.A.B. betting. The point I wish to raise is whether the Minister is aware of this problem.

I believe that by this time the Minister would be aware of the problem and I wonder whether he can assure the Council that the 11½ per cent deal applies to the new moneys that will go to the racing clubs from the fractions and unclaimed dividends and that the agreement between the S.A.J.C. and the Country Racing Association will be renewed after the two-year period. The Minister should answer this question carefully because, now that the Racing Act is open, we have an opportunity to legislate to cover that point. I am a little concerned that we did not legislate to cover it when the Act was open previously.

At present there is a gentleman's agreement between the S.A.J.C. and the Country Racing Association, based on T.A.B. moneys. Of course, the agreement must be renewed, even if it is a gentleman's agreement. I believe that it was an American humorist who once stated that a gentleman's agreement was not worth the paper it was written on. Will the Minister say whether at least 11½ per cent of these new moneys that will be available to the racing industry will go to the Country Racing Association?

The Hon. M.B. Cameron: Will the old agreement continue?

The Hon. R.C. DeGARIS: That is a fairly important question, and I have already asked the Minister whether or not the agreement is to continue. If the agreement is not to continue, I believe that we should consider legislative amendments while the Racing Act is open. It is important, as far as the country racing clubs are concerned, that the present 11½ per cent is guaranteed for the future.

I would like to make three points. First, I oppose the reduction in the bookmakers turnover tax for the reasons I have given. Secondly, will a percentage of the moneys going to racing clubs reach the Country Racing Association? Thirdly, I wonder whether the existing agreement in regard to country racing will be renewed and continued.

I raise a further question. I could do it by an instruction of the Council to amend section 75 to say that the fractions and unclaimed dividends are used to make up the short-fall, not only in a winning dividend but also in a place dividend as far as the T.A.B. is concerned. I support the second reading at this stage, although I indicate my opposition to portion of it.

The Hon. M.B. CAMERON (Leader of the Opposition): I have the same feelings concerning this Bill as has the Hon. Mr DeGaris. I am concerned at the prospect of funds being diverted in this way when one continually hears the Government telling us how poor it is. I know that the Minister will rise to his feet and say that this promise was made before the last election. I accept that, and clearly remember the indication of the Labor Party about it. I trust that when it comes to the prospect of increased taxes the same enthusiasm for keeping promises will be evident and that we will not see increased taxes. If the Government is going to give money away it will be hard to say to the public, who will have more money taken from them, that this was a promise made before the last election. There was a clear commitment to the people that there would be no increase in taxes. I imagine that most people will look at the Government unkindly when it continues keeping promises to the people who supported it prior to the last election. Members know all the stories that went around about the reason for this promise. It is well known that bookmakers contributed to Labor Party funds.

The Hon. R.C. DeGaris: Wasn't there a film called *40 000 Horsemen*?

The Hon. M.B. CAMERON: Something like that—the amount of $40 000 was mentioned. If this promise is kept to the people who contributed that money, and also to other people, such as the teachers, the community will be faced with having to pay extra taxes when there was a promise not to increase them.

The Hon. J.R. Cornwall: Do you support the disclosure of donations to political Parties?

The Hon. M.B. CAMERON: I am not worried about that. The Labor Party is using this money to pay a reward. It will have to wear the effect of that, and I do not intend to debate that matter. Concerning other matters raised by the Hon. Mr DeGaris, I strongly support what he indicated will occur in relation to country racing. In the past I have been aware of the problems that the Country Racing Association has faced in obtaining its share of moneys from the pool of money allocated to racing. I know that there has been a great deal of argument over how much was to be deducted before amounts were allocated. There was an open-ended cheque to the South Australian Jockey Club and what it considered to be a first charge over the money before it was allocated to the rest of the codes. I do not think that that is on. I fully applaud the agreement reached previously and trust that that agreement can continue.

It is necessary for the Government and the South Australian Jockey Club to reach agreement again, if that has not been done. The Government must show a firm hand towards the problem. The same applies to the extra funds now being allocated. I trust that that matter will be cleared up before a vote is taken on the second reading so that we know whether or not it is necessary to support the move of the Hon. Mr DeGaris for an instruction to amend the Act to ensure that it happens. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank members for their contributions. I must say that I am a little bit disturbed that the Hon. Mr Cameron behaved in a critical way about the very positive initiative which the Government is taking. He ought to be aware, if he were more closely associated with the code, that the industry generally in this State is a very big employer. I think that it employs in the order of 11 000 people on a full-time and part-time basis. Of course, what we are doing is responsible. It may not be considered by some people to be the greatest social initiative which the Government will take in its three years. However, there is no question that it is a responsible and sensible action. I can only hope, for their part, that bodies such as the S.A.J.C. will use their very substantial increases in funds responsibly. I have no doubt that they will.

Both the members have expressed some concern as to whether the South Australian Jockey Club will continue the existing arrangement for distribution of funds to country clubs. It is a discussion and an argument in which I have been previously involved, obviously, and it is no surprise that my phone has run hot again on this occasion. I think that there is a sort of tradition with regard to funding for country racing that the Hon. Mr DeGaris has been the minder in this place for a very long time. I remember when I was a relatively young veterinarian in Mount Gambier (and I enjoyed my country racing very much in those days) that if one needed anything in the way of funding or arrangements for country racing, the call always went out: 'Ring Ren DeGaris.' These days I sometimes think that I have become the Labor Party Ren DeGaris in the Upper House with regard to country racing.

The Hon. M.B. Cameron: You have a good background in Mount Gambier.

The Hon. J.R. CORNWALL: Yes. Whenever the Racing Act is open in this place my phone seems to run hot and I receive some lobbying from my old mates in the bush; this occasion has been no exception. I have been asked to speak to my colleagues, particularly the Minister of Recreation and Sport, and ask that a firm undertaking be given with regard to future funding for country clubs. I have received an undertaking and I want to phrase it very carefully.

The Minister of Recreation and Sport has advised me that, following the passage of this Bill, he will recommend to the S.A.J.C. that it maintains the existing arrangement with regard to disbursement of funds to country clubs. He further tells me that, if the Jockey Club fails to meet this commitment, the Minister will reluctantly be forced to further amend the legislation accordingly so that a fixed percentage is written in. That is a firm commitment.

The Hon. M.B. Cameron: What about the new money?

The Hon. J.R. CORNWALL: Yes, indeed. The additional funding will have to be taken into account. It is not simply the 11.5 per cent plus existing levels; it is 11.5 per cent plus what exists plus the additional moneys which are proposed to go to the galloping code under the amendments to the legislation. That is a concrete commitment given firmly and in good faith. I do not think that I need add any more. I would urge members to support the legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Application of balance of fractions by Totalizator Agency Board.'

The Hon. R.C. DeGARIS: In speaking to the second reading, I referred to the use of fractions and unclaimed dividends. I pointed out that under section 75 of the principal Act fractions and unclaimed dividend money are used to make up any shortfall in regard to a winning dividend. It is not done in regard to place dividends. I would like to see an amendment to section 75. I have argued this point in regard to place bets on many occasions in this Council. Will the Minister ask the Minister he represents to examine the suggestion I have raised that unclaimed dividends and fraction money be used to make up any shortfall and not the money of the other punters. I will raise this matter again when the Racing Act comes before the Council. I would have raised it in relation to this Bill if I could have got instructions in time, but I think it would be wrong for me to do so at this stage.

The Hon. J.R. CORNWALL: The honourable member raised the matter only this evening during the second reading debate. I know that this is a matter that he has raised before on many occasions when the Racing Act has been under

consideration, but, frankly, it is not a matter to which I have paid any regard on this occasion because I was given no notice. Naturally, I cannot give firm undertakings on behalf of the Government as to what its future actions might be, but I can give the honourable member a firm undertaking that I will raise this matter with my colleague, the Minister of Recreation and Sport, and ask him to examine it. I will, informally at least, bring back a reply to the Hon. Mr DeGaris. I also take on board his comments that he will raise this matter in a more formal way on the next occasion that the Racing Act is before the Council. That matter will be taken into account properly if and when amendments to the Racing Act are moved during the course of the next three years.

The Hon. R.C. DeGARIS: I think I have understood what the Minister has said. Will he inform me whether the country racing clubs will receive 11.5 per cent of this extra money that is going to the codes? As I understand, one-half of the unclaimed dividends and the fractions will go to the racing industry. Will the country racing associations be entitled to 11.5 per cent of these new moneys?

The Hon. J.R. CORNWALL: They will. I cannot find the actual amounts that will go to the racing codes specifically, but it is, I believe, in excess of $400 000. As I understand, that amount will be taken into account as well as income that is currently considered in the distribution.

Clause passed.

Clause 4 passed.

Clause 5—'Payment to the Board of percentage of moneys bet with bookmakers.'

The Hon. R.C. DeGARIS: I indicate my opposition to the clause.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.24 p.m. the Council adjourned until Tuesday 19 April at 2.15 p.m.