LEGISLATIVE COUNCIL

Thursday 3 May 1984

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 11.45 p.m. and read prayers.

QUESTIONS

URANIUM

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question concerning uranium mining.

Leave granted.

The Hon. M.B. CAMERON: It seems that some common sense appears to be arising in the Labor Party concerning uranium mining. Statements from the Prime Minister give one heart that, eventually, we may find that the Honeymoon and Beverley mines, which have been stopped under the present stupid uranium policy of the Labor Party, will be able to proceed. What steps has the South Australian Government taken on behalf of South Australia to ensure that any new policy that comes into force in the Labor Party will allow the Beverley and Honeymoon mines to commence operation?

The Hon. C.J. SUMNER: This matter has been raised by the honourable member on previous occasions in this Council and I have provided him with answers.

The Hon. R.J. Ritson: A different one each time.

The Hon. C.J. SUMNER: No, that is not correct. The honourable member and all members know that there is a Federal conference of the Labor Party in Canberra in early July. Everyone knows that the current policy of the Labor Party on uranium mining will be discussed at that conference. I have indicated in the Council and, indeed, the Premier has indicated in the Lower House, the State Government's approach to this issue. I have indicated that as far as the State Government is concerned a commitment has been given for Roxby Downs to proceed. That is in accordance with the existing policy of the Labor Party and, I believe, will be in accordance with the policy of the Labor Party after the July conference.

The other decisions taken by the State Government have also been in accord with that policy, that is, in relation to Honeymoon and Beverley. But, if there is to be any change in that situation, that will be revealed to the honourable member and to other members of Parliament following those discussions in Canberra.

The Hon. M.B. CAMERON: I desire to ask a supplementary question. Will the Attorney indicate whether he will give and whether the Government will give the same commitment (that they gave to Roxby Downs) to Honeymoon and Beverley in any discussions within the Labor Party on uranium mining?

The Hon. C.J. SUMNER: I do not intend to discuss within this Chamber the matters to be raised within the Labor Party. The honourable member is aware of the policy that the State Government has been acting in accordance with and it will continue to do so—

The Hon. M.B. Cameron: Are you refusing?

The Hon. C.J. SUMNER: No—unless the policy is changed some way in July. Whether the policy can be changed is a matter for members of the Labor Party and, in particular, for the delegates of members of the Labor Party.

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It is members of the Labor Party who send their delegates from each of the States to the Federal Conference. In that context—

The Hon. K.T. Griffin: The 36 faceless men.

The Hon. C.J. SUMNER: That interjection is completely inaccurate. The fact is that the Labor Party in Australia now and for some time has had the most open conferences of any political Party.

The Hon. K.T. Griffin: But none of the delegates are democratically elected by the people and they determine the policy—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The delegates are elected democratically by the State—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Neither are the delegates to your conferences.

The Hon. K.T. Griffin: We are not bound to our policy.

The Hon. C.J. SUMNER: It is interesting to recall what Mr Olsen said in relation to that matter when the question of the role of the President of the Legislative Council was discussed some weeks ago when he said that Liberal members toed the Party line. The Liberal members' decisions are made in the Party room. That is what Mr Olsen said. He laid down the law to all of you. He said, 'We discuss policies'.

The Hon. M.B. Cameron: You will be able to say something about that on the day when one of your members crosses the floor.

The Hon. C.J. SUMNER: The Hon. Mr Blevins crossed the floor on an issue in relation to gambling.

Members interjecting:

The Hon. C.J. SUMNER: It is not true to say that Labor Party members vote on all issues *en bloc.*

The Hon. C.M. Hill: What happened to the Hon. Mr Foster?

The Hon. Anne Levy: What about Dick Geddes and John Carnie?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Anne Levy interjects, 'What happened to Dick Geddes and John Carnie'?

The PRESIDENT: Order! Interjections will desist. They have reached the utmost level and I ask members to cease and listen to the answer.

The Hon. C.J. SUMNER: Thank you, Mr President. I was indicating to the Council that Mr Olsen, as Leader of the Opposition in another place, has laid down the law to all Liberal members.

The Hon. R.I. Lucas: That is not so.

The Hon. C.J. SUMNER: That is what he said. I refer to the front page of the *Advertiser* and other examples of other notable Liberals who got the chop—such as Mr Geddes and Mr Carnie. The conference of the Labor Party in Canberra is democratically elected by the Party. The Labor Party members who attend that conference, and the Labor Party members (including those in South Australia) who put up motions and propositions to the State Convention of the Federal Conference of the Labor Party will make that decision.

SPECIAL INVESTIGATIONS

The Hon. K. T. GRIFFIN: I seek leave to make a brief statement before asking the Attorney-General a question about special investigations.

Leave granted.

The Hon. K. T. GRIFFIN: When I was Minister of Corporate Affairs I appointed special investigators into the

Kallins group of companies and the Swan Shepherd group of companies. Something like four years has now elapsed since the investigators were appointed. My recollection is that the Corporate Affairs Commission was appointed in each case as special investigator, with very wide powers under the then Companies Act. Because such time has now elapsed (and I acknowledge that the Swan Shepherd matter particularly was very complicated), I ask the Attorney-General whether or not reports have yet been submitted to him in respect of each of the special investigations?

If the Attorney has received reports, when were they submitted? If the reports have not yet been submitted, when is it likely that they will be submitted? If the Attorney has received reports from the special investigators, does he intend to table them, as he tabled one part of the report by the special investigator into the Elders group? Will any of the recommendations contained in the report be made public if the Attorney is not going to table the reports? Finally, have any prosecutions been instituted arising directly out of any report which may have been made by the special investigators into the two groups of companies?

The Hon. C.J. SUMNER: In relation to the Kallins Investment special investigation, on 14 December 1979 the Corporate Affairs Commission was appointed as an inspector of that company and various related associated companies pursuant to section 171 of the South Australian Companies Act, 1962. On 28 February 1980, 23 June 1980, 7 July 1980, 18 December 1980, and 6 May 1981 additional companies were included in the scope of the investigation. In all instances the Commission delegated its powers and functions, under Part VIA of the Companies Act, 1962, to two officers of the Commission.

A report was prepared by the inspectors who investigated the affairs of the group, and it was forwarded to me as Minister in November 1982. The situation at the moment is that two persons have been charged with conspiracy to defraud, and committal proceedings have commenced in the courts. The accountant and the auditor for the Kallins group were each given an opportunity to appear at the hearing before the Commission to determine whether they should continue to be registered as auditors. Prior to the hearing, both persons resigned their previous registrations and can no longer practice as registered auditors.

Further inquiries are being made about the activities of other Kallins directors. Of course, the matter is still *sub judice,* particularly in relation to the two cases before the courts. Therefore, it would not be appropriate for me to comment. When I received this report, I was advised that it should not be tabled at this stage, because it may be prejudicial to future action that may have to be taken. Obviously, that situation will be reviewed in the light of completion of any other investigations and the completion of court proceedings.

In relation to the Swan Shepherd special investigation the principal companies involved are: Swan Shepherd Pty Ltd (In Liquidation); R.W. Swan Nominees Pty Ltd (In Liquidation); E.C.R. Shepherd and Sons Proprietary Limited (In Liquidation); Interfranc S.A. (Pty) Limited (In Liquidation); Westland Finance Company Pty Ltd (In Liquidation); and Littlehampton Holdings Pty Ltd (In Liquidation).

On 7 and 10 March 1980, the Supreme Court of South Australia appointed Messrs Allert and Heard, chartered accountants, as joint provisional liquidators of certain companies within the Swan Shepherd group. On 14 April 1980 Messrs Allert and Heard were appointed official joint liquidators of the companies. On 15 April 1980, the Corporate Affairs Commission was appointed pursuant to section 170 (1) of the Companies Act as inspector to investigate all the affairs of the 25 companies in the Swan Shepherd group. For most of the companies, the period to be investigated was from 1 January 1978 to 15 April 1980.

A preliminary examination was undertaken of the books and records of the companies within the group. This took some months to complete. Thereafter, a decision was made to concentrate investigations on certain companies within the group engaged in mortgage broking, that is to say, soliciting and receiving of funds from members of the public for the purpose of investing those funds on secured mortgage loans and in certain related companies. The companies involved in that case were as follows: Swan Shepherd Pty Ltd (In Liquidation); R.W. Swan Nominees Pty Ltd (In Liquidation); E.C.R. Shepherd and Sons Proprietary Limited (In Liquidation); Interfranc S.A. (Pty) Limited (In Liquidation); Westland Finance Company Pty Ltd (In Liquidation); and Finbro Limited.

Inquiries into the affairs of these companies also touched upon other companies within the group. The delegates of the Commission appointed to conduct the investigation have to date examined and re-examined some 26 persons, being principally officers or employees of the companies concerned, a number of accountants, a solicitor and a number of investors who deposited funds with certain of the companies concerned. The transcript of these examinations constitutes almost 2 000 pages of evidence. In addition, a more detailed examination was undertaken of company records and transactions. Inquiries into the affairs of the companies referred to above have now largely been completed. An interim report has now been completed and, I understand, will be available in the near future.

The Hon. K.T. Griffin: Available to you as Minister?

The Hon. C.J. SUMNER: Yes, to me as Minister. Obviously, any decision as to the tabling of that report or the action that might flow from it will have to be taken after I have seen the report and taken advice from the Corporate Affairs Commission about the normal criteria that should be followed in deciding whether a report of this nature should be made public before prosecution. As I have indicated before, and as the honourable member said, in the Elders case it was decided to make the report public because the advice was that there would not be any prejudice to individuals concerned or to the success of any prosecution by making it public. In Kallin's case it was felt that it should not be made public at this stage. I do not know what the advice or decision will be in relation to Swan Shepherd.

COMPUTER TRESPASS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about computer pirates or trespassers.

Leave granted.

The Hon. R.I. LUCAS: On 27 October 1983 I asked the Attorney-General a question on the subject of computer pirates or computer trespassers. I will quote briefly from the explanation I gave at the time:

> In the United States people are using from their homes their own personal computer to plug into the sophisticated computer systems in order to steal computer time and services. As well as those persons stealing computer time, their lack of expertise can lead to either deliberate, sometimes, or inadvertent, on other occasions, destruction of information.
>
> In some cases they can cause entire systems to crash, causing great cost to either private companies or Government departments or authorities.

I cite one case in the United States where the cost of replacing a computer system so destroyed was $250 000. I indicated that the computer pirates formed themselves into groups and connected themselves through computerised bulletin boards that enabled them to swap the confidential

codes to computers and exchange tips between themselves on how they might best break into sophisticated computer systems. I provided some other detail and indicated that some States in America were legislating in this matter. Two of the three questions that I put to the Attorney were:

1. Is it an offence in South Australia to enter a computer without authorisation and, if so, what are the penalties?
2. Will the State Government investigate the legislative changes being introduced in the United States of America and bring back a report as to whether any legislative changes are required in South Australia?

I remind members of those questions that I asked on 27 October. The Attorney's reply a month later—and I will just paraphrase it—was basically, in answer to the first question, that as a general proposition it is not an offence to enter a computer without authorisation. He gave some further detail. On the second question, with respect to having a look at the whole area, he said:

Computer technology is such that computer crime can readily transcend State borders. It is highly desirable that any law to deal with the new forms of dishonesty which have been promoted by the advent of computers should be uniform throughout Australia. Accordingly, I have asked that the Standing Committee of Attorneys-General should look at computer crime.

After receiving this reply I had a private conversation with the Attorney and asked him to confirm that when he said 'computer crime' he meant the sorts of matters that I was raising, and he said that he would be looking at that as well as other matters. He went on:

Any examination of the matter by the Standing Committee will take into account developments in other countries.

I appreciate that Standing Committees of Attorneys-General do not move as quickly as we might like them to, as the Attorney has indicated on other matters, but will the Attorney report to the Council whether he took up the matter with the Standing Committee of Attorneys-General and whether that committee, through a subcommittee or whatever, instituted a study into the matter, as I requested? If it has, will the Attorney-General be good enough to provide some detail to the Council, if not now, perhaps at some later stage?

The Hon. C.J. SUMNER: I understand the honourable member's interest in this matter. The question of computer crime is, as I recall, now on the agenda of the Standing Committee. The Standing Committee will meet in Perth at the end of this month; I will undertake to obtain an up-to-date report for the honourable member following that meeting and advise him by letter as soon as I am in a position to do so.

CENTRAL LINEN SERVICE

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister of Health a question about the Central Linen Service.

Leave granted.

The Hon. ANNE LEVY: Recently, the Leader of the Opposition, Mr Olsen, put out a number of television advertisements in which he made certain statements regarding the Central Linen Service. I am not asking this as a result of reports in the press, but I actually saw his lips move and say the words.

The Hon. R.I. Lucas: Very good commercials, too!

The PRESIDENT: Order!

The Hon. ANNE LEVY: I will read a small portion of a letter in this morning's paper from a group of 114 individuals who work at the Central Linen Service. *Inter alia,* they said:

From his statement the Opposition Leader reveals a very poor knowledge of the Central Linen Service. For example, we would like to point out the following facts:

Our general laundering price is less than $1 a kilogram, not $1.25 a kilogram as suggested.

The Central Linen Service is located at Dudley Park and not Stepney. The Central Linen Service is in the middle of introducing modern up-to-date equipment which will make it very much more competitive and able to provide the best possible service to hospitals and other clients. The Central Linen Service is operating at a profit now, and productivity is on the increase.

The Hon. C.J. Sumner: Is Dudley Park near Stepney?

The Hon. ANNE LEVY: Not the last time I looked. It was further stated:

Mr Olsen cannot guarantee the jobs of those who remain if the laundry becomes privately owned. When the Liberal Government sold the Frozen Food Factory (at well below its real value) to General Jones in 1980, remaining Government workers were sacked by management. We prefer to work for an efficient Government enterprise which can guarantee us job security.

The truth is that Central Linen Service's competitors are becoming worried by the promising economic future of the Service. Surely the State Opposition should welcome the Central Linen Service's performance rather than spend its time running it down without justification.

In the light of that letter and the statement made by the Leader of the Opposition in another place in his paid television advertisement, will the Minister provide accurate information on the economic viability of the Central Linen Service?

The Hon. J.R. CORNWALL: I had an idea that, since this was a matter of public interest, it might be raised in the Council today, and I have quite a number of figures that I am sure will be of interest not only to members of this place but also to the South Australian public at large.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have seen the costly commercial. It was a familiar performance by the Leader of the Opposition, who seems to think that there is political mileage in consistently knocking community enterprises and services. Mr Olsen's version was that the Central Linen Service charges $1.25 per kilogram, whereas a private laundry supplier would charge $1.02 per kilogram. However, when we look at the facts, we see that Mr Olsen has denigrated the Central Linen Service by telling something less than half the story. In reality—

The Hon. L.H. Davis: Coming from you, it is understandable!

The PRESIDENT: Order!

The Hon. R.I. Lucas: Can we believe this?

The PRESIDENT: Order! I continue to ask for order and for members to stop interjecting, but they persist. I ask members once more to listen to the answer to the question.

The Hon. J.R. CORNWALL: In reality, the Central Linen Service, in common with private suppliers, has a two-level price structure. It charges $1.25 per kilogram for theatre linen and 90c per kilogram for standard linen. In comparison, I am informed that a private supplier contracted to one of our large hospitals in the city charges $1.08 per kilogram for theatre linen (which is, of course, 17c a kilogram less) but 98c per kilogram for standard linen, which is 8c more than the Central Linen Service. The great bulk of the hospital's laundry work involves standard linen rather than theatre linen. Mr Olsen and his supporters are very fond of calling for documents and information.

Members interjecting:

The Hon. Anne Levy: They are at it again, Mr President.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I invite Mr Olsen to come clean and tell us where he obtained his comparisons and how he chose the information that he used, very selectively and misleadingly, to run down the Central Linen Service.

Calculations carried out by the South Australian Health Commission indicate that at an estimated ratio of five kilograms for standard linen to one kilogram of theatre linen—and these figures were given to me this morning by

a senior accountant in the Commission who is responsible for the overview of the Central Linen Service—the true position is that the CLS is a better economic proposition than private suppliers. To be precise, if one takes that working ratio—and that is what happens in the real world, in our hospitals—the average price for the CLS supplying the linen is 95.8 cents per kilogram, compared to 99.7 cents per kilogram—almost 4 cents per kilo more for the private business that supplies the hospital that I mentioned earlier.

I do not know where Mr Olsen obtains his figure of $1.02 a kilogram for theatre linen, but the Government would be happy to look at any detail that he cares to supply, and I challenge him to do that. The Central Linen Service is another of the major success stories of the Bannon Government and my administration. On 3 June 1983 I went to a mass meeting of CLS employees to tell them, first hand, about the Government's plan to re-equip the business and put it on a proper footing. What the Government has been able to do in the CLS in the subsequent 10 months has been proclaimed publicly as almost a miraculous turnaround.

It was my view that the workers should hear the news direct from their Minister because they had been through the previous three-year period of great uncertainty during the Tonkin interregnum. Mr Olsen, the man who professes to dislike incentive so much but who is not averse to calling me a political monster, amongst other things, would perhaps be unhappy to hear that when I arrived at the meeting I was clapped and cheered by the assembled workers, who were delighted to hear what I had to say.

The Government's plans to modernise and streamline the service, to make it economically viable and to ensure a sound basis for the future security of its employees were very warmly received. They included the modernisation of equipment costing more than $3 million over four years, a reduction of 73 staff from the then existing level, and replacement of the Board of Management by a General Manager reporting directly to the South Australian Health Commission. I add that there were more cheers when I said—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —that the proposed reduction in staff numbers would be achieved by attrition and that there would be no retrenchments. As a result of the actions that I took with the full support of the Bannon Cabinet, almost 200 employees have been guaranteed certainty in their employment.

The truth about the Central Linen Service is a far cry from the distorted one suggested by Mr Olsen's television commercial. In fact, through improved management and increased productivity the Central Linen Service is operating now very much in the black—it is profitable. Not only is it competitive but also its efficient operation has had an extremely beneficial effect in preventing its competitors from increasing their prices. It is important to note that the CLS has not increased its prices since 1 January 1983—a fact for which, I am sure, the Prime Minister would be most grateful.

I will provide more evidence to the Council. I will not name the firms involved, because I do not think that they deserve to be identified just because Mr Olsen has chosen to produce and star in a misleading and irresponsible television advertisement. According to figures provided by the South Australian Health Commission, the Central Linen Service can provide and supply Kylie pad sheets—a common type of sheet that is a major item in nursing home bed linen—at 81 cents a service. That is 11.1 per cent cheaper than the price currently charged by the major private competitor for this item. A strange silence seems to have descended on the Opposition benches.

A southern district hospital now receiving its laundry from a particular firm is meeting charges 9.8 per cent higher—almost 10 per cent higher—than if the linen was supplied by the Central Linen Service. A nursing home currently supplied by a private competitor is being charged 17.4 per cent more than the CLS rates. The CLS is efficient: its equipment is being modernised and it has a dedicated and hardworking staff, every one of whom I am very proud. It has economies of scale because it now supplies more than 105 client organisations including the Royal Adelaide Hospital, the Flinders Medical Centre, the Queen Elizabeth Hospital, Modbury Hospital, Lyell McEwin Hospital, Adelaide Children's Hospital, Glenside and Hillcrest Hospitals, the Strathmont Centre, the Julia Farr Centre and the Hampstead Centre.

The Hon. R.C. DeGaris: And Dorothy Dixers?

The Hon. J.R. CORNWALL: I should have thought that the people of South Australia are entitled to know the real facts.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I would have thought that the people of South Australia should know that Mr Olsen has bodgied figures and has deliberately, it seems to me, misled the people in the costly commercial. The CLS is operating on a commercial basis and is meeting all its expenses from sales income. It services its capital debt at Treasury rates of interest. This is not a flash in the pan result: it is the result of direct Government intervention and commitment from all parties. That, I believe, is what the mixed economy is supposed to be all about.

In fact, just this week—and this figure is amazing—the Industrial Commission ratified the introduction of a 38-hour week at the Central Linen Service, and the negotiated arrangement that was ratified for putting in the 38-hour week included a remarkable 22.5 per cent productivity offset. There would not be too many people in private industry who would not be absolutely delighted to get productivity offsets of half that amount. This clearly shows that the proposition advanced by Mr Olsen that the CLS is somehow less efficient or not able to match private competitors is sheer rubbish. If he did not know it before, he certainly should know it now. I believe that he should apologise to everyone concerned in the remarkable turn-around that has occurred at the Central Linen Service in the past 10 months.

At this moment my office is looking into a letter of complaint forwarded by the Government Whip in the Legislative Assembly. That letter was written after representations to him by the principal of a private linen enterprise. The basis of the complaint is that the Central Linen Service is undercutting their prices. So, the reality is that there are some very compelling figures and, in some areas, some startling figures to show that the operation of the Central Linen Service has been turned around completely. It is a jewel in the crown of the public enterprises in this State at this time. It is my view that Mr Olsen should apologise publicly for the grave wrong that he has done to the very co-operative workforce at the CLS.

PORT LINCOLN ABATTOIR

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the Port Lincoln abattoir.

Leave granted.

The Hon. PETER DUNN: The closing of the Port Lincoln abattoir has been brought about, as the Government indi-

cates, by the financial criterion. In other words, it has lost more than $10 million over 10 years. As that has been the criterion used, I ask whether the same criterion has been applied to the operation of the Gepps Cross works? How much has that works cost the South Australian Government in the past 10 years, excluding the sale of unwanted lairage yards?

The Hon. FRANK BLEVINS: Although it was a short question, it deserves a full and detailed response, particularly in the light of the previous question and answer which related to another Government establishment. I am sure that it would be of interest to the Council to compare the two cases. I intend to outline to some degree the difference in philosophy between the Government and Opposition. The Port Lincoln abattoir, as I said in my Ministerial statement on Tuesday, has to close. It gave neither me nor the Government any pleasure in having to do that.

The Hon. R.I. Lucas: Are you guaranteeing their jobs?

The Hon. FRANK BLEVINS: The economic circumstances of that abattoir at Port Lincoln were such that we had no responsible option but—

The Hon. R.I. Lucas: Are you guaranteeing their jobs?

The Hon. FRANK BLEVINS: The Hon. Mr Lucas has interjected twice and I have attempted not to respond. However, if he is allowed to continue to interject, then I will have no option but to answer. The honourable member asks whether we are guaranteeing jobs. If the honourable member was present on Tuesday, he ought to have listened to my Ministerial statement, because then he would not have had to interject—he would have known. As interjections apparently are to be permitted, I will answer the honourable member.

The position is that the salaried employees will be considered as permanent public servants, in line with the undertaking given to them in the late 70s. However, some employees are seasonal workers in the main and the retrenchment package is being worked out this morning to take care of them. It will vary from individual to individual because of the seasonal nature of their employment. It is not quite so simple as to say that one has worked for two years or 10 years or whatever. It will be a difficult and complex operation but one that I am sure will be finally the subject of agreement between the unions and the Government.

The position of SAMCOR at Gepps Cross is somewhat different. The problem with the Port Lincoln abattoir is that there is no model that we could construct, no forward planning that we could engage in, that would do other than increase the losses at the works. The problems at the works are varied. As honourable members know, one of the major problems was not just the loss: it was the condition of the works. Several hundred thousand dollars would be required in the next financial year to maintain the structure of the works—the *status quo*. Significant capital expenditure would be required to maintain the United States Department of Agriculture rating. For example, when I was last there I was advised by the management that there was now a suggestion that all the timber had to be removed from the Port Lincoln works—either taken out or covered. That is in a works about 60 years old.

If any honourable member has seen the Port Lincoln works (clearly, some have) they would realise what an enormous task that would be. Indeed, it is almost impossible and would be horrendously expensive. However, the Government would have considered doing that if, at the end, it could have seen that the works would have some potential to be viable. Certainly, that is not the case. There would be continuing losses. The difference at Gepps Cross is that Gepps Cross does have a potential. That is all I can say at the moment: it has a potential to be a viable operation. There is a continuing programme of restructuring at Gepps Cross. Certainly, I commend everyone concerned in that, both the unions and the management. I believe there is the potential for the works to stop making significant losses. The position with Gepps Cross is basically the same: the onus is on the management and workers at Gepps Cross to make that plant, if not a profitable operation then at least an operation that breaks even. The potential is there. I have been most impressed by the co-operation with the workers and the management there. There is a still a great deal of co-operation at Port Lincoln, and I am not in any way blaming anyone involved in the Port Lincoln abattoir. Certainly, I do not blame the workers, the management or the farmers in the area who chose not to have their stock killed there. That was their decision and they had a right to make it, but there are consequences. So, the prognosis for Port Lincoln is different from the prognosis for Gepps Cross. That essentially is the difference.

I want to make one further point. One matter that really has annoyed me intensely was the spending of $17 000 by the Leader of the Opposition in the media in attempting to get his tale across. Indeed, for the Leader of the Opposition to have to do that shows that there is something lacking, when the media will not report his policies; or, he expects the media not to report his policies to the extent that he has to buy time. The Leader of the Opposition listed a number of organisations that he believed were costing the State money and he indicated that he would close them down. That matter will be dealt with. Partly, it has been dealt with today by the Hon. Dr Cornwall, but it will also be dealt with by other Ministers, as appropriate, who are in charge of those operations. When I saw that advertisement I believed there was one notable omission, which was the Port Lincoln abattoir. If there was any rationale for those advertisements, for closing down Government enterprises, then you would have had to put on the top of anyone's list the Port Lincoln abattoir. But, no, because in the classic way of conservatives—

Members interjecting:

The Hon. FRANK BLEVINS: 'Hypocrisy' is a word that we are not allowed to use here, but what conservatives always want to do is to capitalise the gains and socialise the losses. Because the losses were in an area that traditionally supports the Conservative forces, that facility did not rate a mention in the advertisements. It should be on the top of any responsible person's list, if there was any rationale at all for closing down State Government operations.

The Hon. Peter Dunn: It's a service works.

The Hon. FRANK BLEVINS: The Hon. Mr Dunn interjects and says that it is a service works. I am pleased that he interjected. I will deal with that for a moment. I would like the Hon. Mr Dunn and the Hon. Mr Cameron (the Leader of the Opposition in this place) to make a clear statement for the people of Port Lincoln and the people of South Australia that, if the Liberal Party comes to office following the next election, it will reopen the Port Lincoln abattoir. Members opposite now have the opportunity to make that clear statement. Alternatively, if they say that they would have kept it open, I ask them how much of a loss they would have allowed that facility to incur. The loss so far is up to $10 million. Is the Liberal Party saying that it would have withstood $12 million, $15 million or $20 million in losses before closing the facility? What is the figure, if there is one at all?

Is it because of the location of the abattoir and the nature of the Liberal Party that it would give the Port Lincoln abattoir an open cheque? Would it provide an open cheque from taxpayers' pockets irrespective of the losses of the abattoir, to keep it open? The Hon. Mr Dunn said that the abattoir is a service works. The implication of that is exactly

as I have stated. The Hon. Mr Dunn is virtually saying that there is no loss that should not be withstood and that his Party would provide any subsidy from the taxpayers to keep the service works open. If the Hon. Mr Dunn is saying that, he should place it on the record now.

The Hon. Peter Dunn: What about the STA?

The Hon. FRANK BLEVINS: Never mind about that—we are discussing SAMCOR. I am asking the Hon. Mr Dunn whether he would place any upper limit on the losses at that facility or on the amount of subsidy that his Party would provide. The Hon. Mr Dunn said that it is a service works, but he will not answer my question.

The PRESIDENT: Order! Interjections are out of order.

The Hon. FRANK BLEVINS: Interjections are out of order, according to Standing Orders.

The PRESIDENT: I am not denying the Minister the right to ask a question; I am saying that he should phrase it properly.

The Hon. FRANK BLEVINS: I would like the Hon. Mr Dunn or the Hon. Mr Cameron to answer my question. The Hon. Mr Dunn is saying that, if we keep the STA going, we should also keep the Port Lincoln abattoir going: is that what he is saying? I am trying to clear up what the Hon. Mr Dunn means, but I am having difficulty in obtaining a response. I take it that the Hon. Mr Dunn is saying 'Yes'.

The Hon. Peter Dunn: No, I am not saying 'Yes'.

The Hon. FRANK BLEVINS: The Hon. Mr Dunn is saying 'No'.

The Hon. Peter Dunn: I am saying that you should use the same criteria that was used for the STA.

The Hon. FRANK BLEVINS: The hypocrisy of the Opposition in advertisements and implicit in the Hon. Mr Dunn's question absolutely astounds me. Not one member opposite will stand up and say that they would have kept open the Port Lincoln abattoir irrespective of its losses, or that they will reopen it if they come to Government following the next election. I think that the Opposition would have been better off if the Hon. Mr Dunn had not asked that question.

The Hon. PETER DUNN: I have a supplementary question. How much did Gepps Cross lose over the past 10 years, excluding the lairage yards?

The Hon. FRANK BLEVINS: I do not have those figures with me, but I will obtain them for the Hon. Mr Dunn. When I do I will point out, again, that there is a difference between Gepps Cross and the Port Lincoln operation.

The Hon. R.I. Lucas: You've said that.

The Hon. FRANK BLEVINS: Obviously the Hon. Mr Dunn did not hear me. There is a difference.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The difference is that there is a possibility and, in fact, a probability that the SAMCOR operation at Gepps Cross can operate on a commercial basis. There is no model, prognosis or forward plan which allows one to say that the Port Lincoln abattoir can operate on a similar basis. There is no action that can be taken to bring Port Lincoln abattoir to that point. However, there is at Gepps Cross—and that is the difference.

PLANNING ACT

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Planning Act.

Leave granted.

The Hon. R.C. DeGARIS: Yesterday the Council passed a resolution dealing with the question of the Heritage Act in relation to a building at Yatala gaol. Last week the Council passed a Planning Bill which, following an intriguing process, finally passed the Council. If proclaimed, it will affect land tenure provisions in this State, as you pointed out, Mr President. However, if the Bill is proclaimed and section 56 (1) *(a)* is repealed, has the Government examined the effect of that on the Heritage Act in South Australia? If the Government has not examined that matter, will the Attorney-General undertake to do so?

The Hon. C.J. SUMNER: Yes, I will do that.

SECONDARY MORTGAGE MARKET

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about the secondary mortgage market.

Leave granted.

The Hon. L.H. DAVIS: The development of a secondary mortgage market in such countries as the United States and Canada has had a dramatic benefit in terms of attracting funds into the housing market and evening out the often erratic ebb and flow of funds to the housing sector. In a secondary mortgage market existing mortgages are generally traded in the form of mortgage-backed securities. In the United States and Canada secondary mortgage markets have been established for some time. Indeed, in Australia, in March 1979, a stockbroker and merchant bank established a mortgage-backed securities market, based on the 100 per cent mortgage loan insurance cover provided by the Housing Loans Insurance Corporation for houses and flats. These securities were sold to investors on a three-year basis. However, there are problems in establishing a secondary mortgage market in South Australia or Australia.

The Campbell Report on the Australian financial system listed stamp duty as one of the main impediments to the development of a secondary mortgage market. Of course, the introduction of the financial institutions duty may also impact on that. Another difficulty is the current lack of uniformity in mortgage documentation. However, it is interesting to see that in New South Wales and Victoria strong moves have been made to introduce a secondary mortgage market. The Wran Government began the process last year by abolishing stamp duty on the transfer of mortgages. I understand that since that time the transfer of mortgages has dramatically improved. The Wran Government has removed the stamp duty on mortgages and financial institutions duty to ensure that they are competitive with other marketable securities.

I understand that in Victoria the Government has established a secondary mortgage market committee and that that State will probably follow New South Wales. In South Australia there are currently in the order of $2 billion in mortgages held principally by banks and building societies. In time, the introduction of a secondary mortgage market would free up hundreds of millions of dollars of mortgages for trading. If this initiative was taken by the South Australian Government, interstate mortgages could be registered and marketed in this State. It would expand the capital market in South Australia, providing more jobs in the financial sector, and arguably reducing the effective cost of housing finance by evening out the supply and demand of housing finance. My questions to the Attorney-General are as follows:

1. Given that New South Wales and Victoria have already taken iniatitives in this area, has the State Government established a committee to investigate the establishment of a secondary mortgage market?

2. Will the Government give consideration to removing the stamp duty and financial institutions duty now applying to the transfer of mortgage backed securities?

3. Will the Government give consideration to giving mortgage backed securities trustee status?

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 May, Page 3819.)

The Hon. DIANA LAIDLAW: I would first thank the Council for its indulgence and effort to co-operate with my inability to be here this afternoon and for bringing forward this debate. I support the second reading of this Bill to amend the South Australian Health Commission Act. In so doing, I acknowledge that I support some aspects of the Bill with more enthusiasm than I support others. The Bill has three main purposes, the first being to license private hospitals. I would like to comment upon that aspect. I appreciate the Government's motivation in introducing this amendment and, certainly, successive State and Federal inquiries into the provision of health services in South Australia (for instance, the Bright, Sax and Jamieson inquiries) have all recommended the establishment of a single State health authority with overall responsibility to plan, co-ordinate and rationalise the provision of services. Indeed, the South Australian Health Commision Act has as one of its important goals this matter.

At the present time the hospital system in South Australia comprises 81 public and/or recognised hospitals, 37 private and community hospitals and two Commonwealth hostels. Since licensing was introduced it has been the responsibility of local and county boards of health to license private hospitals. They have done so principally on the basis of physical facilities. However, I accept the argument that it is now time for this exclusive responsibility to be transferred from these boards of health to the Health Commission. Millions of dollars of public funds are poured into private hospitals every year to maintain their operations. In these days of my major community concern about rising levels of personal income tax and the general spending patterns of State and Federal Governments, Governments must be seen to be accountable for the management of public moneys. Accordingly, I am persuaded that it is no longer appropriate for checks not to be placed on private hospitals and, in particular, for checks not to be placed on the establishment of new services in both the public and the private sectors.

South Australia enjoys the highest levels of hospital bed numbers in any State in Australia, with private hospitals providing 24 per cent of acute purpose beds. There is a need for factors beyond the physical facilities of private hospitals and, I suggest, also, the possible status for a local community to be considered in the provision of private hospital beds—factors such as geographical distribution and service mix. This, I believe, is essential to ensure that any new growth complements the desirable and necessary goal of establishing an efficient and effective hospital system, a system that will complement and not exacerbate the existing maldistribution of public and private hospital beds.

I can appreciate the need for and value of the Government's licensing proposals, but I have two reservations about these amendments. The first concerns the growth of the Commission and its information gathering role. I am disturbed about the trend in recent years to divert a growing proportion of the limited health budget from direct patient care to personal numbers in the administrative area, both in the public and the private hospital sphere and the Health Commission itself. All the information gathering and form filling procedures deemed necessary by the Commission have the potential to become a bureaucratic nightmare. Certainly, it is already placing an immense burden on the administrators of private and public hospitals. The amendments proposed by the Government have the capacity to aggravate this situation further and also to further skew the staffing ratios in the health area in favour of administrative personnel without any perceivable increase in the levels of patient care.

I believe that much greater energy must be directed to containing the growth of administrative personnel in the health area throughout the State. Accordingly, I ask the Minister whether any assessment has been made of the number of extra staff that will be required by the Commission to administer the comprehensive licensing amendments introduced in this Bill and what is the cost of this increase? I ask this question on the presumption that if extra staff are not appointed the 37 existing private and community hospitals, and any new such hospitals may encounter excessive delays in work and purchasing programmes because of this initiative to centralise administration relating to the licensing of hospitals with the Commission. Already delays of considerable length in the Commission are frustrating the orderly management of some private hospitals. Further, will the Minister say whether or not extra funding has been appropriated to the Commission to cover the extra cost of the increase in staff, which I presume will be necessary, as I would be most concerned if there was any further move to divert prized health funding allocations from direct patient care to the administrative area? If this present trend is allowed to continue unchecked the Government may be in a position of compromising the need to ensure our health services provide a high standard of care and treatment.

My other reservation in respect to the amendment to transfer the licensing of private hospitals to the Commission concerns the possibility of political considerations overriding recommendations by the Commission based on a thorough and objective review of needs. I stress this reservation since learning of the Minister of Health's decision not to incorporate the Women's Community Health Centre to be established at Noarlunga Christies Beach in the proposal to build the polyclinic at Noarlunga.

The Hon. J.R. Cornwall: I do not know what you are talking about.

The Hon. DIANA LAIDLAW: Members of the staff of the Commission are aware of this. Although the Minister professed in his second reading speech to be genuinely concerned about the need for co-ordination and rationalisation of health services and, also, accountability of the public dollar, I suggest it is disturbing to learn that for possible political reasons he has overridden and reversed a considered recommendation by the Commission to locate the Noarlunga Christies Beach Women's Community Health Centre in the polyclinic.

The Hon. J.R. Cornwall: That is not true. That is grossly wrong!

The Hon. DIANA LAIDLAW: The Minister will have an opportunity to deny this later, but I have received that information.

The Hon. J.R. Cornwall: The honourable member should stay out of mischief making in the women's movement.

The Hon. DIANA LAIDLAW: I am not mischief making: this information was given to me by a male member directly involved in this area. I recognise that the Women's Centre is to be established well before the completion of the polyclinic, but believe that the former should be established in temporary premises on the understanding that it will be transferred following the completion of the polyclinic. The

Commission's recommendation would have avoided a costly and unnecessary duplication of infrastructure, including the provision of two child minding facilities. The precedent that the Minister of Health has set in this case gives me reason to question his impartiality when reviewing the licences of private and community hospitals and in assessing the licences of new hospitals. This is a genuine concern of mine, and it has been magnified after re-reading the answer that the Minister gave to me on 29 March to a question that I had asked about the fate of the Prior Committee's report and policy statement on the provision of health services to women in South Australia.

The report and statement were accepted by the Commission in June 1983, and I sought to ascertain in my question to the Minister why he had considered it necessary since that time to not release both papers. In reply, the Minister advised that he had asked Ms Liz Furler, the Minister's Women's Adviser, to rework the policy and statement.

The Hon. J.R. CORNWALL: On a point of order, Mr President, I understand that this is the second reading stage of a Bill specifically concerned with certificate of need legislation. It is not an Address in Reply debate and it has little directly to do with women and health. I do not know whether you have been listening with direct attention; I do not mind a fair bit of latitude in the democratic process, but the Hon. Miss Laidlaw has removed herself from anything that could in any way be remotely connected with the Bill before the Council.

The PRESIDENT: I must apologise; I was distracted. If that is true I ask the Hon. Miss Laidlaw to return to the content of the Bill.

The Hon. DIANA LAIDLAW: I prefaced my remarks on the subject by saying that I had a reservation about the licensing provisions of private hospitals and believed that there was the possibility of political considerations being introduced in the assessment of need. I was giving examples of where I believed political considerations had overridden the Health Commission's impartial or objective judgment and recommendation to the Minister. That is why I was quoting those examples.

The Hon. R.C. DeGaris interjecting:

The Hon. DIANA LAIDLAW: It does, but it gives rise to questions in regard to the licensing of private hospitals in the future—

The PRESIDENT: I understand now. I see nothing wrong with that.

The Hon. DIANA LAIDLAW: Thank you, Mr President. I will just recap. In reply to the question that I had asked in regard to women's health on 28 March the Minister advised that he had asked for the women's health policy statement to be reworked in order 'to develop a women's health policy for the Commission which could be adopted by the Government'.

The Hon. J.R. CORNWALL: A point of order, Mr President. By no stretch of the imagination or in the wildest flights of fantasy could anybody tie up certificate of need legislation concerned with the licensing of private health facilities and private hospitals with a general statement on women and health and women's health centres, which are provided as a public amenity. I cannot for the life of me see, with the greatest of respect, that there is even a finely tenuous link between the remarks of the Hon. Miss Laidlaw concerning the Health Commission's and the Government's policies on women and health and certificate of need legislation, which is specifically about the licensing of private health facilities and hospitals by the South Australian Health Commission. I am afraid that the point eludes me completely.

The Hon. DIANA LAIDLAW: I am sorry that it eludes the Minister, but it confirms the sensitivity of a number of people, which has been raised with me, that subjective views of the Minister may well arise in the licensing of these private hospitals. I will not pursue the point, but the Minister has confirmed their reservations.

I will also discuss the provisions in the Bill to remove the barriers in the present South Australian Health Commission Act to part-time employees of the Commission and incorporated hospitals and health centres from becoming contributors to the South Australian Superannuation Fund. At present, the Act exclusively provides for only full-time officers and employees of these bodies to become contributors to and receive benefits from the South Australian Superannuation Fund. I am an enthusiastic supporter of permanent part-time employment and appreciate the positive benefits of this type of employment whenever it is introduced with the full agreement of both the employer and the employee. The South Australian Public Service Board has led the way in Australia in embracing permanent part-time employment, and I commend the Board for its initiative in this field, for it has allowed many employees to balance the competing claims of family and of study with the desire or need for paid employment.

[Sitting suspended from 1.3 to 2.15 p.m.]

The Hon. DIANA LAIDLAW: Before the luncheon adjournment I was discussing permanent part-time employment. It is certainly my hope, especially at this time of high unemployment, that Governments will progressively accept responsibility to remove industrial barriers that either discourage or prevent workers from reducing their hours of employment if they wish. It is on this basis that I sincerely welcome the Government's initiative to introduce this Bill to allow part-time employees to contribute to and benefit from the South Australian Superannuation Fund. I do so because I understand that the legal restrictions in many Acts establishing statutory authorities and/or in the superannuation schemes associated with these authorities prohibit part-time employees from contributing to the South Australian Superannuation Fund and have been a positive disincentive to employees on the public pay-roll opting to work on a part-time basis.

Therefore, I specifically commend the Government for this initiative. I understand that it has been supported by the Salaried Medical Officers Association, and I have no doubt that registered nurses in this State will equally support this move. I support the second reading.

The Hon. L.H. DAVIS: I also support the second reading. In recent years there has been increasing concentration on the need to review health services, given the extraordinary cost of the supply of health services to the community. After education, health is the largest item in the State Government's Budget. In this area until recent times costs have been increased rather more than costs of other Government services have been increased. The Jamieson committee of inquiry into the efficiency and administration of hospitals severely criticised the lack of relevant and comparable financial data and statistics. Most certainly, the responsibility for statistics lies with the Commonwealth, but it is hoped that hospitals at a State level and the Health Commission will continue to facilitate and encourage the collection of statistics, which provide a meaningful base on which to make correct judgments regarding health services and their rationalisation, if required.

The Australian Hospitals Association is the principal group with an interest in hospitals in Australia. Its leadership generally is from the senior executive staff of large hospitals. It is pertinent to note its comments on the Jamieson Report. It made the point that there should be an opportunity for comparing the efficiency of State systems in terms of quality

and cost. Jamieson observed that budgets in the health sector in Australia are generally not budgets as known in the commercial world but are merely a means used to request finance; he observed that last year's budget is used as the springboard for determining this year's allocation. Of course, we know that in South Australia we have moved towards programme performance budgeting.

The Jamieson Committee, in considering the best approach to budgeting, considered a number of options—zero based budgeting, incentive reimbursed global budgeting—and it finally recommended that funds be allocated on the basis of the year's anticipated programme rather than on the basis of past experience; that is, budgets should be formulated on the basis of need. It is pertinent to this debate that the legislative changes to the South Australian Health Commission Act are designed to provide for a basis of need. The requirement, which will enable the Health Commission to license private hospitals under clause 57, is on a needs basis. Jamieson made two points with respect to the introduction of a system of budgeting which takes into account the basis of need rather than the basis of past experience. He noted that management information systems within hospitals had to be improved and, secondly, that States had to develop plans for institutional services and the role of hospitals within those plans.

It is true that the Australian Hospitals Association endorsed these proposals, but recommended that budgetary reform and information systems be implemented concurrently rather than sequentially, as Jamieson suggested. The Australian Hospitals Association believed that it was not desirable for a hospital to have a role imposed by the State Health Authority, although quite obviously each hospital should clearly delineate its own role within the system. As the Association notes, State health authorities establish and provide the overall framework within which each hospital plans services to meet the needs of its community.

Quite clearly, the major teaching hospitals have multiple roles, including the specific requirement of teaching and research in the case of hospitals attached to universities. In South Australia those hospitals are the Royal Adelaide Hospital and the Flinders Medical Centre. Although I have not yet made public comment on the Sax Report which, by general consensus, has been received as a useful working document on health services in South Australia, perhaps one disappointing aspect of it is that it did not provide any real depth of discussion in the area of teaching and research. To return more specifically to the Bill—

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: No, I know. I thought it was unfortunate that it did not pick up that point. The Bill provides for three major changes to the South Australian Health Commission Act. It provides, as I have already mentioned, the Commission with power to license private hospitals under the provisions of clause 57. It sets down criteria under clause 57 *(d)*, to which the Commission shall have regard when determining whether a licence should be granted.

Included in the criteria are the standard of facilities and equipment; the scope and quality of health services; the location of the premises and its proximity to other facilities providing health services, the adequacy of existing facilities for the provision of health services; any proposals for the provision of health services to persons in the locality through the establishment of new facilities or the expansion of existing facilities; and the requirements of economy and efficiency in the provision of health services within the State. Clearly, the Commission has been given very clear guidelines that must take into account existing services and the avoidance of duplication of services, as well as ensuring a standard of quality of care of health services and the availability of suitable facilities and equipment.

The second area relates to the ability of part-time employees of the Commission and incorporated health units becoming contributors to the South Australian Superannuation Fund. I support this provision, although I have on more than one occasion referred to the extravagance of the South Australian Superannuation Fund. I will be interested, in Committee, to establish what the Minister anticipates will be the number of part-time employees that may be picked up under this amendment.

The Bill provides for a broadening of the fee fixing regulatory powers to ensure that the level of fees charged by all hospitals can be properly regulated. I accept that the direction which this legislation pursues is very much along the lines of measures taken at both Federal and State levels, notwithstanding the fact that there is a general consensus on the need to better co-ordinate and to scrutinise health services in South Australia. I share my colleagues' concern about the dangers of excessive centralisation in the administration and control of health services in South Australia. I hope that these additional powers that have been given to the Health Commission are not abused.

Finally, I read with interest in the *Financial Review* of Tuesday 1 May a letter to the editor signed by Mr George Palmer, Professor and Head of the School of Health Administration. He made an interesting observation about the need for statistical data, about the difficulties under the present scheme of comparing public and private hospitals and about setting common standards. He states:

> The private hospital categorisation exercise of the Commonwealth Government has served a useful purpose in highlighting the widely varying roles and functions of these institutions.
>
> Clearly, some private hospitals have relatively high costs because they treat many patients with conditions which require intensive nursing and a wide range of specialised services.
>
> Others concentrate on less seriously ill patients and, as a consequence, have relatively low costs.
>
> It seems reasonable that both the Commonwealth bed day subsidy and the basic health fund benefit should bear some relationship to these differing cost structures.
>
> However, the fundamental weakness of the three-category approach is that hospitals are grouped together on the basis of arbitrary and limited statistical criteria with no regard to the considerable diversity of types of patients found within each hospital category.
>
> Moreover, there is a total absence of information about whether the share of total Commonwealth and health fund finance obtained by each hospital bears any relationship to the costs incurred in respect of the patients admitted to that hospital.
>
> What is required is a system of funding which ensures that each hospital is reimbursed in a way which reflects the resources appropriately consumed in treating and caring for the specific mixture of patients using that particular hospital.
>
> In essence, this is the procedure recently adopted by the United States' Government under its Medicare programme in which 'prices' have been established on the basis of cost data derived from a wide range of hospitals for each of 467 diagnosis related groups (DRGs).
>
> The DRGs developed at Yale University are defined by reference to the specific diagnosis and procedure associated with each patient, together with factors such as age, co-morbidity and complications which affect the cost of each patient.
>
> The DRGs have been designed to be homogeneous in respect of resource usage and clinically meaningful in that similar types of patients using similar services are grouped together.
>
> The adoption of such a system in Australia, for public as well as private hospitals, would serve also to place comparisons between the public and private sectors on the 'common basis' which, as your editorial rightly points out—

he is referring to an editorial of the *Financial Review* of 19 April entitled 'What is the real cost of health care?'—

> would provide a rational means of monitoring and controlling costs for both groups of hospitals. It would also provide a powerful incentive for hospitals with actual costs above the DRG 'prices' to become more efficient.

That is a very germane contribution to the debate before us today. It is one thing to make changes which will have the effect of giving more power and control to the Health Commission, certainly in the provision of licences to private hospitals, but it is important that, if Governments, whether at Federal or State level, are going to act in the health area, they should be cognisant of the facts and have available the statistical information which will ensure that correct decisions are taken. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): It appears that the Opposition is not ready to go on with this debate, although it has been on the Notice Paper for a fortnight. I hope my Leader is listening in his room because this matter will be adjourned on motion after we take it into the early stages of the Committee debate. It is extraordinary that the Opposition is not ready to go on with any of the Bills that I am handling on my own behalf or at least three on behalf of my colleagues in another place.

The Hon. M.B. Cameron: The copying machine broke down.

The Hon. J.R. CORNWALL: For a fortnight? The copying machines did not break down over the Easter recess when everyone was away.

Members interjecting:

The PRESIDENT: Order! This argument between members must cease. I ask the Minister to address himself to the second reading debate.

The Hon. J.R. CORNWALL: Thank you, Mr President. You may well have done that with the Hon. Miss Laidlaw when she was on her feet, too, but never mind. She asked about the cost of implementing these provisions. Although I cannot be held to the figures precisely, it is estimated to cost about $60 000 a year, and it is proposed that that would come from within the existing budget of the South Australian Health Commission. The Hon. Miss Laidlaw, in a wide ranging contribution where much of what she said had nothing to do with the Bill before the Council, talked about—

The PRESIDENT: This is the Minister's opportunity to point that out.

The Hon. J.R. CORNWALL: Yes, I am doing that, and I also did it at the time. The Hon. Miss Laidlaw talked about administration costs and made dark hints about burgeoning bureaucracies, and so forth. The fact is that the South Australian Health Commission is arguably the most effective administrative unit in Australia in the public sector. It employs about 300 people to administer a system which employs in a very complex arena about 22 000 people.

The administration absorbs a little in excess of $5 million of a total health budget estimated in 1983-84 to be around $565 million, which is a little less than 1 per cent of total cost. I would have thought that any private sector organisation of comparable magnitude that could keep its administrative costs down to that sort of level would be extremely proud of itself, and rightly so. The Hon. Miss Laidlaw went on to talk about women and health and the women's health centres that we are establishing as part of a very vigorous move to quickly put on the ground a series of women's health centres. We have already invested additional capital funding in the Adelaide Women's Health Centre in buying and refurbishing new premises, which will be officially opened shortly at a cost of $500 000. I am officially opening the Elizabeth Women's Health Centre at 5 o'clock tomorrow evening. The Noarlunga Centre is well on the way and, as I have said many times before, the Port Adelaide Women's Health Centre will be in place in the next financial year.

The Hon. Miss Laidlaw intimated that there is some dissension or disagreement so far as the Noarlunga Health Centre is concerned. Let me put on record that there is no dissension so far as the women in the southern suburbs who are involved with the establishment of the Noarlunga Health Centre are concerned. They are operating under exactly the same arrangements as those that have been so effective in Elizabeth and the same arrangements as I have no doubt will be so effective in establishing the Port Adelaide Women's Health Centre. As the Hon. Miss Laidlaw canvassed these centres, perhaps we should put them on the record. The fact is that the Adelaide Women's Health Centre, after some trauma during its gestation and early days post-birth, learned a great deal about organisation that takes into account the very special needs of women in the broadest sense as well as in the selective sense.

The particular style of management required, the consensus sort of operation, the varied input to ensure that the broadest possible women's interests are represented and not just any one particular narrow segment or age group, all of those things the women's movement has learned from experience at the Adelaide Women's Health Centre. Consequently, I believed that it was important, in order to not only establish a metropolitan wide network of women's health centres but also, ultimately, as part of the women's health movement, to establish a Statewide network, that we draw on and use the expertise available through the Adelaide Women's Health Centre. Therefore, at Elizabeth, after the initial planning had been done by a representative group of local women in the northern suburbs I suggested (and, indeed, ultimately insisted) that initially the centre should be established as an outreach of the Adelaide Women's Health Centre with a local management committee. This has proved to be extremely successful. There has been a minimum of disruption, the whole thing has been estabished very effectively and efficiently, and has worked very quickly. What I have said to them subsequently is that there are a number of options open to them. They have agreed that they will relocate in the Lyell McEwin health village when that locality is available to them once the redevelopment of the Lyell McEwin complex has proceeded to the stage necessary to accommodate them.

They have a member of their management committee on the Board of Lyell McEwin Health Services. They have their own management committee, as I said. They have now been offered two major options: to incorporate under the South Australian Health Commission Act as a separate entity or to incorporate in one form or another with Lyell McEwin Health Services, while retaining the committee of management at least in some sort of advisory role.

That will grow by evolution. Whether it will happen in 12 months or five years is not a matter of great moment. There is an immediate management structure through the umbilical cord to the Adelaide Women's Health Centre. When they are ready—whether that is in six months or six years—that will be cut, with a minimum of fuss.

That is exactly the model that we are using at Noarlunga/Christies Beach. If there was any confusion it was never in the Minister's mind and never in the minds of the women who are involved at Noarlunga/Christies Beach. There may have been some confusion—or indeed among some of the males in the sector management there may have even been a desire that the Women's Health Centre should not be separate from the community health centres—but that ignores the reality and certainly the desires of those involved in the women's health movement. If the Hon. Miss Laidlaw, as an active Parliamentarian and as someone in public life, does not at this stage appreciate what the women's health movement is all about, there is not a great deal that I can do to help her. None of this has anything at all to do with the Bill that is currently before the Council, but I thought that since it had been raised in the broadest possible sense I should reply to it immediately.

There seems to be some very substantial misunderstanding among members opposite about the significant part of this Bill, which is all about certificate of need. The Hon. Dr Ritson seemed to see this all as some centralist, socialist plot and he inferred that it was all part of some overall plan to nationalise medicine. The reality is that there has been certificate of need legislation in that great bastion of free enterprise, the United States of America, now for more than 15 years.

As technology and the computer were introduced into medicine, it became more and more important that there be some rational and integrated development of the expensive 'high tech' equipment that was available. It also became very obvious that in the hospital area the supply tends to create the demand and that the more beds one has the more pressure there is, particularly in the private sector, and more particularly in the private-for-profit sector, to keep those beds filled. That is plain good business management. It is not, of course, good health and hospital management.

There is nothing new about certificate of need. We have arrived at it rather late in the day compared with other western countries. It is in place to a significant degree already in New South Wales and Victoria. It is simply a sensible move to implement the charter of the South Australian Health Commission, which is about co-ordination and rationalisation of health services in South Australia. The private sector, and in particular the private hospital sector, is very significant in the provision of hospital services in South Australia, particularly the non-profit community or charitable section of the private sector.

The Bill makes it absolutely clear that there is no intention—nor can there be—under the legislation and no ability to reduce bed numbers. However, it also makes it clear that in future physical facilities alone will not be the only criteria for the establishment or extension of any new facilities. In other words, for example, if we took a decision to build a 100 bed hospital to provide 100 acute-care beds at Noarlunga/Christies Beach, it would be most unlikely under the proposed legislation that the Health Commission would issue a licence for some private entrepreneur to put in a 60, 80 or 100-bed hospital across the way.

That would be a ridiculous misallocation of resources. No Government of whatever political persuasion can afford to have so-called market forces run riot in the medical and hospital sectors, because it is not on market forces that those services must or can be predicated. The other principal thing that this Bill does is to control, in relation to the certificate of need, the proliferation or oversupply of 'high tech' equipment. The CAT scanner is but one case in point. At present we are faced with the situation where CAT scanners are becoming available on the secondhand market for as little as $500 000, and we are faced with the possibility of their being placed in private hospitals here, there and everywhere unless we have some way of being able to rationally control supply.

One does not have to be a genius to work out that, if one is supplied, say, at the Salisbury private hospital (a 35-bed hospital) and one at the Central Districts Hospital, where there is not one, even at the Lyell McEwin Hospital, there will be an incentive to over servicing. That does not mean that there will be over servicing: I am not suggesting that for one moment. However, if there is a $1 million or a $1.5 million private investment, quite clearly before anything else happens the money must be obtained to service the capital investment.

So the reality in that sort of situation is that there might have to be a gross profit of $150 000 to $200 000 a year simply to service the capital investment before the hospital begins to operate profitably with the expensive equipment. If two CAT scanners are located in the northern suburbs alone in a situation where previously it was estimated that one CAT scanner might serve up to one million people, the incentive to over servicing in a free enterprise system or a perverted free enterprise system in this particular instance, where supply tends very strongly to create demand, may well prove to be irresistible. I believe that the time has well and truly come when we need to rationally integrate and co-ordinate the supply of that sort of 'high tech' equipment.

The same sort of thing will apply even more so and it will be intensified with the introduction in the near future of nuclear magnetic resonance imaging equipment. To put it in simple terms, this is an extraordinarily sophisticated version of the CAT scanner. In fact, it does not use X-rays at all but I am told that it produces some quite extraordinary images in remarkable detail. No doubt there will be a clamour by a lot of people to be first in the field in Australia with NMRI. Currently to establish NRMI services in any location would cost an estimated $3 million, and the cost of operating that equipment, of course, would be very great.

Interestingly, I might say, South Australia has made a very serious bid, with co-operation between the three major teaching hospitals, to have one of the first two nuclear magnetic resonance imaging machines installed at the Royal Adelaide Hospital. That bid is currently with the Federal Government and the Federal Department of Health. That is the magnitude of the sorts of things we are looking at. For the Health Commission to effectively carry out its charter, as I have said, regardless of the ideology of the Government of the day, we need this sort of legislation. I repeat that there is nothing revolutionary about it: it is certainly not part of some plan to nationalise medicine.

The Hon. R.J. Ritson: Why don't you tell local government about it?

The Hon. J.R. CORNWALL: I am pleased that the Hon. Dr Ritson is interjecting, because I will tell him the story precisely. I told the Local Government Association about it.

The Hon. R.J. Ritson: Most of its members are not aware of it.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I specifically asked the Secretary-General of the Local Government Association to come to my office. I canvassed with him three very important areas in which we would have to move at some stage in the next 12 months. One area was rationally licensing private hospitals because we had to have a certificate of need, and we needed it rather urgently. There are several things already on the boil that have really induced me to bring in this Bill now—instantly—rather than leaving it until the Budget session. I will not recount those things in fine detail, but suffice to say that in some ways I believed that an element of surprise, if you like, was necessary.

Of course, the legislation was strongly recommended by the Sax Committee, and I had a real fear that, if I walked about the countryside consulting with everyone in sight and flagging our intention, we might end up with a lot of CAT scanners, a lot of additional beds, a lot of plans to increase the supply of acute care beds in the private sector being lodged with councils, and a range of things over which we would subsequently find that we had no retrospective control. I do not apologise in that sense for a certain element of surprise in the introduction of this Bill. That is one area.

When I spoke to the Secretary-General we both acknowledged the important people whom we would have to look after in a change of licensing arrangements from local government to central government—the health surveyors. Currently a number of matters are being considered that would not only maintain but also upgrade the status of health surveyors in this State and guarantee them continuity and certainly employment. That was the proposal put to the

Secretary-General, who agreed with me. I might say that he agreed with me in the presence of a very reliable witness, who is a very valued member of the Health Commission and whose shorthand is still impeccable. There is no doubt at all that a gentleman's agreement was made between the Secretary-General and me.

The second area that we discussed concerned the recommendation of the Sax Committee that ultimately there be some sort of central registration and licensing of nursing homes, rest homes, possibly even hostels, and so on. That is a much wider and more complex area. It would require a lot more staff and possibly the transfer of some health surveying staff from local government to the existing public health division, where, of course, there is a health surveying section. That can be achieved physically without any great difficulty, but it would certainly involve a reallocation of resources. That is a much more complex matter and it will be the subject of long and serious and important discussions with the health surveying profession and local government and with a lot of other interested parties including the Commonwealth Government, the Commonwealth Department of Health, and the Federal Minister for Health. Talks are beginning at this moment, but they have a long way to go.

The third area, of course, is food and drug administration. I believe that it is acknowledged by most reasonable people that the present food and drugs legislation is in many ways more relevant to 1908, when the major legislation was brought in, than to 1984 and beyond.

It still applies to a situation where basically all food was produced and distributed in the local government area and it has stayed that way, despite the fact that we have not only gone to State distribution and national distribution in many areas but also to transnational distribution. That is going to require a lot of on-going negotiation. It is important that we get a model food Bill into the South Australian Parliament in the Budget session. The industry has been demanding it for years. Queensland is the only State in Australia to have actually passed such a Bill. Victoria's Bill is in an advanced stage and we have to get our act together and follow. More particularly, if we are going to proclaim all parts of the recently passed Controlled Substances Bill, they are the areas about which we should be talking.

The Chairman of the Health Commission has been given a specific charter to negotiate with the Secretary-General of the Local Government Association, and I have insisted, so that there is no misunderstanding (misunderstandings do tend to occur fairly easily in the local government area), that the Director-General of the Department of Local Government also be involved in these negotiations. I do not think there is any need for them to be conducted in the first instance, at least, in any sort of political atmosphere. When the senior officer negotiations are at an advanced stage, it would be appropriate for the Minister of Health and the Minister of Local Government to involve themselves so that we get a consensus position that can be put to Cabinet, Caucus and ultimately the Parliament. There has been no question of our not consulting with local government, despite the fact that I inherited the result of three years of unsuccessful negotiations carried out by my predecessor in the health portfolio.

The Hon. R.J. Ritson: Nevertheless, most councils are unaware that the Bill is before the Parliament.

The Hon. J.R. CORNWALL: That is perfectly true. I cannot consult with 125 individual councils when I want to introduce legislation for which I consider a substantial degree of urgency exists. Of course, many councils are not concerned with the Bill, in any way, shape or form. There are not enough private hospitals to go around. We have still something like 125 councils in the State and just in excess of a score of private hospitals, even if we take into account all community hospitals and the 'for profit' hospitals. There are not a lot of councils with private hospitals, whether they be community, church and charitable, or 'for profit'. There is a plethora of nursing homes, whether non-profit, church, charitable, 'for profit', or whatever. There are dozens of nursing homes and there is hardly a council area, particularly in the metropolitan area, that does not have a number of nursing homes and a health surveyor directly involved in inspecting those nursing homes. That is a very different ball park from the minimal involvement with private hospitals. We are not simply to be looking at cockroaches in kitchens or inspecting the physical facilities, as is presently done with private hospitals. The Health Commission will be into the business of assessing quality of care, looking at the whole business of medical records, roles and functions, and so forth, as well as the physical facilities, the state of hygiene, cleanliness and so on. It is a very significant and important piece of legislation.

I submit to anyone who is seriously concerned about patient care review mechanisms, quality assurance, peer review and so forth, that it is an absolutely essential piece of legislation and I commend it to the Council. The other parts of the Bill, particularly those which relate to extending superannuation to part-time employees under the Health Commission Act to give them the same facilities as are currently available to public servants, are self-explanatory, common sense and highly commendable. Likewise, I commend those provisions to honourable members, thank them for their contributions and hope that they are a deal wiser about the modest, sensible, reasonable but very important implications of this Bill in terms of patient care review for which I have a very considerable passion.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Superannuation, accrued leave rights, etc.'

The Hon. L.H. DAVIS: I indicated support for this provision which will enable part-time employees of the South Australian Health Commission and related health authorities to participate in the South Australian Superannuation Fund. Is the Minister in a position to advise the Council how many part-time employees could be included under the provisions of clause 5?

The Hon. J.R. CORNWALL: The Under Treasurer has advised that there are approximately 2 300 permanent part-time employees who could be eligible. It is unlikely that more than 5 per cent would seek fund membership at an annual cost to the Commission of $300 000. The actual cost should not exceed $100 000 per annum for a number of years, according to calculations done by Treasury. When it was assessed by Treasury specifically before it went to Cabinet, it had Treasury support.

Clause passed.

Clauses 6 to 9 passed.

Clause 10—'Insertion of new Part IVA.'

The Hon. J.C. BURDETT: Before moving the amendment standing in my name, I will address some questions to the Minister. This clause provides for a new Part IVA, which is really the substance of this Bill and which provides for the control of private hospitals by the Health Commission through making the licensing system subject to a needs test as well as simply facilities; it also gives the Health Commission the power to impose conditions, including the prohibition on some hospitals purchasing particular equipment and, in other cases, the requirement on them to purchase such equipment. As I said in my second reading speech, I have reservations about the Bill, which is a severe imposition, indeed, on the private sector.

I also made it clear, and do so again, that I recognise, as the Minister said in his second reading explanation, that in the financial constraints that apply at the moment there is a need to be able to plan for hospital services on a State-wide basis and, I suppose, on a national basis. The powers given to the Health Commission under the proposed new sections of the Act (in clause 10), particularly regarding the imposition of conditions are, on the face of it, very wide indeed. In my second reading speech I said that a great deal would depend on the administration of this Bill if it passed. I indicated that the Opposition would be keeping a close eye on the way in which the Government administered the legislation. If it is properly administered, I believe that the legislation will be to the advantage of health care and patient care in South Australia.

Will the Minister comment about the way in which the Bill will be administered regarding private hospitals that want to extend? What kind of criteria will the Minister be willing to apply regarding private hospitals that want to purchase new equipment? What criteria will the Minister apply when he imposes a condition on private hospitals that they purchase certain types of equipment? I realise that the Commission must exercise an *ad hoc* judgment in accordance with what comes up from time to time but, in view of the wideness of the powers, I think that it is reasonable to ask the Minister the questions that I have just asked. If it is decided to virtually close private hospitals, I think that that should be done more directly.

If it is intended, in effect, to make private hospitals close through the imposition of conditions that they cannot meet, or to reduce the bed numbers, I do not think that this would be a proper way of going about it. Will the Minister indicate how the Bill will be administered in practice, particularly concerning the criteria regarding extensions, equipment required to be purchased and equipment prohibited from purchase?

The Hon. J.R. CORNWALL: I do not intend to impose any criteria. I am only a 'poll cat', as anyone who read the *Advertiser* this morning would know. Those sorts of criteria—

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. J.R. CORNWALL: My former profession—the veterinary profession—was reflected on very badly by Atchison this morning, but, not me, because I have the greatest sense of humour. I fell about laughing this morning, actually: I thought that it was pretty good stuff: it was a damn sight better than the editorial.

The Hon. R.I. Lucas: You have read it?

The Hon. J.R. CORNWALL: I read the paper religiously at 6.30 every morning. In fact, I wake up to the thud of it on my driveway.

The Hon. C.J. Sumner: It's better off if you don't read it.

The Hon. J.R. CORNWALL: I know. I never fail to be impressed by those people who do not read newspapers and rarely watch television or listen to news services on the radio: they seem to be extremely happy.

The Hon. M.B. Cameron: You were complaining about time earlier. Why don't you get on with it?

The Hon. J.R. CORNWALL: I am giving the Opposition a chance to get their amendments on file for a number of Bills that have been on the Notice Paper for three weeks. I suppose that one could say that I am doing a little bit of filibustering, but I want the Council to know that I am in good spirits. I will not be proposing anything; that will be up to senior people in the Health Commission who know about these things, are expert in them and will be implementing the recommendations of the independent Sax Committee.

The Hon. Mr Burdett asks whether the Government proposes to close down any hospitals. The honourable member would know, if he had read it, that it is specifically stated in the legislation, that existing accommodation will not be affected by the legislation in any way. The matter of how much financial support any particular private hospital gets is currently covered by the categorisation that has been put in place by the Federal Government.

The Hon. Mr Burdett should know, if he does not already, that the proposal is to give the administration of that categorisation to the States some time after the middle of 1985. I hope that in South Australia's case at least that will give a good deal more flexibility. It seems to me that within the existing subsidies that are available between categories 1 and 3 in this State, at least we need a good deal more flexibility so that we might want to supplement at the level of one and a half or two and a half. Some category 3 hospitals can make out pretty good cases—although not within existing Commonwealth department guidelines—to be somewhere between 2 and 3; some category 2 hospitals could make out pretty good cases to be somewhere between 2 and 1.

It is important to have more flexibility, and I believe that we can do that within the existing level of funds that are made available. But, that is not directly concerned with this legislation. I am now thinking of what I would like to see done and what the Commission will be doing under the policies of this Government—that is, not if but when we go to bed redistribution. The so-called metropolitan Adelaide planning framework which was assessed by the Sax Committee and on which Sax based several recommendations for a rationalisation and redistribution of beds in the public sector would, of course, come to nothing in the planning sense if beds were moved from one area to another and the private sector simply came in and supplied more new beds without any regard whatsoever to what the rational distribution should be. So, it will be used in that sense to go hand-in-hand with any bed redistribution in the public sector. For example, that would be a major use. It will be used to maintain standards and particularly to rationalise the acquisition and provision of 'high tech' equipment.

No matter where the money comes from—whether from the pockets of individuals to the private sector or from the Medicare levy to the public sector, or a combination in between—the fact is that at the end of the financial year all those dollars go to make up a percentage of gross national product which is spent on health care, including hospital care as a very significant part of that overall health budget. If we decided rationally and reasonably that that should be 7.9 per cent, 8 per cent or 8.2 per cent of the gnp—whatever is considered a reasonable figure—there needs to be some control. The fact is that the level of sophistication that we have is such in 1984 that we simply cannot allow market forces to prevail.

To the extent that a good deal of taxpayer funding is involved, one way or the other (directly or indirectly), in the provision of health care, it means that no longer can we simply look at it in a simple market economy sort of way. There is no doubt, as I said earlier, in concluding the second reading debate that we have reached a stage where to a significant extent in what is a market controlled by the medical profession the supply tends to create the demand. If there are 10 doctors in any given town and an eleventh doctor arrives, the experience with fee for service medicine is that the level of servicing goes up by 10 per cent. That has been proven conclusively by studies at various times and places. The same thing tends to happen if you have a CAT scanner in a private hospital and you put another scanner in a private hospital in the same area. Experience is not that you simply pick up the 10 per cent who might

have been underserviced by the provision of that CAT scanner, but you tend to get a doubling. Previously the one CAT scanner was doing so much work. You do not halve that and pass the other half on to the new one. In practice, you tend to get a significant net increase, which in any cost containment exercise is highly undesirable. In general terms they are the sorts of areas that we are looking at.

The Hon. J.C. BURDETT: I have just received another amendment from the Minister of Health, who was criticising me for not getting my amendments on file.

The Hon. J.R. Cornwall: It's exactly the same as one accepted earlier.

The Hon. J.C. BURDETT: I have not seen it; it has just been handed to me and I am about to move my amendment. I still hope that the Commission, if not the Minister, will try to devise some guidelines to assist private hospitals in regard to what their extensions may be and what equipment they must or must not purchase. I thank the Minister for his comments in regard to the categorisation of hospitals, and I believe that, particularly in regard to his suggested category 2.5, between two and three, some flexibility in this area would be most important. It may be between one and two as well, but particularly between two and three because, under the present guidelines imposed by the Federal Government, I believe that most category three hospitals will go to the wall. I welcome the comments made by the Minister. I have not had an opportunity to peruse the Minister's amendment that has just been handed to me. I move:

Page 2, lines 34 to 36—Leave out subsection (3).

My amendment relates to proposed new section 57c, which provides that a person may apply to the Commission for a licence under this Part and that an application for a licence must be made in the prescribed manner and form, contain the prescribed information and be accompanied by the prescribed application fee. All that is reasonable, but new subsection (3) requires an applicant to furnish the Commission with such further information as the Commission may require to determine the application.

I have been advised that a number of hospitals have been bedevilled by requests from the Commission to the extent that their own administration has become bogged down in providing that information. It seems unreasonable that the Health Commission, at its own whim, can require further information to be provided by a person applying for a licence. It seems to me to be quite adequate that the application contains the prescribed information, which will be prescribed of course by regulation, which will be subject to the scrutiny of Parliament and can be widely enough drawn to make sure that the information required is reasonable and is not oppressive. I can see no reason whatever why the Commission should be able to go beyond what is prescribed by regulation and request further information. I repeat that this is not just a theoretical objection but is supported by the complaints of hospitals both private and public that they are bedevilled *ad nauseam* by requirements from the Commission to supply information which is quite unnecessary and which does become oppressive and a burden on the administration. For these reasons, I believe it is reasonable to restrict the information required to that which is prescribed by regulation, and I have therefore moved my amendment.

The Hon. J.R. CORNWALL: The Government is quite pleased to accept the amendment.

Amendment carried.

The Hon. R.J. RITSON: I wish to ask two questions. The question of what is a private hospital arose in my mind. With the possibility of an increasing tendency for specialists to combine resources and increase the range of procedures that can be done in rooms, perhaps using techniques of regional or field blocks, possibly with trained staff and recovery beds but not hotel services and overnight accommodation, would the Minister tend to regard such rooms as hospitals for the purpose of controlling them, if such a trend should eventuate? It may be that with uninsured persons procedural work in rooms could expand. Nursing sisters with intensive care training could supervise patients in recovery beds as day cases. If this should occur, would the Minister regard those premises as hospitals for the purpose of exercising these controls?

The Hon. J.R. CORNWALL: The simple answer is 'Yes'. However, it is very topical. I was approached recently by one of the major community hospitals in Adelaide. For obvious reasons, I do not want to name it at this time, but it is one of the category one hospitals which is very interested in exploring (in fact, more than exploring—and I have the Commission working on their submission at the moment) for the provision of day surgery facilities. As I am sure the honourable member would be aware, the free standing day surgery facility has arisen in the Eastern States.

The Hon. R.J. Ritson: The lunch time patient.

The Hon. J.R. CORNWALL: The Hon. Ms Levy referred to, for example, free standing abortion clinics. There are numerous instances. We will not encourage, and I believe will not permit, stand alone or free standing day surgery facilities. This has been a matter of considerable discussion and debate at the last two Health Ministers' conferences that I have attended. We believe that there should always be the back-up facilities of a fairly major hospital for some of these procedures in the interest of absolute and ultimate safety. Therefore, we would frankly, as a matter of policy, take a pretty dim view of the development of any stand alone facility day surgery. However, there is much to be said for the development of same day surgery services, if you like, where they are associated with a hospital (and intimately associated with that hospital).

There is no physical difficulty in providing those facilities, as I am sure the Hon. Dr Ritson would know. In fact, it may well be that this particular one will be encouraged. There is certainly a saving in not having people admitted the night before surgery. It saves the full 24-hour charge for a bed, and so forth, provision of all the additional nursing and non-nursing staff that go with it, and there may be very substantial savings. However, it can tend to become counterproductive if everybody wants to be in on the act. It is the view of the Commission, at the moment, from memory (and I am only speaking from memory—and, as honourable members know, my memory has proved to be somewhat fallible on odd occasions in the past)—

The Hon. L.H. Davis: Will you take a poll on that?

The Hon. J.R. CORNWALL: I am quite able to match the wit of the Hon. Mr Davis if I choose to get in the ring, but I do not think on this occasion that that is appropriate.

The Hon. M.B. Cameron: That editorial taught you something.

The Hon. J.R. CORNWALL: I have been learning for years. Life, my friend, is a continual learning process.

The Hon. M.B. Cameron: You obviously don't know what a 'poll cat' is, then; it is another name for a skunk.

The CHAIRMAN: Will the Hon. Mr Cameron come to order.

The Hon. J.R. CORNWALL: That is the sort of language I would expect from the Hon. Mr Cameron and his Leader in the other place, but I will not get down into the gutter with him. I am trying to get on with a very serious matter, namely, the day surgery facilities that Dr Ritson and I were having a very important discussion about before we were so stupidly interrupted by the Leader of the Opposition. It is the Commission's contention at this moment, from mem-

ory (and I come back to the 'from memory' bit), that we can probably only support one major day surgery facility in metropolitan Adelaide. That may or may not be correct. With the experience gained once one is installed, if that were not the case then sequentially it would be perfectly in order to go to the second or the third. The difficulty is that because one can increase the throughput so much there is again perhaps a tendency or encouragement to over servicing in the minor surgical areas, so one has to balance the very considerable savings of day surgery for individual patients against the incentive to increase, perhaps substantially, the servicing rate for minor surgery. The short answer is 'yes', we are interested. We think that, on balance, it is a progressive and desirable development and, certainly, from my point of view, it is not a question of democratic socialism ideology versus conservatism or ALP versus Liberal; it is a sensible development that the Commission will monitor, upon which it will develop policy and upon which the Commission will advise me as Minister of Health and thereby the Government.

The Hon. R.J. RITSON: Before going to my second question I make the passing comment that the allowing of a bit of extra servicing of minor surgery in rooms might help Royal Adelaide Hospital to reduce the waiting time for removal of tattoos from its three to five years at present, so there may be scope for increasing minor surgery in doctors' rooms. My second question (and I think that the Hon. Dr Cornwall and I are reading between the same lines so far) is would the powers be used in a situation where some super specialist with exclusive skills who exercises those skills as a visiting medical officer to major public hospitals decided that, because of conditions offered at those hospitals, he would move his skills and purchase his own equipment to practise within the major private hospitals? If this shift were proposed, would the powers be used to prevent that and could this possibly be why the Minister referred to the need for an element of surprise?

The Hon. J.R. CORNWALL: They may well be used in the public interest in the event that that sort of proposal arose. The Hon. Dr Ritson has obviously heard the scuttlebut around the city in the same way that I have. Just about anybody who is concerned in the health area does not believe that it is reasonable for tremendous skills to be built up and maintained at taxpayers' expense for those skills (which are being used to save lives) to become suddenly the exclusive preserve of those who can afford, or who are forced to afford, private insurance. I would not be inclined to look at all favourably on any threat to move some of the super specialties into the private domain exclusively, thereby denying them to public or uninsured patients. If, in the interests of patients generally, it was felt desirable to use the proposed legislation to protect their interests then, quite frankly, I would not hesitate for one moment to recommend to Cabinet that that is the way we ought to go.

The Hon. R.J. RITSON: If such people were to continue to render the public service that they do now but were to move the private component of their practice to another hospital, even if that meant purchasing very expensive equipment and placing it in a private hospital, would the Minister move against the private component of that exercise even though such people continued to render public service at major teaching hospitals in the way that they have before?

The Hon. J.R. CORNWALL: I believe that that would be a pretty gross misallocation of resources and, really, that is what the legislation is about. We are talking about hypothetical cases at the moment.

The Hon. R.J. Ritson: But we are reading between the same lines.

The Hon. J.R. CORNWALL: Indeed. If we continue to speak generally about some specialties or super specialties, if such a move were made to duplicate those facilities and to duplicate specialist and paramedical and support staff that went with them, then, of course, it would be very much against the general spirit and intent of this legislation and although one would have to take individual cases and examine them and treat them on their merits, I would say that, in general terms, as Minister of Health I would be dead against duplication. There is nothing more expensive or wasteful than duplication of services. I would not simply apply that to the particular area that we are presently discussing.

Similarly, I have always made clear in all the forums of my Party, publicly and anywhere else that I am given the opportunity to discuss it, that that applies to setting up community health centres to run a duplicate or tandem service with a local GP clinic that is functioning effectively simply for the sake of putting some ideological thing into place. One can work it at that end of the spectrum or at the other end. What we are looking for at the end of the story—what State Governments have to look for—is not so much putting ideological things in place but getting value for limited dollars. That is the basic thrust of this legislation. Just as I have always opposed the temple model of community health centres—those sorts of great edifices that were built interstate, mostly, in the 1970s, were not a good allocation of resources—I have applied that argument across the board. One can see from one example *vis-a-vis* the other that we are looking for the good of all the patients all the time rather than the socialist ideology, so called, versus the capitalist ideology, the *laissez faire* ideology, or whatever one likes to call it.

The Hon. R.J. RITSON: In the event of persons of exclusive skills wishing to move the private component of that work from the major teaching hospitals because of conditions imposed on them at those hospitals, and in the event of the Health Commission's deciding that this amounted to a duplication, would the Minister be concerned if such people opted for a third alternative and moved overseas, perhaps to the United States?

The Hon. J.R. CORNWALL: The people I am afraid of losing far more than visiting medical specialists at Royal Adelaide Hospital are the salaried super specialists at the Flinders Medical Centre. Frankly, they are the ones with the enormous skills and dedication who tend to be offered the six figure plus jobs in the United States. Keeping them in the longer term, unless we continue to maintain an environment of genuine excellence, is pretty difficult. I am always concerned about a possible skill or brain drain, but I am greatly concerned—without naming names, but there are clearly half a dozen that come readily to mind among the salaried medical specialists at Flinders about whom I lose a bit of sleep from time to time—because I know that in particular cases they have been offered enormously attractive jobs at very prestigious institutions in the United States at very attractive packages and salaries.

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

Page 4, after line 9—Insert new subsection as follows:

(4) Where the Commission imposes a further condition under subsection (3), the condition shall not take effect until the expiration of the period of 30 days after service of the notice imposing the condition.

In the Bill, the proposed new section 57e gives very wide powers to the Health Commission, to which I make it clear that I am not opposed. It is necessary for a Government and the Health Commission to have these powers in the interests of planning State health and hospital services, but the powers include: limiting the kinds of health services that may be provided pursuant to the licence; limiting the number of patients to whom health services may be provided on a live-in basis at any one time pursuant to the licence

(so it could be limited to one); preventing the alteration or extension of the premises without the approval of the Commission; preventing the installation or use of facilities or equipment of a specified kind either absolutely or without the approval of the Commission; requiring the installation or use of facilities or equipment of a specified kind not otherwise required by or under this Act; requiring that the premises be in the charge of a person with specified qualifications, and otherwise regulating the staffing of the premises.

I am not objecting to any of these things, wide as these powers are, but I am suggesting that it would be oppressive if any of these conditions, like providing specific facilities or equipment or not purchasing and so on, could be opposed immediately, like the next day. It is well known that most private hospitals, like public hospitals, are run by boards, which usually meet every month. It could be quite oppressive. I am not suggesting that this Government would be likely to do it, but we are making legislation that is binding on all Governments, and it would be most oppressive if at the drop of the hat any of these very extensive and far reaching conditions could apply. My amendment simply gives the hospital 30 days to comply with the condition, which I suggest is reasonable.

The Hon. J.R. CORNWALL: This imposes some constraint, but I think on balance probably not an unreasonable one. It is the Commission's intention—certainly while I am Minister of Health it is my intention—that we should put out a set of guidelines and update and upgrade them on a regular basis so that there would be that degree of certainty in the private sector. On balance, I can accept this amendment on behalf of the Government.

I will also say, and it may save us a lot of time, that I do not have a lot of difficulty with all the amendments that the Hon. Mr Burdett has put on file. What I have done with clause 10, page 6, proposed new section 57k, is to add a subclause (4) about a person not hindering or obstructing an inspector, which is reasonable and a usual sort of subclause. To save the time of the Committee, I simply indicate at this stage, although I hate to see any legislation that I introduce in this place not go out of it in the same pristine condition in which it came in, that the Council just might be improving it marginally in this instance.

Amendment carried.

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

Lines 14 to 27—Leave out proposed section 57g and substitute new proposed section as follows:

57g. (1) A licence shall, subject to this Part, remain in force until—

(a) the licence is surrendered;

or

(b) the holder of the licence dies, or in the case of a body corporate, is dissolved.

(2) The holder of a licence under this Part shall, not later than the prescribed day in each year—

(a) pay to the Commission the prescribed annual licence fee; and

(b) lodge with the Commission an annual return containing the prescribed information.

(3) Where the holder of a licence fails to pay the annual licence fee or lodge the annual return in accordance with subsection (2), the Commission may, by notice in writing, require him to make good his default.

(4) Where the holder of a licence fails to comply with a notice under subsection (3) within 14 days after service of the notice, his licence shall, by force of this subsection, be suspended until he complies with the notice.

(5) Where a licence has been suspended by virtue of subsection (4) for a continuous period of six months, the licence shall, by force of this subsection, be cancelled.

I accept in the spirit in which it was meant the indication just given by the Minister, and I will be very brief. Annual licensing could be unduly oppressive, and a standard provision for continuous licensing, for which this amendment provides, would be more appropriate.

Amendment carried.

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

Page 5, line 1—Leave out the passage 'calling upon' and substitute the passage 'giving 30 days notice in writing to'.

This is the show-cause provision, calling on a licence holder to show cause why his licence should not be suspended or cancelled. This simply provides that he should be given 30 days notice before he is called on to show cause.

Amendment carried.

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

Line 4—Leave out the passage 'or a renewal'.

This is consequential on what I have already moved.

Amendment carried.

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

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

57k. (1) The Commission may appoint suitable persons to be inspectors for the purposes of this section.

(2) An inspector appointed under subsection (1) may, at any reasonable time, enter the premises of a private hospital and while on the premises he may—

(a) inspect the premises or any equipment or other thing on the premises;

(b) require any person to produce any documents or records; and

(c) examine any documents or records and take extracts from any of them or make copies of any of them.

(3) A person shall not refuse or fail to comply with a requirement made of him pursuant to this section.

Penalty: Five hundred dollars.

(4) A person shall not hinder or obstruct an inspector in the exercise by the inspector of the powers conferred by this section.

Penalty: Five hundred dollars.

The amendment is identical to the amendment placed on file by the Hon. Mr Burdett, but it adds new subsection (4). This is an unexceptional and quite normal subsection in legislation of this kind, and I commend it and the other parts of the amendment.

The Hon. J.C. BURDETT: I will not move my amendment. I support the Minister's amendment, which is identical to mine except for the added provision. It is quite reasonable.

Amendment carried; clause as amended passed.

Clause 11 passed.

Clause 12—'Regulations.'

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

Page 7, lines 1 and 2—Leave out paragraph (*ge*).

This applies to the power of inspectors which has been included in the Bill.

Amendment carried; clause as amended passed.

Clause 13 and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

In Committee.

(Continued from 1 May. Page 3807.)

Clause 2 passed.

Clause 3—'Repeal of s. 296.'

The Hon. K.T. GRIFFIN: I have spoken at length on section 296. I do not support the repeal of that section of the principal Act which, in essence, provides that, where any person has been convicted of treason or a felony for which a term of imprisonment exceeding 12 months is imposed, the person so convicted ceases to hold any civil office under the Crown or other public employment or any entitlement to any superannuation allowance payable by the public or out of any public fund. The Mitchell Committee

recommended the abolition of the distinction between felony and misdemeanour but did not recommend the repeal of section 296 *in toto*.

My amendment seeks, first, to remove that distinction between felony and misdemeanour so that the consequences of section 296 apply equally to misdemeanours as to felonies, and that will mean that any offence for which a period of imprisonment exceeding 12 months has been imposed will be the basis on which the consequences of section 296 come into effect. I also seek to ensure that some parts of section 296 remain to the extent that, upon such conviction and sentence, a person so convicted and sentenced will be disqualified from holding any civil office under the Crown or other public employment.

The second reading explanation indicated that the Government desired to leave the consequences of conviction to specific Statutes rather than dealing with the matter in a blanket provision such as section 296, but I do not accept that, because there is no evidence at all that there has been any review of legislation to identify whether or not amendments will have to be made in consequence of section 296 being repealed. I am fairly confident that a lot of legislation does not address this issue.

During the second reading debate I said that I was not convinced that we should not include some forfeiture consequence of conviction in respect of public contributions to a superannuation fund, although I indicated that I would consider that matter further. The Attorney-General referred to the instance of a person serving a long period in the Public Service culminating in a conviction with a sentence of, say, 12 or 15 months, whereby present section 296 would have some harsh consequences in addition to the penalty imposed by the court. I accept that.

It is for that reason that I have removed any reference in my amendments and thus in section 296 to forfeiture of entitlements to superannuation payable by the public or out of any public fund. It would be appropriate if I moved all amendments *en bloc* as they depend upon each other—

The Hon. C.J. Sumner: It is only one amendment, isn't it?

The Hon. K.T. GRIFFIN: No, *(a), (b)* and *(c)*.

The Hon. C.J. Sumner: It is to leave out clause 3 and insert a new clause.

The Hon. K.T. GRIFFIN: That is right. The whole amendment can be dealt with at the one time and, therefore, I move:

Page 1, line 17—Leave out clause 3 and insert new clause as follows:

3. Section 296 of the principal Act is amended—

(a) by striking out from subsection (1) the passage 'If any person hereafter convicted of treason or felony, for which he is sentenced to death, or to any term of imprisonment exceeding twelve months, with hard labour, at the time of such conviction, holds' and substituting the passage 'If a person convicted of any offence for which he is sentenced to a term of imprisonment exceeding twelve months holds, at the time of his convictions';

(b) by striking out from subsection (1) the passage 'or is entitled to any superannuation allowance, payable by the public or out of any public fund';

and

(c) by striking out from subsection (1) the passage 'and such superannuation allowance or emolument shall forthwith determine and cease to be payable'.

The Hon. C.J. SUMNER: In response, I cannot accept the comments of the Hon. Mr Griffin. In presenting this Bill to the Parliament, the Government has indicated that the law should be amended to provide that, if a person is convicted of a criminal offence, the court should penalise that person directly and he should suffer no other disability at law, unless that criminal behaviour affects his performance or relationship with others—for example, in the case of employment in a public office, if the criminal behaviour related to or affected the proper performance of his duties, in which case the Statute by which his appointment is authorised, or section 36 of the Acts Interpretation Act, would enable dismissal to be carried out. The basic proposition put by the Government is that there should not be double jeopardy or double penalty. If a person is accused, convicted and penalised for a criminal offence, that should be his penalty. If a person is imprisoned for a criminal offence, that should be the penalty. There should not be consequences that flow from that which, in effect, operate as a double penalty.

With respect to the holding of office, the Government believes that that should be handled by the Statute that creates the particular office or handled by common law rules relating to Crown appointments. In fact, most Statutes that establish offices do provide for procedures for the removal from office of people who are convicted of offences leading to imprisonment. For instance, dishonourable conduct is mentioned in a number of Statutes such as in the South Australian Ethnic Affairs Commission Act. In most Statutes, although review has not been carried out of all of them (that would be a fairly large task for anyone), in principle the Government says that, if a penalty is to apply to a person in terms of an office he holds, because of a criminal conviction, that should flow from the Statute that creates the position and not from the general criminal law. For that reason the Government cannot accept the amendment.

Section 36 of the Acts Intepretation Act is available to a Government. That section states that words giving power to appoint to any office or place, or to appoint a deputy, shall be deemed to include power, first, to suspend or remove any person appointed under such power.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: A Crown Law opinion was provided on this topic recently in relation to another matter, but I will read sections of it to indicate the view of the Crown Solicitor. It states:

> This section [that is, section 36 of the Acts Interpretation Act] is consistent with the rule under the common law that, in the absence of any statutory provision to the contrary, a Crown appointee holds office at the pleasure of the Crown and may be removed from office at any time. It applies in the absence of any contrary intention appearing from the terms of the particular Statute authorising the appointment in question.

The opinion goes on:

> There is ample authority for the proposition that, in the absence of a statutory provision to the contrary, an appointment to an office under the Crown for a certain period, does not exclude the Crown's prerogative right to terminate the appointment or pleasure and without cause.

It further states:

> In my view this argument is logical and persuasive, and I consider that the correct position in this case is that the mere determination by the Governor to appoint the existing members of the board for a period of three years does not preclude the Crown from removing those members without cause at any time before their appointments expire by effluxion of time.

It further states:

> Furthermore, the dismissal of pleasure rule has been said to have 'an overriding place' in all engagements to serve the Crown.

While it may be possible for there to be differing views about the effect of section 36, that is the opinion of the Crown Solicitor, expressed in relation to another matter but, nevertheless, where the principles are similar. So, if that opinion is correct, the Crown could withdraw a person's appointment to an office, even a statutory office, if the Crown or the Governor considered that the criminal offence that had been committed warranted such a withdrawal or dismissal from the office. It would only be in cases where

the Statute specifically precludes such dismissal that any problem would arise.

So, in most Statutes creating positions and offices, provision exists for removal from office by the Crown of office holders who have been guilty of dishonourable conduct. One would assume that a court would hold the conviction of an offence which produced a term of imprisonment to be associated with dishonourable conduct. There are other formulations. Nevertheless, in connection with most Statutes establishing statutory authorities involving offices and other positions under Statute creating offices, a provision exists for dismissal by the Crown or the Governor in the case of a criminal offence leading to imprisonment.

In any event, there is section 36 of the Acts Interpretation Act which, in the Crown Solicitor's view, does enable there to be dismissal at will, even for a statutory appointment, although I may concede that that might be subject to some argument. In any event, the Government's basic principle is that there should not be double jeopardy. That is the object of the Bill, in the Government's view. The Hon. Mr Griffin's amendment attacks that principle and is therefore unacceptable to the Government.

The other question that the honourable member raised was that of superannuation, with which he has now dealt, but I will briefly respond to his remarks, made in the second reading debate. The superannuation schemes are designed in such a way that, if a person no longer contributes, his benefit is affected.

If a person dies, resigns or is dismissed, certain consequences flow. The schemes or Act governing them should dictate what those consequences should be, not the general criminal law. The Superannuation Act provides that a person who ceases to pay contributions shall be entitled to his contributions plus a small amount for contributing if for more than five years. The criminal law should not seek to impose on a person who has otherwise been of good behaviour in terms of the performance of duties of public office a penalty in addition to that set by the court in relation to the offence. I am pleased to see, at least in relation to the superannuation question, that the honourable member is not persisting with his amendment. As far as the amendment goes, and dealing with the forfeiture of office, the Government cannot accept it.

The Hon. K.T. GRIFFIN: If there had been a comprehensive review of the Statutes to ensure that there was no hole left as a result of the repeal of this section, I would be more sympathetic to the Government's position. But, the Attorney has indicated that there has not been a comprehensive review of the Statutes to determine whether difficulties will be created by the repeal of section 296. It is acknowledged that there may be differing points of view on the extent to which section 36 of the Acts Interpretation Act can be used in removing persons from statutory office. I think that there are very real doubts about whether or not that section can be used for the purpose of dismissing public office holders in consequence of the conviction of an offence and imprisonment for more than 12 months.

I would have hoped that, if there was to be such a major change in the Criminal Law Consolidation Act as the repeal of section 296, all the appropriate homework had been done first to ensure that no difficulties were created. After all, this section has been in existence for at least 110 years, and all Statutes, presumably, have been drafted (where they relate to public office) on the basis of section 296. Now, to repeal the section in one fell swoop seems to me to be quite inconsistent with proper and responsible government. But, if the Government is intent on repealing it, I hope that if it is successful in opposing my amendment it will undertake a comprehensive review of Statutes to ensure that those who are convicted and sentenced to periods of imprisonment in excess of 12 months do suffer the consequences of that action. I think that it is quite improper for criminals—and that is what they are—to hold civil office or Statutory office. Of course, that has been the basis on which section 296 has operated since at least 1874. If it now means that criminals can hold public office, notwithstanding their conviction and sentence, then that is very much a retrograde step.

The Hon. C.J. Sumner: It would be dishonourable conduct.

The Hon. K.T. GRIFFIN: I think that is debatable. One would have to make that assessment in the context of each particular office. While I am happy to support the principle of letting each Act creating offices do its work and cover this matter, it seems to be quite unreasonable and certainly not responsible to repeal section 296 without having done the initial homework to determine whether or not any other Statutes need to be amended. That is what creates the concern that I have expressed.

I will certainly insist on the amendment that I am moving as a reasonable provision. If it is passed, the Government can certainly do its homework and, if it wants to deal with the matter in each particular Statute creating some 396 statutory corporations, committees, or boards, it would be appropriate to follow that course after the amendment of section 296 and not after it is repealed.

The Committee divided on the amendment:

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

Pair—Aye—The Hon. G.L. Bruce. No—The Hon. Diana Laidlaw.

Noes—(9) The Hons Frank Blevins, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, C.J. Sumner (teller), and Barabara Wiese.

Majority of 1 for the Ayes.

Existing clause thus struck out; new clause inserted.

Remaining clauses (4 to 6) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (OATHS AND AFFIRMATIONS) BILL

In Committee.

(Continued from 1 May. Page 3808.)

Remaining clauses (2 to 8) and title passed.

Bill read a third time and passed.

BREAD INDUSTRY AUTHORITY BILL

Adjourned debate on the question:

That this Bill be now read a second time,

which the Hon. J.C. Burdett has moved to amend by leaving out 'now' and adding after 'time' the words 'this day six months'.

(Continued from 18 April. Page 3734.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions to this debate, although they were not particularly complimentary about this attempt to resolve the problems of the bread industry. I begin by firmly rejecting the criticisms made by the Hon. Mr Burdett of the second reading explanation. The Hon. Mr Burdett apparently only reads second reading explanations down to the explanation of the clauses. That is somewhat surprising, as the explanation of the clauses is an integral part of a second reading explanation. Yet, the Hon. Mr Burdett made certain accusations about the second reading speech not including certain information. I reject that.

It is not accurate. For instance, the Hon. Mr Burdett said that I did not tell the Council that the Authority has the power by notice in writing to impose conditions on bread producers; that the Authority may also restrict the kind of bread produced; and that the Authority may limit the amount of bread that a registered bread producer may produce at specified bakeries. Those matters were included in the second reading explanation and in the explanation of the clauses, which was quite comprehensive. I reject the criticisms that the second reading explanation was inadequate. It was quite detailed.

The honourable member then asked what the cost of the Authority would be. The estimate is that the cost of establishing the Bread Industry Authority with staffing had been assessed at approximately $156 000 per annum. The working party that looked at the legislation to establish this Authority recommended that there be a franchise fee per loaf, which would give sufficient money to cover the expenditure for the operation of the Authority.

The next criticism from honourable members opposite was that there had not been sufficient consultation about the Bill. I point out now that the Bill has been before the Parliament since 12 April; so it is now three weeks at least since the Bill was introduced. I do not believe that anyone can complain that that was an inadequate time for consideration to be given to the Bill and for submissions to be made. On the general point of consultation, the bread industry has been consulting with Governments about its problems for many years. It was consulting with the Dunstan Government about its problems. It may well have been consulting with the Hall Government about its problems.

The Hon. C.M. Hill: It was.

The Hon. C.J. SUMNER: The Hon. Mr Hill, who was a distinguished member of that Government, confirms that I was correct in my assumption. The industry consulted with the Hall Government about its problems and with the Dunstan Government. I know that it consulted with the Hon. Mr Burdett and that he dramatically, in conjunction with the Hon. Mr Brown, intervened at one stage to try to get some agreement about discounting.

The Hon. J.C. Burdett: It worked pretty well, too.

The Hon. C.J. SUMNER: The honourable member said that it worked, but it does not work any more.

The Hon. J.C. Burdett: You are not as good at it.

The Hon. C.J. SUMNER: Perhaps the supermarkets are less inclined to proceed with the agreement, which, by the way, the honourable member would recognise could well have left him open to certain charges under Federal legislation.

The Hon. J.C. Burdett: It was threatened.

The Hon. C.J. SUMNER: The honourable member now says that he was threatened. I hope that that does not mean that he would have lost his public office if he had been convicted of any offence under the Trade Practices Act. The honourable member knows that there are difficulties with the sort of retail price maintenance agreement that he had organised with the supermarkets and other parts of the industry. I indicate that the bread industry has consulted the Bannon Government about its problems. As a result of that consultation the Government established last year a working party to look at the terms of legislation for a Bread Industry Authority. The result of that is what we are debating here today.

The Hon. L.H. Davis: I think that you will get rolled.

The Hon. C.J. SUMNER: The honourable member says that we will get rolled. I know that Mr Milne has indicated his view. Unless something similar has happened—

The Hon. L.H. Davis: It was a pretty powerful speech.

The Hon. C.J. SUMNER: It was a 'pretty powerful speech from the Hon. Mr Milne', the Hon. Mr Davis interjects. There has been consultation over a considerable amount of time. There have been representations from the unions. Certainly, the bread manufacturers in the 1970s supported the proposal that was floated at that time for a Bread Industry Authority. I was under the impression that they supported a bread industry authority until very shortly before this legislation was introduced. I realise that some time ago—in fact, on 24 February 1984—when they knew that this proposal was being considered and they had been given a copy of the Bread Industry Working Party Report, they indicated from that time that they would like any consideration of an authority deferred, but until then the Government was under the impression that the Bread Manufacturers Association supported an authority, as did the unions.

Furthermore, the Small Business Association had also made representations to take some action in this area because they—the small delicatessens and the like—are the businesses that are affected by the discounting of bread in supermarkets and by the economic power that supermarkets are able to wield in obtaining discounts from manufacturers. So, they were concerned and made representations.

Since that, it seems that the bread manufacturers have changed their minds, although that is not entirely clear. It would not be true to say that they are unanimous in their opposition to the Bill. In the light of that, it would appear that honourable members opposite and the Australian Democrats have decided to oppose this attempt to resolve the problems of the bread industry. I was interested in some of the remarks of the Hon. Mr Davis, who waxed very lyrically about his trips to the country and said:

> There are many small country bakeries, and long may they reign. One of my favourite pastimes in visiting a country town, whether on a Select Committee or otherwise, is the sampling of the local product.

What Mr Davis apparently does not realise is that the support that there is for this Bill, apart from the support indicated by the unions concerned—the Breadcarters Union and the Bakers Union—within the bread manufacturing organisation comes from the country bakers.

The Hon. J.C. Burdett: Not now they have read the Bill.

The Hon. C.J. SUMNER: I do not intend to name names, but I have correspondence from a country baker. They did meet about the matter, and that correspondence indicates that they decided to support the legislation in principle.

The Hon. L.H. Davis: Was that in the second reading?

The Hon. C.J. SUMNER: No; they met subsequent to the Bill being introduced.

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: Yes, they did, because they referred to certain areas where they would like the Bill amended.

The Hon. L.H. Davis: I bet that they did not have the Hon. Mr Milne's speech.

The Hon. C.J. SUMNER: They might not have had the Hon. Mr Milne's speech; I am not sure. In so far as the Hon. Mr Davis's gastronomic delight in travelling the country and consuming bread and pastries from country bakers is concerned, I can only say to him that the Bill and the establishment of the Authority was designed to overcome the problems that many country bakers see. The honourable member, far from saying that his opposition to the Bill will assist country bakers to maintain their viability in the face of competition from the larger manufacturers, the opposite is the case. This Bill would be advantageous to country bakers and to the retention of those country bakers that he likes and to whom I am partial, too.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Well, they would not have had to do that. I repeat that the support by bread manufacturers for this Bill came from the country areas. They are the

people, along with the unions and the small business people, such as delicatessen owners, who are most concerned with the problems in the industry, particularly problems of discounting. I am very surprised that the Hon. Mr Davis did not realise that. The Hon. Mr Burdett has decided that he will move that this Bill be read a second time six months hence. He cannot fool anyone. The effect of that amendment would be to defeat the Bill and the honourable member should not make any bones about it.

Members interjecting:

The Hon. C.J. SUMNER: The honourable member said:

> Nonetheless, to defer the Bill instead of defeating the Bill is in the spirit of the suggestion of making the Government start again and rethink how it will work out the admittedly complicated problems of the bread industry.

I want to make clear to the honourable member that this is not a deferral of the Bill as such; it is—

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: The honourable member did not.

The Hon. J.C. Burdett: I said this is an effective defeat of the Bill.

The Hon. C.J. SUMNER: The honourable member might have said that earlier. I have just quoted what the honourable member said.

The Hon. M.B. Cameron: It was selective quoting.

The Hon. C.J. SUMNER: I would quote it again, but I do not want to take up space in *Hansard.* The honourable member changed his mind.

The Hon. J.C. Burdett: I didn't change my mind. I said that it was an effective defeat of the Bill, but I thought that it was appropriate to make you go back and have another look.

The Hon. C.J. SUMNER: The honourable member talks about deferral. Everyone is clear now. The Hon. Mr Burdett is defeating the Bill.

The Hon. M.B. Cameron interjecting:

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

The Hon. R.J. Ritson: It is unamendable.

The Hon. C.J. SUMNER: I would not concede that it is unamendable. It could have been considered more constructively by members opposite, particularly by the Democrats. This is a defeat of the Bill and let us make no bones about that. However, the Hon. Mr Burdett has suggested that the Government have another think about the matter. It is interesting to note that he has not put up one proposition or one constructive suggestion (and I hope he is listening) to the Council about how the problems in the bread industry, as outlined by the manufacturers, the unions, the small business people and the country bakers, might be resolved. In fact, one suggestion to resolve the problem is that there be some form of minimum pricing, but the honourable member has set himself against that. He has opposed minimum pricing: he has said that he will not support (as I read his second reading speech) minimum pricing. So that is another avenue that is now not available to the Government.

The honourable member is opposed to a bread authority and to minimum pricing, but he has suggested that we have another think about the matter. He has not put up one other suggestion as to how the problems, which he said in a roundabout way exist, might be resolved by the Government, the community or the industry. We are simply left in a vacuum.

The Hon. M.B. Cameron: It is the same as the problems we have faced for the past 20 years. Don't panic—don't panic!

The Hon. C.J. SUMNER: I am interested in the honourable member's interjection. The Liberal Party is not panicking, and I am pleased about that.

The Hon. M.B. Cameron: If you can't handle it, we will take over.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: While talking about panicking, I point out that I had the opportunity of addressing the achievers seminar this morning, and I cited the attitude of Sir Humphrey Appleby from *Yes, Minister* regarding panicking. Sir Humphrey said, 'You must allow politicians to panic, because in panicking they feel as though they are doing something.' He further went on to say, 'It is the politicians' substitute for achievement.'

The Hon. M.B. Cameron: That is exactly what you are doing.

The Hon. C.J. SUMNER: The Liberal Party's attitude is not to panic in regard to the bread industry. It is opposed to an authority; its spokesman has opposed any form of minimum price control; it proposes to defeat the Bill.

The Hon. M.B. Cameron: Artificial measures won't work.

The Hon. C.J. SUMNER: The Hon. Mr Cameron interjects again. We now have on the record effectively the defeat by the Liberal Party of—

The Hon. M.B. Cameron: I hope so. It is stupid.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —any measures to deal with the problems of the bread industry. Members opposite have not put up any constructive suggestions to counter the Government's proposition to create a bread authority.

The Hon. J.C. Burdett: We handled it before, and we could handle it again.

The Hon. C.J. SUMNER: All I can say is that I do not believe that anyone in the industry was particularly happy with the way in which the matter was handled.

The Hon. M.B. Cameron: Yes they were—they told me.

The Hon. C.J. SUMNER: It was a stop-gap measure.

The Hon. J.C. Burdett: They are not happy with this; that is for sure.

The Hon. C.J. SUMNER: Some people are not happy with this. I would accept that the official line of the bread manufacturers is to oppose it, but that is not to say that everyone is unhappy with this attempt to deal with the problems of the industry.

The Hon. C.M. Hill: Most of them were happy until they read the Bill.

The Hon. C.J. SUMNER: If that was the case, and if there was acceptance in principle for an authority, amendments could have been considered, but honourable members have set their face against the Bill. Had there been support for the principle of an authority, there would have been an opportunity to amend the Bill. However, there is no doubt that this move means that a bread authority is unacceptable to the Parliament. It is also an indication to me, in the light of the fact that there is no suggestion at all from members opposite about how the problems might be resolved, that the Opposition is prepared to allow the situation to continue.

I am disappointed that they and the Democrats have adopted this line. A considerable amount of work has gone into this proposal over a long period of some 10 years and in more recent times the Government has given very deep consideration to this issue. I acknowledge that the Bill will be defeated in view of the statements that have been made by members opposite; nevertheless, I believe that it is at least an attempt to come to grips with some of the problems of the bread industry.

The Council divided on the amendment:

Ayes (11)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.W. Creedon.

Majority of 3 for the Ayes.

Amendment thus carried.

The PRESIDENT: I declare the second reading deferred for six months in accordance with Standing Order 287. The Bill will then be withdrawn from the Notice Paper.

LOTTERY AND GAMING ACT AMENDMENT BILL (1984)

Adjourned debate on second reading

(Continued from 17 April. Page 3673.)

The Hon. L.H. DAVIS: The amendments to the Lottery and Gaming Act Amendment Bill should be read in conjunction with amendments to the Racing Act Amendment Bill which is also on the Notice Paper. In 1981 the previous Government increased penalties for unlawful bookmaking, and the amendments to the Lottery and Gaming Act and the Racing Act are designed to increase yet again the penalties for unlawful bookmaking. Gambling in Australia is a national pastime. We are said to be the biggest gambling nation in the world on a per capita basis. It is on racing that most attention tends to focus. Starting price bookmaking (or SP bookmaking, as it is better known) has been popular in Australia for as long as there has been racing. The more sophisticated electronic equipment available these days has made it easier for large illegal bookmaking activities to be developed.

I understand, from talking to a leading bookmaker in South Australia, that it is probably true that in 1984 there are fewer SP bookmakers, but the ones still in operation are bigger and more effective. Some 15 years ago, apparently, it was quite common to have SP bookmakers who would take bets on the nod or verbally and have many locations such as hotels and clubs where they would transact their business. Today it is more common for SP bookmakers to operate by phone. Occasionally, honourable members will be aware that very sophisticated SP operations have been located. I remember that, within the past year or two, an operation was discovered in the south-western suburbs where a very substantial concrete shell had been erected within a factory to house an elaborate and highly successful SP operation.

In introducing the amendments to the Racing Act and the Lottery and Gaming Act, the Minister made the point that SP operations in South Australia could account for up to $100 million to $150 million. That is a significant amount. It means that revenue is being diverted away from the Government and away from the racing codes. In respect of both Totalizator Agency betting and on-course betting, tax is applied or a percentage of the revenue is collected by the Government, retained in part and in part distributed to the three racing codes. If one takes the figure of $100 million to $150 million by way of SP illegal bookmaking, it can be seen to fall not far short of the turnover for 1982-83 of the Totalizator Agency Board. The TAB revenue for 1982-83 was some $158 million, up 19 per cent on the $133 million for 1981-82.

That revenue is made up of $95.4 million from the metropolitan area, $20 million from the country area, $6.5 million from subagencies and a surprising $36.4 million from phone betting. From that turnover of $158 million there was a profit of $12.4 million. That was split, with 50 per cent going to the South Australian Government and the balance distributed to the three codes: the gallopers received $4.4 million, harness racing $1.1 million and greyhounds $700 000—a total of $6.2 million.

In fact, in 1982-83 the South Australian Totalizator Agency Board turnover represented some 32.6 per cent of total legal gambling revenue in South Australia. No doubt the strong support for the TAB in 1982-83 reflected the introduction of race-by-race payment of dividends in December 1981 and also the fact that one can now apparently bet on races to within minutes of the starting time. If one looks at on-course investments with bookmakers in 1982-83 totalling $178 million and totalizator betting of $32.5 million, the total amount invested is approximately $211 million. After taking into account the distribution of commissions, taxes and fractions derived from betting transactions, the State Government received $3.4 million and clubs received $6.4 million.

So, if one aggregates the benefits received by the Government and the three divisions of the racing industry in South Australia, one can see that it is very significant indeed. The State Government receives nearly $10 million by way of TAB and on-course investment, taxes and distribution of revenue. The three codes of racing received some $12.6 million in 1982-83. In aggregate, the total investments from on-course and TAB investments totalled $336 million. If one takes that figure and compares it with the estimated figure for illegal bookmaking of $100 million to $150 million, it is possible to suggest that the State Government and the three areas of racing in South Australia are being deprived of something in excess of $10 million. That is an enormous amount of money. It is agreed that it is very difficult to draw a line through all the evidence and come up with an absolute figure that SP bookmaking may represent in South Australia.

No doubt one way of beating SP bookmaking is to make legal betting more attractive and convenient for those who wish to have a bet on horses, dogs and trotters. The TAB, of course, has done that.

As far as on-course investments are concerned, there has been some suggestion that, ultimately, there may be phone betting to bookmakers. I am not an expert in betting. I really only take advantage of the facilities at Melbourne Cup time.

The Hon. J.R. Cornwall: You wouldn't be a punter on the Stock Exchange, the other form of gambling?

The Hon. L.H. DAVIS: No, I do not gamble there, either, I am sorry to tell the Minister. Of course, if starting price betting is available with bookmakers through a telephone call from off the course, then that, no doubt, will make an impact on SP bookmaking. As I said, I believe that is some time off. So, apart from making legal gambling as it exists on and off course more attractive, the other option is to continue to increase the deterrent in the legislation. So, the penalties in the Lottery and Gaming Act and the Racing Act concerning unlawful bookmaking have been significantly increased, not only for the bookmakers but also for their clients.

My colleague, the Hon. Mr Lucas, has an amendment on file to modify the increased penalty in respect of a client of the bookmaker—the punter taking advantage of an illegal bookmaker. I am inclined, on balance, to support that amendment. I know that the intention of the Government is to discourage not only the illegal bookmakers but also the punter taking advantage of that service, but I believe that the deterrent aspect should concentrate very much on the illegal bookmaker—the person offering that service.

With those few words, I indicate my support for the amendment, understanding that the intent of the Government is to make it even more difficult for SP bookmaking, although I am sympathetic to the amendment proposed by

the Hon. Mr Lucas. I am bemused to discover that, as far as I am aware, no punter has yet gone to gaol in South Australia for using an illegal bookmaker although, of course, that provision exists in the legislation as it now stands.

The Hon. J.R. CORNWALL (Minister of Health): This is a short Bill and I think that, consequently, my reply to the second reading can be reasonably short. However, there are one or two important points that I must make. This Bill has not been introduced lightly: it has been introduced as a very serious measure to substantially increase the penalties for both SP bookmakers and their clients in 1984. It is important that we trace the history of SP bookmaking in Australia and South Australia to look at the great differences that have occurred within a generation. If one goes back to my boyhood—which is now some years ago—I guess that it was part of Australian ethos: six o'clock closing and SP bookmaking seemed to be the sorts of things that went hand-in-hand, and the swy school in the sandhills back of beyond, or somewhere not too far from the pub. By and large, SP bookmaking was associated with Saturday afternoons at the local pub. It was fairly open. There was something of almost a contest between the local policeman and the local SP bookmaker. At that time there was no TAB. Things were very different. By and large, not a lot of money changed hands with the local SP bookie because there was not much money about. Things were very different.

There was not, I submit, by and large, very much harm in that. There was certainly no suggestion of syndicates and large amounts of money tying matters in with drugs, vice, and so on, all of which now seem, unfortunately, to be distressingly common. The only drug that was abused, by and large, in those days was alcohol. I am not aware what went on in the vice world then because I was far too young to be concerned about such matters.

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: I am very concerned now about things that I hear from time to time. From a personal point of view, I am only interested as a legislator, you understand. Arising out of that era was this ethos that there was not much harm in it, that the odd five bob (a 'dollar' as it was then called) each way on something placed with the SP at the local pub did not do much harm. I can remember as a boy one SP bookmaker making use of a toilet in a back yard where he used to sit and transact his business. If the police arrived there was instant action, so it was difficult to get evidence against him. There were a few wellknown pursuits along the local creek, too. Those things tended to make it part of the knock-about Australian tradition.

Things have changed very greatly during the past 25 years. Racing is now a very big industry and a very big employer. Of course, the totalizator off-course betting operation in South Australia and other States is an integral, essential and very large part of stakemoney raising to keep the racing industry and various codes going generally. With the advent of the TAB, the colourful character who took bets in the local pub, although he may have persisted in some areas, has tended very much to diminish. The sorts of people who are of concern to Governments, racing clubs, trotting clubs, greyhound clubs, and the industry generally in this day and age are the big operators. As the Hon. Mr Davis said, they mostly do their business by telephone and have very large, sophisticated operations.

It is difficult to tell the extent of these operations. If the South Australian police knew how and where they were located and what sort of money they were turning over, both here and interstate, they could be put out of business. There is, of course, the so-called commission agent, who allegedly places bets at the racecourse, and so on. There is an infinite variety of ways in which they operate. These people are absolute parasites on the industry who contribute nothing and who pay no turnover tax. They tend to launder their money and in many cases have schemes of arrangement that give them respectability. In some cases they do not even pay the sort of income tax that they should be paying, so they are literally barnacles on the hull of prosperity, and it is the Government's view that they ought to be removed.

It is in that context that one must consider that they would not flourish unless they had clients. Of course, there may sometimes be intermediaries as well, so it is no longer the simple punter in the pub at Port Adelaide having a bet with his friendly SP—would that it were. It is very much a big and organised business which, in turn, leads to a degree of corruption and, in some cases, at least links with organised crime. The $50 million to $100 million that has been mentioned as some sort of guesstimate of the amount wagered with SP bookmakers in South Australia is hard to know about.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I believe that my guess is as good as anybody's and vice versa. Suffice to say that there is enough evidence for us to know that it involves a lot of money. On balance, in those circumstances, I think it is reasonable to penalise the big punter who keeps the big SP bookmaker afloat. I would be amazed if the courts in their wisdom were to start locking up a first offender for having a wager of a few bob with an SP bookmaker in the lane behind a suburban pub. However, where there is a large punter who is involved on a regular basis and whose presence is necessary to sustain large scale SP bookmaking, I believe that the courts ought to have the discretion ultimately to impose a term of imprisonment. Only the Parliament can make the law, and the courts can interpret and administer it in a very sensible way. The spirit and intent of this legislation is that we would like to see the courts have the option of ultimately imposing a prison sentence on the large and consistent punting offender. We do not anticipate that the little battler who still persists with having a few bob each week with the odd corner SP, the place card man or even the character who is running some of these strange cards on the football would be put away for three months.

I am taking this opportunity during the second reading debate to speak to this clause because it is very germane to this short Bill. I can understand the sentiment behind the amendment to be moved and would be inclined to support it, or even adjourn the matter and take it back to my colleagues for another look if there were any suggestion that this provision was to apply to the small battling punter having a few bob each way with his local SP bookmaker. However, he is not the person who will be caught by these increased penalties—that is not the spirit or the intent of the legislation. Therefore, I hope that this short Bill and the one which travels with it and which have come to us from the House of Assembly will go back to that Council in the form in which they arrive. I urge honourable members to support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Unlawful bookmaking.'

The Hon. R.I. LUCAS: I move:

Page 1—

Line 24—Leave out the passage 'or the imprisonment for three months'.

Lines 25 and 26—Leave out the passage 'or imprisonment for six months'.

I heard only the last part of the Hon. Dr Cornwall's comments, which I think were the substantive part relating to

my amendment. I support increases in penalties envisaged by this Bill and its associated Bill with respect to SP bookmakers. However, I have a healthy degree of cynicism about whether or not these increased penalties will do very much to wipe out the prevalence of SP bookmaking in South Australia. However, that is a matter I will not go into in detail on this occasion. I think that a clear distinction needs to be made between a person who is betting with an SP bookmaker and the SP bookmaker. A number of instances have been given to me of outback country race meetings where there are no facilities for legal gambling and the illegal SP bookmaker provides the gambling facility.

Many instances have been given to me of long queues of bettors lining up with the SP bookmaker within full view of the local member of the Police Force. The argument from the Hon. Dr Cornwall is that that sort of bettor is not the one envisaged to be caught by this provision. I take the general view—and I have taken this on another matter that the Hon. Dr Cornwall handled in this Council—that the penalty ought as much as possible fit the crime or the offence. On this occasion, the offence is having a bet with an illegal bookmaker.

I agree for the moment that while SP bookmaking is illegal the person who bets ought to incur some penalty as well. If one wants to extend the argument, one could look at, for example, why the male customer in the massage parlour does not commit an offence whereas the female prostitute commits an offence under that particular Act. The penalty ought to fit the offence or crime. Because this Bill envisages a significant increase in the monetary penalty—and I do not oppose that—it also increases the term of imprisonment from three months to six months. So, what we are being asked to support is an increase in the term of imprisonment for someone who is caught betting with an illegal SP bookmaker.

My personal view is that there ought not be a term of imprisonment for the bettor at all. The significantly increased monetary penalty ought to be a sufficient deterrent and penalty for someone betting with an illegal SP bookmaker. Throwing that person into gaol is too great a penalty for the offence. However, there is not enough support in this Council for that position to be accepted; so I have moved for a retention of the present term of imprisonment of three months rather than have the significant increase which is provided in the Bill and which involves a doubling of the potential maximum term of imprisonment from three months to six months.

The Committee divided on the amendments:

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

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

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.W. Creedon.

Majority of 1 for the Noes.

Amendments thus negatived.

Clause passed.

Title passed.

Bill read a third time and passed.

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 April. Page 3674.)

The Hon. L.H. DAVIS: The Opposition supports the amendments to the Racing Act. They are identical to those that have just been debated and there is no point in covering the same ground.

The Hon. J.R. CORNWALL (Minister of Health): These two Bills travel together. Obviously, the first was a test case on the matter of penalties.

The Hon. K.T. Griffin: You are in the home run now.

The Hon. J.R. CORNWALL: Yes. We are not just around the bend; we are well down the straight and may be in the shadow of the post. I hope we can finish like The Trump; the late Jim Carroll, calling a race in 1937, stated that The Trump was finishing like a shot out of a gun in the shadow of a post. I urge all members to expedite the passage of this Bill forthwith.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Offences in respect of bookmaking.'

The Hon. R.I. LUCAS: I move:

Page 1—

Line 25—Leave out the passage 'or imprisonment for three months'.

Lines 26 and 27—Leave out the passage 'or imprisonment for six months'.

I thought I might lodge a protest on the Democrats' position regarding the Bill we have just passed, as I had anticipated some support from the Democrats.

The Hon. J.C. Burdett interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Burdett asks, on what grounds should I lodge a protest? I am struggling, so I will not prolong this matter. I am disappointed that the similar amendment to the Lottery and Gaming Act Amendment Bill was not carried. This is a similar amendment, providing that the term of imprisonment for a person who is caught betting is three months, rather than doubling the penalty to six months. I have little expectation that this amendment will be carried.

The Hon. K.L. MILNE: This Bill deals directly with racing clubs. I hope that I speak for you, Mr Chairman, to some extent, because you are not in a position to speak on this matter and you must be anxious to do so as you are very much engaged in the racing industry. I feel very strongly that, as racing is struggling to keep its accounts in the black, everyone is doing a great deal of work, and the Government is coming to the rescue from time to time with various schemes, it is lunacy to say that we should not be very strict indeed with illegal bookmakers and the people who make use of them. Those people contribute nothing to the State or, I suspect, to personal income tax collections Federally, or to racing clubs. Those people who bet with illegal bookmakers are just as bad as the bookmakers themselves.

What the Opposition has not brought out and what the Hon. Mr Lucas must realise is that the discretion is with the courts, which are unlikely to hand out punishment that does not fit the crime. The courts apply discretion with all their wisdom and experience, so I am not worried about that. I strongly support the Minister and his views. I have spoken to the Minister in another place who believes, as I do, that there should be very strong deterrents indeed, and I would go higher if necessary.

The Hon. R.I. Lucas: Hang them!

The Hon. K.L. MILNE: That is very dictatorial, and I would not go as far as that. I am trying to persuade members not to go that far. The system was not working, and these added penalties may help. The practice must be stamped out as far as possible in the interests of the State and the industry, and I would be prepared to increase the penalties.

The Hon. J.R. CORNWALL: I believe that at this stage of the race the Government would have to fall over to lose. The top weight is obviously long odds on.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Lucas is an inveterate interjector. It is lovely to have a victory over him. It has been a long three weeks. We are about to have a resounding victory, and, although the odds are enormously short, long odds on, if anyone can get set legally in the next couple of minutes I would advise them to do so, because they would be betting on a certainty.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

In Committee.

(Continued from 1 May. Page 3809.)

Clause 2 passed.

Clause 3—'Powers of administrator.'

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

Page 1, line 24—Leave out 'obtain' and insert 'apply for and, if granted, undertake'.

Since I spoke at the second reading stage I have had a very long discussion with the Registrar of Probates about this matter and have now had an opportunity to peruse that part of the draft rules relating to the grants of administration by the court to the administrator of the estate of a patient under the Mental Health Act. The whole area of administration of estates is a very complicated one where there are very well established rules which have been developed, not so much over decades but over centuries.

The practice of the South Australian Supreme Court in its probate jurisdiction largely adopts the evolution of that practice in law in its own administrations. I was concerned, in raising the issues to which I referred in the second reading debate, to draw attention to what I saw as a potential difficulty in the way that the clause is drafted, namely, to give some priority to an administrator of a patient—priority which ought not to be available. I have been assured by the Registrar of Probates that it was never intended that the amendment to the principal Act should in any way confer a priority not already in existence. I had been assured that, in the way in which the proposed new rules are drafted, it will be important for any equivalent rights in respect of grants of probate to be cleared off before a grant may be made to the administrator of a patient who is the executor of a will.

I am informed that, at the present time, administrators of patients' estates, as well as managers under the Aged and Infirm Persons' Property Act, apply to the Supreme Court for appointment as administrators of deceased estates and that the amendment would mean a less circuitous route to the grant of letters of administration for the use and benefit of a patient where an administrator has been appointed under the Mental Health Act, remembering that the grant of letters of administration is only for the period of the incapacity of the patient. In fact, draft rule 42 makes that clear. That rule refers to grants in the case of mental or physical incapacity and provides:

(1) Where the Registrar is satisfied that a person entitled to a grant is by reason of mental or physical incapacity incapable of managing his affairs, administration for his use and benefit limited during his incapacity or in such other way as the Registrar may direct, may be granted—

(a) in the case of mental incapacity—

(i) to the committee of a lunatic so found by inquisition, or

(ii) to the administrator of the estate of such person appointed pursuant to section 28 of the Mental Health Act, 1976-1979, or

(iii) to the manager of the property of such person appointed under the Aged and Infirm Persons' Property Act, 1940-1975;

(b) where there is no such committee administrator or manager appointed or in the case of physical incapacity:

(i) if the person incapable is entitled as executor and has no interest in the residuary estate of the deceased, to the person entitled to the residuary estate;

(ii) if the person incapable is entitled otherwise than as executor, or is an executor having an interest in the residuary estate of the deceased, to the person who would be entitled to the grant in respect of his estate if he had died intestate;

or to such other person as the Registrar may by order direct.

Subrule (3) provides:

(3) Unless the Registrar otherwise directs, no grant of administration shall be made under this rule unless all persons entitled in the same order of priority as the person incapable have been cleared off.

In the light of those draft rules, and in the light of the assurances which I have been given by the Registrar of Probates that there was never any intention to give priority to the administrator of the estate of a patient and that this clause was intended only to empower an administrator to apply for a grant, my reservations have, to a large extent, been satisfied. I am still a little uneasy about it, which is the reason for my moving the amendment. It does not completely remove my reservations, but will go a long way to so doing. It may be pedantic, but it will make even clearer that this clause is intended only to empower the administrator and to do nothing more.

The Hon. C.J. SUMNER: The amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 April. Page 3721.)

The Hon. K.T. GRIFFIN: I have not yet spoken on this Bill. To a large extent I have covered the material that I was going to raise during the course of the debate on the Administration and Probate Act Amendment Bill. The principle is similar. This Bill provides a power to apply for a grant and is not intended to grant any priority.

During the Committee stage I will move an amendment to make the power clearer and to ensure that no priority rights are granted by the insertion of this clause. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Powers of manager.'

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

Page 1, line 16—Leave out 'obtain' and insert 'apply for and, if granted, to undertake'.

I have already spoken to the substance of my amendment in an earlier debate.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

APPROPRIATION BILL (No. 1) (1984)

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

I have moved the second reading of the Appropriation Bill (No. 1) (1984), which provides for expenditure totalling $14 million. Honourable members will be aware from explanations given at the introduction of supplementary Appropriation Bills in recent years that the appropriation granted by the main Appropriation Act can be supplemented by:

- special provisions in that Act covering the cost of future salary and wage determinations and the cost of electricity for pumping water.
- the transfer of appropriation from areas where savings have occurred to other areas where additional expenditure is necessary.
- the Governor's Appropriation Fund.
- a supplementary Appropriation Bill.

Supplementary Appropriation Bills have been introduced in previous years when the other means of appropriation have been insufficient to enable the Government to conduct its affairs throughout the whole of a financial year. They have normally been introduced somewhere in the period from March to June.

Until the amendment of the Public Finance Act in 1981, the State's main accounts were conducted through separate Revenue and Loan Accounts. In those days, the provision for the Governor's Appropriation Fund was that the Treasurer had available to meet additional expenditures an amount equivalent to 1 per cent of the amount voted by Parliament for the Revenue Account expenditures in that year. For Loan Account, there was a great deal more flexibility and this was not expressed in percentage terms. The amendment to the Public Finance Act in 1981 brought the Revenue and Loan Accounts together in a Consolidated Account and changed the provisions for the Governor's Appropriation Fund. The amount available to the Treasurer now to meet excess expenditures on recurrent and capital activities is equivalent to 3 per cent of the amount voted by Parliament for those purposes in the previous year.

Under the old arrangements, it was necessary for the Government of the day to ask Parliament for a further Appropriation Bill almost every year. The new arrangements give more flexibility and make it less likely that the Treasurer will need to ask Parliament for additional appropriation by way of a second Appropriation Bill. Nevertheless, in both 1981-82 and 1982-83, it was necessary to have a supplementary Bill to cover heavy additional expenditures for particular purposes—for example, the gross payments on various natural disaster relief measures in 1982-83. On present information, the Government would be able to manage its financial affairs comfortably for the remainder of the year and would have no appropriation problem unless there were a quite extraordinary event—for example, another major natural disaster before 30 June. Technically, then, the Government believes that a supplementary Appropriation Bill is not necessary.

However, there have been benefits to Parliament in having the opportunity for the kind of debate about financial matters which occurs when a supplementary Appropriation Bill is introduced. Accordingly, the Government has decided to follow the practice of introducing a supplementary Bill and of giving an opportunity for the traditional financial debate. The present financial situation of the State is best understood against the background of the financial position when we assumed Government and in the light of the prospects for 1984-85 and later financial years. Honourable members will recall that in December 1982 the Premier and Treasurer made a Ministerial statement about the financial position. At that stage we faced a large increase in the deficit on the recurrent side of the Budget and the prospect that the deficit for 1982-83 could exceed $100 million. Of even more concern were Treasury forecasts of deficits of about $100 million in each of 1983-84 and 1984-85 with the likelihood of further deterioration in 1985-86 following the loss of the benefits of the Hospital Cost Sharing Agreement.

The records show that the recurrent deficit in 1982-83 was $109 million but some of the factors which led to it were markedly different from those which had been foreseen in December 1982. For anyone who wishes to refer back to this, a table on page 11 of the Premier and Treasurer's last Budget speech gives the details. In September last year the Government presented a Budget which forecast a deficit on recurrent activities of $33 million. Capital funds of $28 million were reserved towards financing this deficit which represented a significant reduction in the level of capital funds used to support recurrent activities compared to Budgets of the former Government.

The recurrent deficit was well below what had previously been expected due to a number of factors. These included:

- the wage pause which began early in 1983 and the beneficial effects of which flowed into 1983-84 and,
- the agreement of the Commonwealth Government to supplement the tax sharing pool in 1983-84 for one year only.

Nevertheless, we still faced a major problem and, as is well known, we took a difficult but responsible decision and introduced a package of revenue measures to help the recurrent Budget. This enabled the Government to plan for a recurrent deficit which was manageable and, given the economic circumstances facing the State, responsible. It left us with a forecast deficit on Consolidated Account of $5 million after taking account of the $28 million of capital funds which had been reserved. As the financial year has progressed a number of factors have combined to bring about variations in the forecasts made in the Budget last September. On present information, it seems likely that the recurrent deficit could be reduced by about $3 million to give a prospective result of about $30 million deficit. This will mean that the Consolidated Account could end the year with a small deficit of $2 million following the application of the reserved Capital funds to which it previously referred.

Before I make any comment about the items which have changed, I would make three general points:

- The main variations are based on our latest information to the nearest million dollars. This could convey a false sense of accuracy, and I would point out that, with two months of the year yet to run, there could be further variations. A very small percentage movement on either the receipts or payments side (possibly both) of a Budget aggregating $2.6 billion could mean a quite large change in money terms in the deficit.
- It is not customary in this debate for the Government to give a great deal of detail about every line which has changed. Because almost everything changes to some degree during the year, that would simply not be practicable. It is proposed to follow the established practice of commenting on only fairly large variations. In the normal course, a great deal of detail will be given about the final results for 1983-84 when the Budget is presented for 1984-85.
- Understandably, there could be some confusion between amounts of appropriation sought in this Bill and impact on the Budget result for the year. They are not the same thing. When I mention the items of appropriation

in this Bill, I will give a few comments to clarify this point.

As to recurrent activities, receipts seem likely to increase by about $23 million and recurrent payments by about $20 million.

About $4 million of the increase on each side of the Budget is of items which more or less balance—including such things as additional receipts from the Commonwealth which have to be spent on specific programmes, recharges between departments for services, and so on. Thus, the increases to be explained otherwise are of the order of $19 million for receipts and $16 million for payments.

The main improvement in recurrent receipts has been in the stamp duty area for which the continued improvement in real property transactions, further improvements in duty on annual licences for insurance business, motor vehicle registrations, share transactions, etc., and transfer of business interests seem likely to bring in about $20 million beyond what was expected when the Budget was framed. With the good rural season, it is now expected that many primary producers who have received carry-on finance will make repayments this year and receipts in this area could be up by perhaps $6 million. On the latest revision of the factors which bear on the State's entitlement under the tax sharing arrangements, including the revision of the average increase in the CPI for Adelaide for the 12 months ended March quarter 1984, it seems that our allocation, which is based on a guaranteed increase of 1 per cent in real terms, will be increased by about $4 million. On the other hand, we now expect a shortfall in receipts of the Engineering and Water Supply Department as the mild summer has caused a reduction in water usage. Revenues could be down by some $5 million or more.

There have been many other small variations, including a shortfall of around $2 million in FID receipts due to the later than planned commencement and a reduction in royalties from the Cooper Basin, also of up to $2 million. It is also worth noting that both pay-roll tax and land tax are likely to be down by perhaps $0.5 million each. The marked degree of variation from original estimate—for example, a big improvement in duties related to real estate transactions but no improvement (even a very small decline) in pay-roll tax, illustrates how the improvement in the economy, and consequently the effects on the Budget, are very uneven. On the payments side of the recurrent Budget, the biggest single impact relates to salaries and wages. The cost of all wage awards is now expected to be about $8 million in excess of the round sum allowance of $67 million provided in the Budget. This variation results mainly from the costs to the Budget of the successful anomalies case before the Full Bench of the State Industrial Commission earlier this year. The Commission decided that employees under clerical awards should be granted an increase to provide an equitable base for the operation of indexation. The Government opposed the increase before the Commission.

This case was the first to be decided under the current wage guidelines. The principles established by the Commission are now being applied to other groups. The main impact of this increase, however, will be felt in 1984-85. The remaining $8 million is made up of a number of relatively small items. These include the wider provision of electricity concessions to pensioners; the special costs incurred by the police during the demonstrations at Roxby Downs; extra overtime in Correctional Services; and additional costs for the Royal Commission examining the Splatt case; additional support to the Australian Dance Theatre as a result of a likely shortfall in funding by the Victorian Government; expenditure related to school security alarms, and the State's contribution to match Commonwealth funds for the Bovine Brucellosis Eradication Programme.

As to the capital side, it is still proposed to reserve $28 million towards recurrent deficits. As the Government has stressed, our policy is that the practice of using capital funds for purposes other than capital works should be phased out. The amount reserved was significantly reduced in 1983-84 and the Government intends to reduce it further in 1984-85. At this stage it appears likely that capital payments in total will be increased by some $5 million, mainly in the area of waterworks and sewers and recreation and sport. These additional expenditures will be covered by increased grants from the Commonwealth and by increased State funds made available out of the Recreation and Sport Trust Fund.

Looking ahead to 1984-85, the Government believes that a continuation of budgetary stringency will be necessary. On the one hand, the Budget will have the benefits of the full year receipts from the package of taxation measures which we introduced during 1983-84 but, on the other hand, we seem likely to lose the special additional moneys which the Commonwealth made available in 1983-84—that is, additional to the normal tax pool which the Commonwealth said was for one year only. Further, we face the full year costs of the wage awards which have been given during the course of 1983-84. Also, while we are seeking the greatest practicable offsets for the introduction of the 38-hour week in some areas, comparable with what has already been done interstate, there will be some net costs. Looking further ahead, the year 1985-86 looms as one with large potential problems. The Grants Commission has been asked by the Commonwealth to undertake another exercise of review of State relativities for the purposes of the Commonwealth redistributing the individual States shares of the tax pool from 1 July 1985 onwards. Naturally, we will be making the strongest possible case to the Grants Commission to highlight South Australia's needs for assistance, but we must contemplate the possibility of a finding which would have adverse budget effects for us. This again is a reason for our keeping a very tight control on the payments side of the recurrent Budget.

As I have already pointed out, a supplementary Appropriation Bill is not technically necessary this year. However, in keeping with the Government's desire to facilitate the traditional Parliamentary debate, the Government has selected three areas for inclusion in this Appropriation Bill. These are:

- Minister of Health—South Australian Health Commission, $7.5 million.
- Minister of Education—Education Department, $3.0 million.
- Minister of Transport—State Transport Authority, $3.5 million.

For the Health Commission, the proposed appropriation of $7.5 million is made up of:

- $3.6 million for increases in the prices of various supplies and services beyond what was allowed for in the Commission's allocation.
- $1.7 million for the State's share of a possible shortfall in the amount of fees to be collected in 1983-84.
- $2.2 million being the State's share of additional expenditure in a number of areas. The total excess is likely to be about $3.1 million, and Commonwealth grants will recover about $0.9 million of this.

For the Education Department, the proposed appropriation of $3.0 million is made up of:

- $2.1 million for increases in prices of various services and supplies and for payments for long service leave and terminal leave beyond the level provided for in the Budget.
- $0.9 million to cover programmes being financed by increased receipts from the Commonwealth.

For the State Transport Authority, the proposed appropriation of $3.5 million is made up of:

- $1.7 million for increased fuel costs, other price increases and inceased long service leave payments.
- $1.5 million to offset lower payments from Australian National as a result of different patterns of use of tracks and facilities covered by agreement between STA and AN following introduction of the standard gauge railway into Adelaide.
- $0.3 million for increases in interest payments.

Of these items, a total of $9.1 million will require appropriation but will not mean a net impact on the original Budget because they are coming, in effect, from the round sum allowance for increased prices and other contingencies. They include the first two items for the Health Commission, the first item for Education Department and the first item for the State Transport Authority.

A further $0.9 million, being the second item under Education Department, will require appropriation but will have no net impact on the Budget because it will be balanced by equivalent receipts from the Commonwealth. Only $4 million of the $14 million will both require appropriation and be a net impact on the Budget. It is made up of the third item under Health and the last two items under the State Transport Authority. The components of the various appropriations, and their impact on the Budget, can be set out clearly in tabular form.

APPROPRIATIONS

	Total in Appropriation Bill	Met from Round Sum Allowances	Matched by Receipts	Net Impact on Budget
		$ million		
South Australian Health Commission	7.5	5.3	—	2.2
Education Department	3.0	2.1	0.9	—
State Transport Authority	3.5	1.7	—	1.8
Total	14.0	9.1	0.9	4.0

It is with some satisfaction that I am able to report at this stage of the financial year that the Budget is largely on course towards the forecasted result. Indeed, if anything it may be slightly better than expected. We have been helped by an upturn in some sections of the economy. However, I would also point out that such additional expenditure as did occur represents less that 1 per cent of the total payments in the Budget. The Government inherited an extremely difficult situation at the end of 1982 and has had to take some very unpopular actions to ensure that the difficulties did not overwhelm the State. As was stressed before, to not act as we did would have been grossly irresponsible. The State still faces major financial problems. The pressure on our capacity to pay our way will increase over the next few years. Tight controls on expenditure must remain. Clauses of the Appropiration Bill (No. 1) 1984 are in the standard form. They give the same kinds of authority as the Act of last year.

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

SUPPLY BILL (No. 1) (1984)

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill provides for the appropriation of $360 million to enable the Public Service of the State to be carried on during the early part of next financial year. In the absence of special arrangements in the form of the Supply Acts, there would be no Parliamentary authority for payments required between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law. The Government believes this Bill should suffice until the latter part of August when it will be necessary to introduce a second Bill.

Clauses 1 and 2 are formal. Clause 3 provides for the issue and application of up to $360 million. Clause 4 imposes limitations on the issue and application of this amount. Clause 5 provided the normal borrowing powers for the capital works programme and for temporary purposes, if required.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2) (1984)

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill proposes an amendment to the Industrial Conciliation and Arbitration Act, 1972, designed to enable proceedings part-heard by the former industrial magistrate Mr B. Shillabeer to be continued and completed by him notwithstanding that he has ceased to hold office as an industrial magistrate. Mr Shillabeer was appointed an industrial magistrate on 24 March 1983. At that time he held the office of Industrial Registrar under the Industrial Conciliation and Arbitration Act, 1972. Mr Shillabeer's appointment as an industrial magistrate was made on a temporary basis only to enable him 'to exercise the powers and functions of that office (industrial magistrate) on such occasions as may be required or directed by the President of the Industrial Court of South Australia'. With the passage of the Magistrates Act, 1983, and the Statutes Amendment (Magistrates) Act, 1983, the Government sought the Crown Solicitor's advice on the question whether Mr Shillabeer could continue in the dual role of Industrial Registrar and industrial magistrate.

The Crown Solicitor advised that the transitional provisions of the new legislation provide that all industrial magistrates appointed under the existing legislation shall be deemed to have been appointed under the new provisions and that, although Mr Shillabeer is not legally qualified and would not be eligible for appointment under the new pro-

visions, the deeming provision would nevertheless apply to him. However, the Crown Solicitor went on to advise that Mr Shillabeer could not hold the office of Industrial Registrar under the Public Service Act, 1967, and the office of industrial magistrate under the provisions of the Statutes Amendment (Magistrates) Act, 1983, at the same time. A decision therefore was required as to whether Mr Shillabeer was to continue to act exclusively as a magistrate or exclusively as a Registrar. The Government decided on the latter alternative and on 30 March withdrew Mr Shillabeer's commission as an industrial magistrate.

Unfortunately, at the time of withdrawal of Mr Shillabeer's commission two matters had been part-heard by him. Both matters involved applications pursuant to section 15 (1) *(d)* of the Industrial Conciliation and Arbitration Act. One had proceeded for only one day and the other for four days hearing. In addition, a third matter could also conceivably require further hearing. That was an application pursuant to section 15 (1) *(e)* in which, after several days of hearing the merits, a jurisdictional point was raised by the respondent. This point was upheld by Mr Shillabeer and the proceedings were discontinued. It is possible, but unlikely, that these proceedings might revive as a result of challenge to the jurisdictional ruling. It is estimated that the costs incurred by the parties to the two matters that appear certain to proceed would total $4 000 to $5 000. Although the Government at first considered that the matters would need to be reheard by another magistrate (with the Government reimbursing the parties for all or part of their costs to date), it is now considered that in view of the inconvenience to all concerned the better course would be to amend the Act to enable Mr Shillabeer to continue and complete the proceedings.

Clause 1 is formal. Clause 2 amends section 2 of the second schedule to the principal Act which contains transitional provisions relating to the offices of industrial magistrates as they were affected by the new legislative scheme for the appointment and conditions of office of industrial magistrates set out in that schedule. The clause inserts a new subsection providing that a person who held office as an industrial magistrate before the commencement of the schedule may, notwithstanding that he has ceased to hold that office, continue and complete any proceedings part-heard by him as if the Statutes Amendment (Magistrates) Act, 1983, had not been enacted and he had not ceased to hold that office.

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

[*Sitting suspended from 5.54 to 7.45 p.m.*]

DENTISTS BILL

In Committee.

(Continued from 1 May. Page 3802.)

Clause 4—'Interpretation.'

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

Page 2, line 33—Insert immediately before the word 'Dental' the word 'Clinical'.

This is something that should have been done in the original drafting. It was always intended by the Government and the Select Committee which considered the matter of registering dental technicians that they should be called clinical dental technicians, because it was envisaged that they would be given chairside status. They need to be distinguished from other dental technicians who will continue to be employed as they are at present in the manufacture of artificial dentures, crowns, bridge work, and so forth. However, the clinical dental technicians who are created under this legislation will need to have specific training for registration, and clearly they should be distinguished from other dental technicians.

The Hon. J.C. BURDETT: The Opposition supports the amendment.

Amendment carried.

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

Page 2, after line 38—Insert the following definition ' "dental therapist" means a person who is registered on the register of dental therapists under this Act:'

I propose to move a number of amendments which are scattered throughout the list of amendments relating to dental therapists. I am prepared to take the vote on this amendment as being a test case, so if I may I would like to speak at large to the question of registration of dental therapists.

The persons who are within the ambit of the Act, who are required to be registered and who will be subject (by the Act which will result if this Bill passes) to peer review by Statute are dentists, dental technicians and dental hygienists, but within the ambit of the Bill as it stands now therapists will not be included, and that seems to me to be wrong.

It has been suggested to me that all persons who are in what I am told is called in the profession 'the wet finger situation' (that is, the situation of getting the finger in the mouth) ought to be registered and subject to peer review; that is, review by their peers, including themselves. The logic in this amendment is that dental hygienists are required to be registered and are subject to peer review whereas dental therapists are not, in the Bill as it stands at present, and hygienists are less stringently qualified and have less responsibility than therapists do. So, it seems wrong that hygienists are included in the registration system and in peer review and that therapists are not.

The difference is that dental therapists are employed only in the Government service. They are employed only within SADS and, generally speaking, within the School Dental Service, whereas hygienists are employed by private dentists, and dentists themselves may be employed either in private practice or in the Government service. But this does not seem to be a proper distinction when one is talking about discipline, registration and peer review. If one is speaking from a professional point of view, it does not matter whether one is employed by the Government as a professional person or in the private sector: one should still be subject to the review of one's peers and should still be required to be registered.

It has been suggested to me that in the School Dental Service the therapists are subject to the disciplines of the Public Service, which they are, and to the discipline imposed through the School Dental Service itself through the head of that Service, which, I am informed, is a very rigorous sort of review. It may be—I do not dispute that—but it is not a review of one's peers. It does not make any difference whether one is in the Public Service or outside it and whether one is subject to the discipline of the Public Service or not. If we are talking about professional standards, people who want to be in that bracket in the total dental spectrum and who get their fingers into the patients' mouths should be subject not only to the discipline in their own service and to the Public Service Act but also to some sort of peer review.

The work of the School Dental Service in regard to primary schoolchildren has been excellently carried out. I support that service. I will, at a later stage of the debate in regard to another amendment, say something about the question of supervision, but I certainly support and praise the work

carried out by the School Dental Service. It is desirable when we are talking about professionalism that everyone in the profession in the broad sense—dentist, technician, therapist, or hygienist—should be registered and come within the peer review system. For this reason I have moved the amendment, which, I repeat, I will take as being a test case on this question of registration of dental therapists, and I will not persist with the other amendments that relate to this matter if this amendment is lost.

The Hon. J.R. CORNWALL: The Government opposes this amendment with all the strength it is able to muster collectively and with all the strength that I am able to muster individually. The Hon. Mr Burdett, remarkably, says that he is full of praise for the School Dental Service, but via this amendment, which he has cooked up with some of the more reactionary elements within the dental profession, he wishes to lay the foundation for its destruction. Let us be under no illusion as to what the series of amendments proposed by Mr Burdett would do. They would destroy the School Dental Service, which is, I might say, the envy of all my colleagues interstate. Whenever I go on a Health Ministers Conference I am viewed with enormous envy by my colleagues, particularly those from the big States of Victoria and New South Wales, because we had the foresight a decade ago to take advantage of the funding available to establish the School Dental Service.

Of course, the basis of that School Dental Service is the use of therapists. The first therapists in South Australia were trained from 1967, and the first qualified therapists appeared on the scene here in 1969. They have been used for almost 15 years. During that time it is highly significant that there has never been an official complaint to the Minister's office from any parent or any person within a family or associated with a family where children have been treated by therapists under the direction and supervision of a dentist. The only complaints and the only controversy have been created by some members of the dental profession, on two bases.

There could only be two bases for this. One is the concept of professional elitism. In other words, they do not accept that para-professionals can do anything in the mouth at all, and that of course is patently nonsense. There are many world authorities who would attest to that. I will come back to that shortly. The other more base reason why they are doing what they have done, and apparently have made Mr Burdett a captive to go along for the ride, is that they are into income maintenance. The sad reality is that it is not the dental therapists who are responsible for the difficult state in which private dental practitioners, fee for service dental practitioners, find themselves at the moment. It is not dental therapists at all, nor indeed is it the School Dental Service. The reality is that during the past two decades there has been a revolution in oral health, not only in this State but also around the country and around the world. That is due in direct measure, of course, to a number of factors, and arguably I believe that the most significant is direct fluoridation of water supplies.

The Hon. J.C. Burdett: Advocated by the dentists.

The Hon. J.R. CORNWALL: Quite right. The altruism shown by the profession 15 years ago was remarkable, and I pay a tribute to the leaders of the profession at that time. Regrettably, in South Australia that altruism has long since been replaced by the basest of motives. There seems to be a very sad lack of professional ethics amongst some of the leaders of the profession, and again I will come back to the performance of the ADA in regard to this Bill. It is about income maintenance. The profession, or a major element of the profession, was altruistic, extremely professional and extremely ethical when fluoridation was introduced, and I congratulate it for that. There were a number of other factors involved such as fluoride mouth wash, fluoride toothpaste, improved hygiene, improved diet and improved education, upon which I am not terribly competent to give the Committee a learned treatise, but outstanding amongst them was fluoridation. As the Hon. Mr Burdett said by interjection, that was supported by the dentists at the time. They were highly professional, ethical and indeed quite altruistic in their support for fluoridation.

As a result of that, of course, patterns have changed dramatically, but organisation and expectations within the profession have not changed dramatically. We now have a very sad situation where the majority of the leaders of the profession, the executive of the ADA, instead of reorganising and taking account of the very marked changed and changing patterns of practice, have a hankering to return to 1964. They want to turn back the clock 20 years. That is just not possible, because the incidence of caries in children and indeed in adults, because fluoridation has been continuing for a significantly long time, is quite different. The incidence of caries is dramatically reduced, and dentists do not see the patient with the traditional mouthful of caries presenting in the private practitioners surgery any more.

Unfortunately, the profession, and, I believe, to a significant extent the faculty in this State, regrettably, has not taken sufficient cognisance of this fact. The almost entirely negative reaction of the ADA in very recent times (and I stress 'in very recent times') has been to move rapidly to the right, in some cases to the extreme right, adopting a reactionary approach and saying, 'Well, we really must destroy the school dental service and we will then be putting these children back into our surgeries. Their parents will pay for them on a fee for service basis, and we will return to the good old days when one could hang up the shingle and the appointment book was filled for six to eight weeks in advance.' The reality is that those days are gone forever and it is time, indeed in this State it is past time, that responsible members of the profession took control. There are still many responsible members of the profession, both in private practice and in community public dental services.

I appeal to those people to stop being negative and to sit down with me as Minister of Health, with the Faculty of Dentistry, with the Dental Board, and with anyone who has some positive input in this matter so that we can decide how to reorganise dental services and best use the services of the many qualified dentists in this State between now and the year 2000.

We will certainly not see a return to 1964. That is not possible under any circumstances, and even the destruction of the best school dental service in the world will not achieve that aim. So, I would appeal to the Hon. Mr Burdett, and more particularly to people like Dr Ritson, who understand, not to support this regrettable series of amendments concerning dental therapists. The School Dental Service, of course, has been under very great pressure now for a number of years. Nothing, no service in the health area in this State or, indeed, I suspect in this country, has been subjected to more rigorous examination than has the School Dental Service. There has been a series of vicious and malicious attacks upon it, particularly in the past four years, organised in the first instance by a small fringe group, now the Dental Practitioners Association. It has caused the diversion of enormous time and energy from those people involved in the organisation and delivery of services in the School Dental Service area.

A committee of inquiry into dental services was set up in 1980 by my predecessor, the Hon. Jennifer Adamson, which had wide terms of reference. Among them, of course, was an extensive brief to look at the deficiency and organisation of the School Dental Service—and it came up trumps. There was also, as a result of what subsequently proved to

be ill-founded and malicious allegations made by a small number of people associated with the Dental Practitioners Association, a Public Accounts Committee inquiry into the school dental service. I am sorry that I do not have the press release that was issued by the Chairman of the Public Accounts Committee, Mr John Klunder, when the Committee made its report last year. That Committee inquired in-depth, at length, in breadth, vertically, horizontally, and in every other way possible, into a whole range of aspects—financial aspects, organisational aspects, and whether or not there was an excess capacity, as alleged, and so on.

The all-Party Parliamentary Public Accounts Committee reached the unequivocal and unanimous conclusion that by any standards the South Australian School Dental Service was efficient and effective. They were, of course (I am sure members will remember) extremely critical, and quite rightly critical, of those people who had inspired the inquiry in the first instance. They were quite trenchantly critical that the evidence they had been given was based on shaky or rubbery statistical analyses. The Committee was trenchantly critical, to put it bluntly, that its time had been wasted and that it had in fact been misled and that the evidence ultimately given before the Committee by the representatives of the Dental Practitioners Association was unreliable, to say the least.

Then, of course, there was the Barmes Inquiry. Very early in the piece in my first term as Health Minister I elected to put this matter to rest, I hoped, for all time. I consulted with some of my senior people in the South Australian Dental Service and asked, 'Where can we find an outstanding authority by world standards (not in our own backyard or even someone from interstate) in public dental services and in the organisation of dental health and hygiene generally who will be able to give us a world class report, who will be able to take a completely unbiased, professional and ethical view of where we are with the organisation of the school dental services in general, or community dental services in general, and whose report will stand unchallenged by his or her peers?

Of course, the name that eventually came up, and the person eventually selected from several who were considered by all of us, was Dr David Barmes, who is head of dental services in the World Health Organisation based in Geneva. There was an additional bonus in the choice of Dr Barmes in that he was an Australian-trained dentist and knew the local scene quite well. David Barmes came to South Australia and conducted a full and extensive review of the School Dental Service. He analysed, quite independently, using the formidible expertise for which he is renowned and which was available to him from other sources, and reached again the conclusion that the South Australian School Dental Service was among the finest in the world and, arguably, the finest in the world. So, I suggest that anybody who is foolish enough to wish to tinker with the organisation of this very fine service does so at his complete peril.

Yet, that is what the Hon. Mr Burdett is about with this series of amendments. He wishes to destroy, or lay the foundations for destroying, the very intelligent, very practical and very marvellous scheme that has been developed, refined and double refined in this State over a decade. The therapists are used to do classes of work which their training enables them to do very effectively. There has never been a complaint to the office of the Minister of Health since the therapists have been used. We could contrast that with the situation in our hospital system where, admittedly, we are treating hundreds of thousands of people every year. In a bad week, the Minister of Health's office (regardless of who the Minister of the day might be) may receive six or eight complaints. Yet, with the School Dental Service, there has never been a complaint. That is surely significant, particularly in these days of a consumer-orientated society.

We have a School Dental Service to which I do not pay lip service as does the Hon. Mr Burdett. I am fair dinkum about it. When I tell the Council that it is one of the best in the world, I know what I am talking about because I have the facts, the figures, the PAC report, the Barmes report and all the other incontrovertible evidence that has been produced in recent years. The Hon. Mr Burdett says that dental therapists should be subject to peer review like everybody else, but what he proposes has absolutely nothing to do with peer review—nothing at all. He is confusing that with the establishment, under the proposed legislation, of a professional conduct tribunal which is all about discipline for professional misconduct. It has nothing to do with peer review at all.

In saying that, the Hon. Mr Burdett demonstrates, as he does in so many areas of his shadow portfolio, that he does not even begin to grasp the peripheries of a very difficult area. Peer review in the dental sense will be established to the extent possible, given that we are dealing largely with a cottage industry in the sense that there are many dental practices around the place with only one or two dentists. We cannot put peer review into place as we can in a hospital situation. To the extent that it can be done, it will be done by one of the committees to be established by the reformed Dental Board.

I could go on at great length on this subject. It is one about which I could claim to know a little, it is close to my heart and I would defend it in all circumstances. I will not allow the Hon. Mr Burdett or anyone else in or out of this Parliament to make cowardly attacks—and that is what they have been over many years—on this very fine service. The peer review will not be achieved by what the Hon. Mr Burdett proposes. In fact, the therapists can only work in the School Dental Service under the control or supervision of a qualified dentist, and then there is a very clearly defined range and limit within which they must operate.

Let us forget this nonsense about a peer review. Let us forget the elitism and the nonsense that anything they can do a dentist can do better—that simply is not true. Let us not lay the foundation for the destruction of this very fine service. The Hon. Mr Burdett is attempting with these amendments try to replace the employment of therapists, at an average salary of about $17 000 a year, with dentists, at an average salary of about $30 000 a year, to do the same job. That is a misuse and would be a projected abuse of tax-payers' money. I am not prepared to cop it at all. For those reasons, among many others as I said at the outset, the Government opposes the amendment with great vigour.

The other thing that I might say in what will obviously be my major contribution to the Committee stage of this Bill is that I have been distressed and upset beyond the normal bounds by the behaviour of the South Australian Division of the Australian Dental Association. The ADA has, for many years, been asking for an update on the Dentists Act, and quite rightly so. The original Act has all the hall marks of legislation of the early 1930s, when, of course, the profession was very young and dentists were really only establishing themselves as a profession. What is produced in this Act fulfils everything that the Labor Party promised in the dental section of its policy before the last election. We will have a new Dentists Act. We will have peer review under the committees promised. We will have a specialist register, for which the dentists have been asking for many years. We will have a professional conduct tribunal and measures of consumer protection that were unheard of in the old horse and buggy legislation.

This is one of the finest pieces of legislation in the health area that has been introduced in this Council for quite a

long time. It mirrors, in many ways, the Medical Practitioners Act, which, of course, was introduced in this Council and passed with the support and bipartisan encouragement of the Opposition quite early in the term of this Government. I acknowledge that that Bill was pretty much a bi-partisan effort from the word go, apart from some minor amendments. It was originally introduced in the twilight time of the Tonkin interregnum. Of course, some amendments were made to the Bill before it was reintroduced by the Government. It was significantly supported by the medical profession, the Opposition, and the Democrats as virtually a model Bill for the professions. It was supported by all the consumer organisations.

Based on that, we have picked up that Bill as a model. Quite obviously some modifications had to be made to the model to ultimately produce this splendid Dentists Bill, but it is in many ways modelled on the Medical Practitioners Act, which, as I said before, had the unanimous support of both Houses of this Parliament. In the circumstances, I am not dumbfounded because I am rarely stuck for words, I might say, but I am absolutely amazed.

The history of this matter is that once a draft Bill had been produced and approved by Cabinet I called the ADA in, and its whole council came and sat down with me in my little conference room. At the same time we had the Dental Board in. Also, a legal representative for the ADA was present. I had my expert advisers in the dental field and my senior legal officer and expert in health law present. I will not mention names because that may not be entirely ethical, and I do not wish to adversely involve very highly professional officers in a political debate. However, I had available to me at that meeting, I believe, the very best dental advice available in the State. We sat around that table for three hours. I remember this very well, because my senior legal officer had just been presented with a bonny boy by his wife and was very anxious to get off (not necessarily to visit his wife but to wet the baby's head, among other things). However, he had to sacrifice many hours of his time on a Friday evening.

I remember clearly that I was supposed to be meeting in a social situation with staff of the Health Commission from about 5.30. Instead of that, we all gave up that time on a Friday evening (a time that in some ways has become more sacred to me than Sunday mornings, if that were possible). I gave up my one free Friday night of the month so that I could sit around that table. We sat for three hours and went through the Bill with a fine tooth comb. A number of matters had to be negotiated and a number of amendments that we accepted on the spot without contention. There were a couple of matters that were not negotiable, and there were others which we took on notice and on which we subsequently took appropriate action. I walked out of that meeting absolutely delighted that for the first time I appeared to be getting the co-operation of the ADA to reshape the destiny of the profession to the extent that it was possible for me to do so as South Australia's Minister of Health.

Nobody from the ADA came back to me or rang any of my officers (who are available at any time) saying that they had made a series of terrible mistakes that they should have argued at the time and that they wanted the Bill virtually rewritten. That would have been the mannerly thing to do and the sort of behaviour, the sort of basic conduct, that one expects from anybody, let alone an organisation that purports to be professional and to represent ethical professional interests. Not one of those persons came back or contacted my officers to say that they wished to renegotiate the Bill. They skulked off instead and involved themselves in some extraordinary connivance with the shadow Minister of Health.

The Hon. R.I. Lucas: Calm down, John.

The Hon. J.R. CORNWALL: They did not come to me at all. The Hon. Mr Lucas, who cannot control himself too well in this Parliament, flushed by his recent and solitary success, interjects and says, 'Calm down.' I have no intention of calming down when Mr Lucas, Mr Burdett and their colleagues oppose the South Australian School Dental Service.

The Hon. J.C. Burdett: Not at all.

The Hon. J.R. CORNWALL: 'Not at all', the Hon. Mr Burdett says. The Hon. Mr Burdett does not begin to understand what he does. We put through a Bill this afternoon—the certificate of need legislation. It was quite clear that the Hon. Dr Ritson knew what it was about and knew the ramifications of the Bill. We had an intelligent discussion in Committee, but poor old John did not begin to understand the ramifications of what it was all about, and I fear in this instance that he knows not what he does. The enormity of what he is trying to perpetrate is such—

The Hon. R.I. Lucas: We'll be here all night, the way you're going.

The Hon. J.R. CORNWALL: We will be here all night if you wish, Mr Lucas, and all day tomorrow. We have before us very important legislation.

The Hon. R.I. Lucas: Verbal diarrhoea!

The Hon. J.R. CORNWALL: That is truly an extraordinary interjection coming from the Hon. Mr Lucas, who can talk at length under dry cement, not wet cement, on almost anything. It has been said that he has the greatest all-round knowledge, as I said recently, of anyone who has ever come into this Parliament: in other words, we have never seen a know-all like him. But, the Australian Dental Association has chosen this extraordinary course of action, one I might say that has never been embraced by other professional organisations.

The Hon. R.J. Ritson: They are exercising their democratic right to—

The Hon. J.R. CORNWALL: They are exercising their democratic right to be as ignorant and unethical as they wish and to behave in a most extraordinary manner. No other professional organisation with which I have ever been in contact or had any dealings has ever behaved like this. The Australian Medical Association in no circumstances would behave in such an extraordinary manner. Even at the height of the Medicare dispute the Australian Medical Association always came to me regularly, as often as I wished to see them, and I saw them as often as they wished to see me.

The Hon. R.J. RITSON: I rise on a point of order. I do not wish to take away the Minister's right to make a far-ranging and discursive speech, but I suggest that there is a third reading stage if he wishes to do this and would ask him to confine himself to the clause of the Bill.

The CHAIRMAN: I uphold the point of order. I think that the Minister has gone about as far as he need go away from the clause. The amendment relates to clause 4 and there is no mention in that amendment of various organisations. I ask the honourable Minister to come back to the amendment.

The Hon. J.R. Cornwall: You are consistent with your discrimination.

The CHAIRMAN: Everyone gets a little tired, and I get extremely tired of the Minister attacking the Chair. I do not intend to suffer it for one further attempt tonight. If what I have done is not to the Minister's liking, fair enough, but he will not continually dispute my rulings.

The Hon. J.R. CORNWALL: I have very little more to say, Mr Chairman. The *Hansard* record, I believe, will stand long after you and I have been politically or physically interred. The fact is that this is a very crucial matter that relates to a whole series of amendments which change this Bill completely. In the circumstances, it is entirely relevant

for me to talk about the perfidy of the ADA. I would submit to you or any other reasonable person who would listen—

The Hon. R.I. Lucas: The AMA has nothing to do with it.

The Hon. J.R. CORNWALL: The AMA has a great deal to do with it in that it is a professional organisation comparable in many ways with the ADA, the AMA and a number of other professional organisations. I submit to you, Sir, that in the circumstances it was to some extent discriminatory to uphold that point of order, but I abide by the Chair, as I always do.

The CHAIRMAN: Let me explain that I thought the Minister had done that very well. It was just that I did not want it to extend to a criticism of various organisations. I thought that the honourable Minister had made his point very clearly.

The Hon. J.R. CORNWALL: If I might take up the point with you, Mr Chairman, since you have upheld the point of order: today the Hon. Miss Laidlaw was on her feet, and I took a point of order. She was talking about women's health centres at Noarlunga, Elizabeth and goodness knows where, when we were dealing with the certificate of need legislation under the South Australian Health Commission Act. Mr Chairman, you did not take my point of order at all. She spoke as though it was an Address in Reply debate, a grievance debate or something of that nature. She ranged high, wide and handsome all over the place. All right, that is your ruling: you are the Chairman, and I have to abide by it, Sir. However, I want it on the record that I do not believe that you have been consistent in the matter.

The CHAIRMAN: We seem to have plenty of time to put things on the record. On this occasion when you took the point of order I apologised for being distracted. I did ask the Hon. Miss Laidlaw, if she had strayed as you declared, to return to the Bill. That is on record also, and I apologise once again for the fact that, if Miss Laidlaw was so far away from the Bill as you declared, I had not noticed, but I was occupied at that time on another matter. I apologise for allowing that to happen, but it was corrected. Is there anything more that the honourable Minister wishes to say?

The Hon. J.R. CORNWALL: Many things.

The CHAIRMAN: Well, please continue. The Hon. Mr Milne.

The Hon. K.L. MILNE: Let me say at the outset of this debate that I have the highest regard for our dental profession, and I have had that respect for it for as long as I can remember. When I say that, I go back a long way to when I was a patient of the famous Miss Beatrix Bennett in the days when history was written (honourable members will know when that was) and when the anaesthetic was laughing gas. If any members have had laughing gas they will know that it is not a hell of a joke: there is very little to laugh about. I really cannot see why registration of dental therapists would help the School Dental Service or the dental profession.

I have heard the Hon. Mr Burdett's argument about the peer review, anyone who touched the patient requiring this peer review. I agree entirely with his views on the professions themselves, the paramedical and the paradental professions. This is a difficult case, and I do not think the normal rules would apply to the preservation of the freedoms and disciplines of our professions.

The Hon. R.C. DeGaris: Would it apply to hygienists?

The Hon. K.L. MILNE: That is another matter. If the honourable member wants my view, I would deregister hygienists. Dental therapists are not registered in any other State, as far as I know, except for two in Western Australia for a special reason: because they are in the private sector, and I would not expect that to be in the interests of the qualified dentists. I have considered both sides as much as time would allow. The ADA, the Government and the Opposition have all been kind enough to give me information and I have listened to the views of a large number of interested people.

I realise that the dental profession is worried at present. It has had a good run for many years; it has been very public minded and public spirited. The result of the clean up of dental problems has been so great that it is now really worried about its future, and I can understand why. However, I honestly do not think that this issue is one of those matters that need worry it. I can see no convincing patterns of views from all these ladies and gentlemen to whom I have spoken and who have made other inquiries on our behalf. On balance, I have come down on the side of the Government at least for the time being.

The Hon. J.C. BURDETT: I propose to refer briefly to the comments made by the Hon. Lance Milne because they were about the amendment; I do not propose to refer to the ravings and rantings of the Minister because they had nothing to do with the amendment or with the Bill. All that my amendment seeks to do is provide that dental therapists should be registered and subject to the jurisdiction of the Dental Professional Conduct Tribunal in the same way as dentists, hygienists and clinical dental technicians are.

There is no suggestion whatever of my amendment destroying the School Dentist Service; that is an absolutely ridiculous allegation. Surely, if they are of the high quality, which we have been told and which I believe they are, they have nothing at all to fear from registration or from being subject to the jurisdiction of the Dental Professional Conduct Tribunal. I respect the remarks of the Hon. Mr Milne. It is not a cut and dried issue, as the Minister seems to think that it is. There are two sides to the question, particularly having regard to the fact that the School Dental Service has operated among primary school children.

As I have said, it is totally stupid to suggest that this amendment would destroy the School Dental Service. No-one in his right mind could make that suggestion. All that it would mean is that they, like the other people concerned, would have to be registered and be subject to the jurisdiction of the Dental Professional Conduct Tribunal, and I cannot see anything wrong with that.

The Hon. R.C. DeGaris: Doesn't it really mean that if one is employed by the Government one does not have to register?

The Hon. J.C. BURDETT: That is really what it is all about, because the therapists are employed by the Government. It is an aspect of an argument that we have been having for a long time as to whether legislation should bind the Crown; it is a very similar kind of argument. I have referred to what the Hon. Mr Milne has contributed. I do not propose to go into such ravings as 'an income ride' or 'perfidy of the ADA' because they have nothing to do with it. I ask the Council to support the amendment.

The Hon. J.R. CORNWALL: It has got everything to do with the destruction of the School Dental Service, because this amendment, about which I attempt to speak at large, at least, is the first of a whole series of amendments which, among other things, restricts therapists to treating children up to their twelfth birthdays. If that were to come into force, let the Hon. Mr Burdett and his Opposition colleagues know what they are all about: it would mean immediately that therapists could not treat approximately half the children in year 7, their last year at primary school. So, they would be out straight away. More than that, and worse than that, it would take away the existing right of 13 000 secondary school students—those who are on the Government assisted list, the so-called free book list of the Education Depart-

ment—and their parents' right to have them treated in the School Dental Service.

The Hon. J.C. Burdett: Not if one uses dentists.

The Hon. J.R. CORNWALL: Ah, there is the rub: 'not if one uses dentists'. Now the truth is out: he wants to take the first major step to destroy the existing organisation of the School Dental Service. So, they are not rantings or ravings: they are the considered statements of a Minister of Health who happens to know a fair bit about this particular subject. Let us look at that situation again and define it carefully. Under the existing organisation, the way in which the School Dental Service is currently organised (and I do not believe we can find significant funds for the expansion of that service in the immediate future), it would take out of the system about half of the Year 7 children and it would immediately take away the access of 13 000 secondary school children who come from families in the bottom 20 per cent of income groups. Let the Hon. Mr Burdett and his friends have a little think about that one.

Under this series of amendments, the second thing which registration would do would be to remove to a very significant extent the discretion of the employer. If the Hon. Mr Burdett does not understand them he should, because he has been locked in closets with some of the executives of the ADA drafting them for a fortnight, and he has quite obviously spent quite a lot of time on this Bill. It would put therapists under the direct control of the Dental Board.

Like every other professional board, the Dental Board is not subject in any way to the direction or control of the Minister of the day—nor should it be. There is no question at all about that. That is a very clearly understood principle to which I adhere very vigorously and which I support very strongly. Whether it is statutory powers conferred under certain Acts for the Valuer-General, the Registrar-General, or the Surveyor-General, it means that they are not subject in any way to the whims or whimsies of the Government of the day, whatever its political colour, nor should they be. Exactly the same thing applies to the statutory powers which are granted to professional registration boards. They are not subject in any way, nor should they be, to the whims or fancies of the Minister or the Government of the day.

Dental therapists can be employed in the School Dental Service only. The policies with regard to dental therapists would be set by a stacked Board. Let us make that clear in case we get pulled up about speaking at large, because all these amendments, all five pages of them, follow a very clearly defined pattern. They go in such a way that the statutory powers of the Board are preserved all right, but the power to stack is handed to a segment of the profession.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Burdett did not say that when the Medical Practitioners Act was before this place. This whole series of amendments has been personalised in a way that is quite unparalleled in the contemporary history of this Parliament. The whole thing is designed as though John Cornwall, the natural enemy, would go on in perpetuity. That is not so. There is no question at all that the way in which it is organised is most unusual and most extraordinary. The enthusiasm which the Hon. Mr Burdett, chuckling behind his hand, has found for this is strangely a new found enthusiasm.

He did not raise, or ever look like raising, that matter in a bipartisan and sensible way as was done in regard to the Medical Practitioners Act. In this whole series of amendments it is proposed that the control of therapists be taken away from the employer, the South Australian School Dental Service, and given to the Board, to give the Board enormous discretion as to the rights and duties of therapists, outside the control of the Government of the day. We can then look at the subsequent amendments and the way in which the Hon. Mr Burdett proposes that the Board should be appointed and elected. The way in which the Minister's right or the Governor's right is circumscribed is such that he is conniving with a most unfortunate faction of the profession to try to give it the opportunity to stack a Board that would then prescribe.

The Board would prescribe, not the Government by regulation. Under the proposed amendments the Board, not the Parliament or the democratic process, but a stacked Board (which can easily be stacked by an active faction), would prescribe what duties those registered therapists could undertake. If the Hon. Mr Burdett knows what he is about, it is shameful. If he does not know, given his legal training, quite frankly it is time he looked for other shadows.

The Hon. R.J. RITSON: The Medical Practitioners Board, as the Minister knows, is charged amongst other things with determining what is and what is not an acceptable level of competence of medical treatment. It does not bother itself with what is an acceptable level of competence for physiotherapists or chiropodists, because they come under separate boards. In this situation the School Dental Service is employing dentists who are subject to that Board, which will determine acceptable standards of dentistry and questions of professional negligence. Yet therapists are, in effect, practising a measure of dentistry, and the Minister is telling us that the Board should not be able to determine whether the standard of practice of therapists is satisfactory. The Minister wants someone else in the Government to determine that.

I wonder whether the Minister would explain why the qualified dentists who will be working in the School Dental Service require the oversight of the Board in terms of their ethics and competence and why the therapists do not require some sort of similar oversight, and why he is so confident of the ability of the Board to supervise the standards of dentistry as practised by a dentist and yet is so suspicious of the Board's ability to supervise the standards of dentistry as practised by therapists.

The Hon. J.R. CORNWALL: The Dentists Board, the Medical Practitioners Board and a whole range of professional registration boards have two very clearly defined functions. One is to protect the profession and the other is to protect the public. It is as simple as that.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: No, that is not right at all. The AMA has no statutory powers. It represents about 54 per cent of the profession, and sometimes not terribly well.

The Hon. L.H. Davis: Don't get into gratuitous insults: you have been told by the Premier to behave yourself.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: It is quite a misnomer to say that the AMA (and it is a widely perpetuated myth) has any statutory or disciplinary powers, because it does not, no more than has the ADA in practice. The boards are there for two purposes: first, to protect the profession through checking the qualifications of those people whom it registers in the profession.

The Hon. R.J. Ritson: That is protecting the public.

The Hon. J.R. CORNWALL: Hang on, Bob. That is protecting the profession; it is giving the profession exclusivity and a sort of elitism, if you like; when it is extended beyond the bounds of what is reasonable that is the sort of elitism which some of the dentists (and I stress, only some of them) would like to see in the area of therapists. The fact is that one does not get registration as a dentist, a doctor, an occupational therapist, a physiotherapist or in relation to a whole range of areas in the allied health professions unless one produces a piece of paper that is acceptable to the registering board. If one has a MB, BS from the

University of Adelaide, the Flinders University Medical School, or from any one of the Australian Medical or British Medical Schools, then one's registration is virtually automatic. There are other foreign graduates who must pass the examinations of the COPQ (Committee on Overseas Professional Qualifications), and so on it goes. That is to protect the profession. Of course, it is also to protect the public. Once a person has been registered by a board, and when he or she hangs out the shingle to practise or goes to work in a salaried situation in any one of our institutions, members of the public can expect, we hope with confidence, that there will be a degree of competence and professionalism which that registration guarantees.

So, on the one hand it protects the profession. Quacks are not allowed to come in; lay persons are not allowed to hold themselves out to be doctors or dentists, physiotherapists, or whatever. It is a protection for the profession. Also, it is clearly intended to be a consumer protection mechanism, a protection for the public, so that dentists, whether they work within the School Dental Service, the South Australian dental service generally in the community dental services area, or whether in private practice, must be registered.

A dentist with the School Dental Service has to have, and provides, a far greater range of skills and expertise than does a dental therapist, who works under the control and direction of a dentist. That is the way it ought to be. That is what the whole system is predicated on. On the other hand, of course, one can go berserk in the matter of registration. In some of the allied health professions, frankly, with the wisdom of hindsight, perhaps we should never have become involved with registrations.

The Hon. R.J. Ritson: Psychologists.

The Hon. J.R. CORNWALL: Psychologists are a classical case in point.

The Hon. R.J. Ritson: All they do is collect fees from each other.

The Hon. J.R. CORNWALL: I think the psychology professions are getting their act together, albeit slowly.

The Hon. R.J. Ritson: What about the reflexologists?

The Hon. J.R. CORNWALL: The reason for registering psychologists originally of course, as the Hon. Dr Ritson would know, was to get at those vile people who practised scientology.

The Hon. R.J. Ritson: A 100 per cent failure.

The Hon. J.R. CORNWALL: Yes, I think that that is a matter on which the Hon. Dr Ritson and I agree completely. I think it is a most regrettable and dreadful thing, but the Psychological Practices Act has never made a dent in it. What it has done is to create all sorts of disputes between three-year graduates, four-year graduates, post-graduates, those with a Californian Ph.D., and the other extraordinary Ph.Ds that have been produced with overseas qualifications and so on. So with the wisdom of hindsight, I think the registration of pscyhologists before they got their act together at least may have been a mistake.

The Hon. R.C. DeGaris: How did all that happen, do you know?

The Hon. J.R. CORNWALL: I am sure that the honourable member knows more about it than I do. It was before my time. That is another interesting story for another day.

The Hon. K.L. MILNE: I rise on a point of order. I hope that we are not going to hear the story. Can we have the story on this Bill?

The Hon. J.R. CORNWALL: I hope that after all the coaching we provided to the honourable member on this Bill he does have some grasp of it by now.

The Hon. C.M. Hill: You will lose his vote if you don't.

The Hon. J.R. CORNWALL: I am very gracious and generous with the coaching I provide to the Hon. Mr Milne and I am sure that he appreciates it. There is no need for therapists to be registered. They cannot hold themselves out to be dentists, registered or otherwise. If they did they would be sued and punished with the full vigour of the Dentists Act, both old and new. So, the registration in that respect is quite irrelevant. Therapists can only be employed in the school dental service and cannot be employed by private dentists. The employment opportunites are simply not there in any other area. Therapists are specifically trained to be an integral and absolutely essential part of the school dental service.

I hope that the Hon. Mr Milne is listening intently to this because it is germane to the Bill and will be very germane to many of the amendments that will be moved later. There is no need to register therapists. There is certainly no circumstance I can see which would justify taking them out of the direct control of the employer, the school dental service, where they must work under the direction, control or supervision of a qualified registered dentist and have the Board—which is subject to nobody, has autonomy, and its own statutory powers—decide, quite independently of Parliament or anyone else, the range of things that a therapist can do. So, therapists will not be subject to the democratic process, the Public Service or the Government of the day. Therapists would be subject to the quirks of a particular election for the particular board and under the circumstances proposed by the Hon. Mr Burdett.

The Hon. R.J. RITSON: I am only half satisfied with the answer, but do not believe that the matter can be pursued more without recycling to irreconcilable views and see no point in it. I want to attempt to restore some balance to the rather emotional criticisms made by the Minister of the motivation of the dental profession. It is clear that if dentists were employed to treat these children, rather than therapists under the supervision of dentists, then there would be a greater measure of income to the dental profession. The Minister described that as such an ogrish and evil thing and, I think, unbalanced consideration of the argument because it could equally well be put why economise in such an important matter by employing less than fully qualified people?

There are arguments for that in certain under developed countries. Many lick-lick doctors in New Guinea did a six or 12 month course in Fiji, went back to New Guinea, put on a haversack with penicillin and scalpel blades on their back, walked off into the jungle and did a good job, considering the circumstances. In a sense the Government has produced, with the school dental services, an army of lick-lick dentists sent off to wade into that area of dental treatment.

The arguments for taking this approach in a third world country are more expedient and stronger than they are for doing it in an affluent society like ours. Therefore, although it is true that to restrain some of the activities of dental therapists would increase employment opportunities for dentists, it is also true that we are not a third world country. Dr Cornwall refrained from addressing the economic argument that perhaps the Government is trying to save money and be stingy at the expense of having fully qualified people treating all school children. The matter is one of a value judgment. I am not taking an absolute position here, I am just pointing out that the Minister's tirade against these awful people who want fully qualified dentists to treat children for money was a bit unbalanced and emotional and I just wanted to put a bit of balance back into the consideration of this matter.

The Hon. J.R. CORNWALL: I think that we should perhaps give some figures very briefly so that Opposition members and the Hon. Mr Milne and his colleague know what we are about. If these amendments were passed and

we wished to treat those year 7 students who had reached their twelfth birthday (and we estimate the number to be about 12 000) and if we wanted to treat the 13 000 children currently being offered services (and we anticipate about 10 000 of them will take up that offer in the school year 1984) we are looking at 20 000 children currently being offered services, something the honourable member wants to take away from them—the way the service is currently organised.

The Hon. J.C. Burdett: Use dentists.

The Hon. J.R. CORNWALL: The Hon. Mr Burdett says 'Use dentists.' The Hon. Mr Burdett, who presided over the decimation of the Community Welfare Department under the extraordinary policies of cut and slash of the Tonkin Government (and the Hon. Mr Burdett was one of the great casualties), says 'Use dentists, do not worry about it; we will cut taxes and flog off all the successful public enterprises.' That is what the alternative Government offers. He says, 'At the same time let us employ dentists; it is as simple as that.' If one takes a figure of 20 000 children and presumes that therapists currently treat (because of the great efficiencies of the system) up to 1 000 children a year, and if one takes the difference between a therapist's wage of $17 000 a year and a dentist's wage of $30 000 a year (and that is for a relatively junior dentist) and we multiply the $13 000 by 20, which are very simple figures—

The Hon. J.C. Burdett: That is rubbish.

The Hon. J.R. CORNWALL: 'That is rubbish,' says the Hon. Mr Burdett. His *forte* is obviously not mental arithmetic. If one takes 20 000 children and a therapist can treat each of them—

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: Under the proposed amendment, of course, one has to do that, unless one wants to take away the treatment from half of the children in year 7, and that is what the honourable member is proposing; he wants to take away this facility from 13 000 children from deprived families.

The Hon. J.C. Burdett: You can use dentists.

The Hon. J.R. CORNWALL: The Hon. Mr Burdett says 'You can use dentists,' but that will cost $260 000 extra immediately.

The Hon. J.C. Burdett: Not necessarily.

The Hon. J.R. CORNWALL: 'Not necessarily', he says, but it will. With very simple arithmetic if one replaces 20 therapists with 20 dentists costing $13 000 more a year one works that out as $260 000. Let me also give an idea of what would happen if over a period, and this is the thrust of the honourable member's amendment (this is his hidden agenda) we were to replace therapists altogether eventually, one presumes, with registered dentists.

For what reason, we are not sure. We know that the therapists can do the job. By any measure that has been applied to them, they can do the job in a first class way. Within the limits of their training and their competence, they can do the job very well. There has never been an official complaint. There have been complaints from the odd dentist on the fringe but never an official complaint from a parent. If we were to replace the therapists in the existing service the additional costs to the taxpayers of this State would be around $1.5 million. That is what the Hon. Mr Burdett is proposing, while the well made up Mr Olsen is doing his costly commercials telling us how he would flog off the very successful Central Linen Service and how he would get rid of this, that and the other.

The CHAIRMAN: Order! There is nothing about the Linen Service in the question that was asked.

The Hon. J.R. CORNWALL: The Hon. Mr Burdett is proposing to take away the service from 13 000 kids from deprived families. It is not something we propose to extend to them next year: it is something we extended to them last year and which we are extending to them this year. He wants to take away the service under these amendments. Let us be clear on that. Alternatively, he would force us to find immediately $250 000 of taxpayers money and in the longer term, of course, he would have us not only grind the thing to a halt but he would stop the enunciated policy on which we were elected, which is (over two Parliamentary terms) to extend the school dental service to all children up to time they reach their 16th birthday. That is the direction in which we are going; it is on track.

The 13 000 kids from deprived families to whom we have extended the service in secondary schools have been included at little or no additional cost. That is how efficient the service is. But, if we were to use dentists to do that, the additional cost would be $250 000 immediately and the long term figure for holding the service where it is would be $1.5 million. We would still, of course, have secondary school students, a very large number of whom cannot afford the cost of a dentist. We would have a number of young adults, the working poor and a large number of pensioners for whom we are in the process of organising the provision of public and community dental services—something like 250 000 people who could not afford to go to a private dentist in any circumstances. The Hon. Mr Burdett, through this amendment as a first step and through the adopted philosophies of a selfish and factional section of the dental profession, would deny them the service. I reject the amendment and all those that follow it.

The CHAIRMAN: Does the Hon. Mr DeGaris want to ask a further question?

The Hon. R.C. DeGARIS: I am interested in the figure that the Minister put forward in regard to the $250 000 extra cost. I do not accept these figures. I would like him to explain exactly how he arrived at that sum.

The Hon. J.R. CORNWALL: I am only too pleased to do so. Currently there is an estimated 10 000 children in Year 7 who have reached their 12th birthday. This one is the first of a whole series of amendments which culminate in saying that the children who have reached their 12th birthday may not be treated by a therapist, so we would have to replace the therapists who currently, under dental supervision or control, treat those 10 000. It is estimated that a therapist will see and treat 1 000 children each in the course of a school year. So, it is very simple arithmetic to work out that if 10 000 children have to be treated by dentists instead of therapists, you need 10 additional dentists. We already have 13 000 children who are being offered a service—students from secondary schools who are disadvantaged or from low income families, those who qualify for the free book allowance to whom the service has been extended since the beginning of the 1983 school year.

The Hon. L.H. Davis: From where did you get the $30 000, because you are using dentists out of private practice? Is it $30 000 a child?

The Hon. J.R. CORNWALL: The poor man has not any idea what he talks of. We are not using dentists out of private practice to treat those 13 000 children. We are treating them in the existing infrastructure of the School Dental Service. We use private dentists where it is appropriate and cost effective to do so. We use them in the Whyalla clinic, which has nothing to do with the School Dental Service. We use them in some country situations, such as Coober Pedy, among other places. We are talking about 13 000 children who are treated in the main stream and infrastructure of the School Dental Service. Those 13 000 do not all appear for treatment. It is estimated that this year about 10 000 of them will. That is an additional 10 000: that is another 10 dentists. Can the Hon. Mr DeGaris follow that? Ten thousand students in year 7—

The Hon. L.H. Davis interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: There are approximately 10 000 students in secondary schools from low income or deprived families being treated currently by therapists, who would have to be treated by dentists. We allocate 1 000 of those each to the therapists currently, which would mean about 1 000 each to the dentists. The difference in salary between a therapist and a relatively junior dentist in the salaried service is the difference between $17 000 and $30 000. If one takes 13 000 and multiplies it by 20, it comes to $260 000. It is very simple arithmetic and it has nothing to do with private dentists.

Since the honourable member raised it, our policy states clearly that we are happy and will always be happy to use private dentists in the community dental services or public dental services—whether it is the School Dental Service or any of the other services which are current or being developed—where it is appropriate and cost effective to do so. We will use them only on a sessional basis. We will not—and I repeat 'not' (and I made this very clear before the last election: there was no doubt in anyone's mind, particularly in the dentists' minds, the ADA's mind and the DPA's mind)—use public funds (taxpayers' funds) to subsidise private dental practice, but we will most certainly be happy to use private practitioners wherever it is appropriate and cost effective to do so.

That is a policy which we are actively pursuing; in fact, it may be a matter of some interest and wonderment to members opposite to learn that we use currently almost 60 private dental practitioners on a sessional basis around the State.

The Hon. L.H. DAVIS: I had not intended to enter this debate, but the Minister of Health has said that private dentists will be used in the school system if they are seen to be cost effective. If one takes into account that a salaried full-time dentist working in the school system would have a salary of $30 000, plus (as my colleague the Hon. Mr DeGaris has observed) the additional costs associated with that in terms of superannuation, annual leave and so on, I suspect that there would be a very strong argument to say that indeed private dentists would be cost-effective in the school system.

My understanding is that 12-year-olds, 13-year-olds, grade 7 students and grade 8 students in 1984 on average have something like one cavity at that age. I would suspect that it does not take a long time for an oral examination of school children of that age, given the dramatic improvement in dental care that has occurred since the introduction of fluoride and dental education generally.

I would like to hear from the Minister of Health whether his Department has thoroughly canvassed the options as between fully salaried dentists in the schools system and the employment of private dentists, because on his own admission already 60 are employed.

The Hon. K.L. Milne: Also, what items are in the costing?

The Hon. L.H. DAVIS: And what items are in this costing? If 60 dentists are already employed from the private sector in looking at schoolchildren's teeth, presumably they have justified their employment on the ground of cost effectiveness. I would be interested to hear the views of the Minister on this matter.

The Hon. J.R. CORNWALL: The views of the Minister on this matter are largely irrelevant; it is far more important that members look at what the Parliamentary Public Accounts Committee had to say. It looked at the costing from every conceivable angle. It looked at the alternatives of fee for service, sessional basis, capitation basis, and so forth. No matter which way it did its sums, it came out in favour, ranging from marginal to very substantial, of the salaried service.

Let the honourable member and all his colleagues be under no illusion as to my position: I made it very clear before the election, in writing, on numerous occasions, and I have made it very clear since, although not on numerous occasions, as I have not met with the ADA very frequently. I have an open-door policy, but it has not exactly worn out the carpet coming in to see me. On the occasions when I have met it—very early in my stewardship—I asked it to go away and carefully cost things and prepare a case. The South Australian Dental Service was prepared to work with it. I have stated consistently—and I state again—that all I want is value for money. Provided that that value is consistent with quality assurance mechanisms and that we are getting the best, I would be only too pleased to go along with it. There is nothing ideological about this at all. I want to provide good community dental services within the schools, both primary and secondary, up to age 16. That is absolutely essential. We want the best oral health that we can get and the best training that we can get in those children for the first 10 or 11 years that they are at school, and that training will then stand them in good stead for all the days of their lives.

At the same time, I want to expand community dental services to those estimated 250 000 people—low-income adults, whether pensioners, working poor, unemployed, or whatever else—who currently have little or no access to dental treatment at all. I conclude by quoting briefly from Mr Klunder, the Chairman of the Parliamentary Public Accounts Committee, when he released the report and referred to the cost effectiveness of the School Dental Service. He said:

> For a change we are reporting that we have found a well managed, cost effective and efficient organisation. The cost of the School Dental Service in 1982-83 (financial year) was less than $8.7 million. On the committee's calculations—

and I hope that the Hon. Mr Milne is listening—

> the private dental service, staffed by dentists, could not have done the same job for less than $9.1 million, with alternate private sector costing rising as high as an estimated $11.2 million.

So it was less than $8.7 million on all the estimates available to the PAC, with the alternatives, using private sector dentists, ranging from $9.1 million to $11.2 million. I repeat that I have no ideological hang-ups about this at all; I could not care less whether it was provided by salaried dentists-cum-therapists, which is the current way that it is organised—and organised very effectively—or by private sector dentists or on a sessional or any other basis. The fact is that the School Dental Service as organised is very effective, in terms of both quality of care and dollars and cents. As I have said and repeat yet again, I would defend it to the death.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter 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 (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 2, line 41—Leave out 'and jaws' and insert ', jaws and proximate tissue'.

This amendment will make clear that the practice of dental treatment can include the treatment of proximate tissue

such as the tongue, the joints of the jaw, and so on. I believe it is necessary to make this clear and to spell out that dental treatment is not confined merely to those matters presently included in the Bill. The Committee should have no difficulty in accepting this amendment.

The Hon. J.R. CORNWALL: The Government supports the amendment.

Amendment carried.

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

Page 4, line 4—Leave out 'Dentists' and insert 'Dental'.

This amendment pertains to the definition of 'tribunal', and it is really semantic. I believe that the term 'dental' is more accurate, because the tribunal will deal with technicians and hygienists, that is to say, with people other than dentists.

The Hon. J.R. CORNWALL: The Government supports the amendment.

Amendment carried.

Clause as amended passed.

Clause 5 passed.

Clause 6—'Membership of the Board.'

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

Page 4 line 36—Leave out 'eight' and insert 'seven'.

This pertains to the composition of the Board. The proposed Board will consist of eight members, of whom four shall be nominated by the Minister. It is relevant to say that the Minister nominates the President in consultation with the ADA. I do not argue with that, but the President has a casting vote as well as a deliberative vote, which means that in a drawn situation the Ministerially nominated members have a majority. I do not believe that that should be the case in regard to a Board for professionals or this Board. It is certainly true that under the Medical Practitioners Act the Ministerially appointed members are in the majority, but the issue was not raised at that time. Because this provision is in one Act does not mean that it is right for another Act.

It has often been accepted (and I believe it should be accepted) that, in regard to bodies that register and regulate professions, those professions ought to be largely self regulatory, and it should be the professionals themselves who appoint members from their ranks to have the regulatory power. Where that is applied it has not been abused. It seems to me the right way to go about it. Therefore, the number of members should be reduced from eight to seven and the Ministerial appointments should be reduced so that the non-Ministerially appointed members, those basically from the profession, will be in the majority.

This is the way in which I believe a professional board ought to operate. I think it is an obligation as well as a right of professional bodies to regulate themselves. Because I think it is pertinent to this subject, if I may, Sir, I would refer to the amendment on file from the Hon. Mr Milne, which is in effect to retain the number at eight, but to take away the casting vote of the Board President. To me that is not quite as good as my amendment: it does not put the control of the Board, which is there to register and regulate the professional affairs of the organisation, as firmly in the hands of professional and professionally elected and appointed persons as does my amendment. But, that is another approach to the matter, and certainly a second best and something with which I would have some sympathy. In regard to my amendment, I indicate once again that I will take this as a test case on the question of the composition of the Board.

The Hon. J.R. CORNWALL: The Government is in great opposition to this amazing amendment. Once again it is a test case. As I submitted before, the amendment seems to me to be an attempt to personalise an Act that is designed to last for the next 50 years. Perhaps I should take that as a compliment, but I assure the House that I will have retired happily before that time.

The Hon. M.B. Cameron: You are probably right!

The Hon. J.R. CORNWALL: In both senses—and from the position I occupy, as my eternal reward I will be looking at this Chamber from one direction or the other! The Government is already giving extraordinary concessions in this Bill in regard to the composition of the Board, in respect of the wishes of the dentists. Again, it is very interesting, and I would submit entirely relevant, Sir, to compare the composition of this Board to that of the Medical Practitioners Board.

I repeat that, when the Medical Practitioners Bill was before Parliament, it had the bipartisan support of everyone concerned with it. The Medical Practitioners Board comprises eight members, appointed by the Governor, of whom five are nominated by the Minister (a majority). One is a medical practitioner nominated by the Council of the University of Adelaide, one a medical practitioner nominated by the Council of the Flinders University of South Australia, and one a medical practitioner nominated by the South Australian Branch of the AMA Incorporated. So, the AMA, the official organisation of the medical profession in this State has one nominee on the Medical Practitioners Board, and each of the universities has one nominee, each of whom is a medical practitioner. The Minister of Health of the day nominates five people—a clear majority. Of those five nominees one is a lawyer, one a lay person, and three are medical practitioners.

Amazingly, the Hon. Mr Burdett as the Opposition shadow spokesman did not raise any objections at all to this when the Medical Practitioners Bill was before the Council, 12 months ago. It is not surprising that he did not do so, because that Bill was in very much the same form as a Bill introduced by my predecessor, a Bill that was fully endorsed by the Tonkin Cabinet, of which the Hon. Mr Burdett was a junior member. So, it is hardly surprising that he did not oppose it. Not one dickie bird in protest did we hear from him when the matter was before the Council at that time. What we are proposing in the Bill takes account of representations that have been made. In this case the Minister will not appoint five of the eight nominees but four of them, of whom two shall be dentists and three shall be medical practitioners, one a lawyer and one a lay person.

So, the Government of the day appoints half the Board. There is none of this business of one member being from the university, another member being from the ADA, and the Government of the day, through the Minister, taking the rest. Not at all. It is entirely democratic. The Government proposes that three dentists be elected—not nominated, but elected—by the profession and that there be one from the university. In the circumstances, the Government could not have gone any further. It would be impossible to bend any further without doing our collective lumbar spines a grave injury. So, it is proposed that the Board will comprise two dentists, one lawyer, one lay person for the Minister, three elected dentists and one member from the University of Adelaide to represent the interests of the Faculty of Dentistry.

On the pretext put by the Hon. Mr Burdett, the Government should reduce the members on the Board to seven so that there can never be a tied vote; there will be an uneven number and the President will never have to exercise a casting vote. If one looks at the further amendments, what is proposed by the Opposition is to take further from the Ministerial appointments. Under the Opposition's proposals the Minister will be able to appoint only one dentist to a Board that has complete autonomy and its own statutory powers—and that is the way it should be. Once the legislation leaves this Parliament the Board is master (or mistress, if one prefers that) of its own destiny. It is not unreasonable

that the Government of the day should have a 50 per cent bite of the cherry. The idea that somehow I, as Min, would stack the Board with people carefully hunted through the highways and byways of the Party to make sure that they would be subjected by proxy to my will is not only ludicrous but, quite frankly, does the Hon. Mr Burdett no credit.

Whichever way one looks at it, it is clearly an attempt to personalise the Bill in a most disgraceful manner. The Government rejects it and cannot accept it under any circumstances. We have given the profession the chance to elect three members. That is an extraordinary concession by any standards when one looks at the other professional bodies in the State, with the exception of chiropractors (where the two camps do not seem to be able to agree on anything), and if one looks at it in the context of the Medical Practitioners Act, which the Hon. Mr Burdett, the Tonkin Cabinet, and by the time this got up the Opposition all supported. It is absolutely extraordinary that the Opposition should be proposing these remarkable and, I believe, despicable amendments.

The Hon. K. L. MILNE: This is not a question of controlling the Minister. It is a question of controlling the profession which varies in activity, qualifications and standards. The dental profession is similar to the medical profession in that it has unavoidably become involved in working for Government remuneration.

The medical profession is different in many ways, but it, too, has become involved (and very much so) with remuneration paid by the taxpayer. The difference in the case of the medical profession is that the taxpayer is paying for services that are received by someone else on many occasions. That is not quite the case with dentists. If this Minister's attitude is what I think it is, and what he says it is, I would like to see the numbers on the Board equal, as they were originally. I think that that was a concession, and obviously has been a concession in representations made to the Minister. I am not looking at this from the point of view of this Minister alone because there might be another Minister from another Government involved in future.

The Hon. M.B. Cameron interjecting:

The Hon. R.I. Lucas: And you might have another Minister from this Government.

The Hon. K.L. MILNE: Please be sensible. One has to take the long-term view that Governments change and we want an arrangement that will operate no matter who the Minister is, or what the Government is. I intend to move an amendment later. I will support clause 6 as it appears in the Bill, but I foreshadow that I will move to amend clause 8, which in effect does away with the casting vote of the Chairman, who is a person chosen by the Minister. I am doing that not because it will operate after but because it is a matter of principle—if they are to be equal let us have them equal.

From my experience of boards, committees, and commissions over many years it is very rare a vote is taken at all. As the Minister has rightly said (and I think the Hon. Mr Burdett would agree), one does not have a Minister or one faction deliberately choosing people to create a fight. Once on a board people have to look after the profession and not a group from it. I am asking the Committee to leave the Board at four people nominated by the Minister and four others and to remove the casting vote from the Chairman when we reach the appropriate clause. Then, on the rare occasions that the vote is equal the *status quo* will apply.

The Hon. J.R. CORNWALL: That does not seem like a bad idea to me. I only hope that the Hon. Mr Milne's statesman-like approach to this matter holds up until we get towards the end of the Bill.

The Hon. J.C. BURDETT: I certainly agree strongly with the Hon. Mr Milne when he says that the question of the composition of the Board is not a matter of controlling the Minister but of controlling the profession. That, of course, is the whole point that seems to have eluded the Minister entirely. Because it is a matter of controlling the profession, I believe that the profession ought to have a substantial say in it. I do reject completely, once and for all, the suggestion that any of these amendments are personal to this Minister, because they are not. The Minister seems to have a chip on his shoulder lately about this issue. The amendments were designed entirely to achieve what in my view is the best way to provide for consumers, the persons in receipt of services of dentists, and the dental profession itself.

It has not occurred to me to make any attack on the Minister in this series of amendments. It has not occurred to me to make any attack on the Minister in this series of amendments.

The CHAIRMAN: I put the first amendment moved by the Hon. Mr Burdett. I presume that this is a test.

The Hon. J.C. BURDETT: Yes, on related amendments.

The CHAIRMAN: These are amendments to clause 6.

The Hon. J.C. BURDETT: There are some others which do not relate to this issue.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter 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 (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. J.C. BURDETT: I do not intend to proceed with my amendment to page 4, line 38, but I do propose to proceed with the following amendment. Therefore, I move:

Page 5, line 2—Leave out 'one shall be' and insert 'one shall be a dentist who has been'.

That is a very small amendment. The Bill as it stands, referring to the composition of the Board, provides:

one shall be nominated by the Council of the University of Adelaide.

My amendment will provide that one shall be a dentist who has been nominated by the Council of the University of Adelaide, simply to make sure that the person so nominated is in fact a dentist, which I am sure is what was intended. I simply wish to clarify that.

The Hon. J.R. CORNWALL: We can probably support this in the final analysis. It is a bit of nit picking really. I guess that it shows a degree of arrogance towards the Council of the University of Adelaide in directing precisely what it ought to do. It is a body of very learned people who hardly need to be directed in their efforts and common sense. Of course, the whole idea is that someone would be on the Dental Board of South Australia to represent specifically and particularly the interests of the faculty of dentistry in the University of Adelaide. It would be extremely unlikely—indeed it would be extraordinary—if the person nominated by the Council of the University of Adelaide was not a member of the faculty, let alone the profession, so I do not think that it does much one way or the other except perhaps to indicate to the Council of the University of Adelaide that the Hon. Mr Burdett does not trust its common sense.

The Hon. K.L. MILNE: Knowing the variety of people on the Council of the University of Adelaide, I think that the Hon. Mr Burdett is very wise.

Amendment carried.

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

Page 5, line 10—After 'practitioner' insert 'who has been selected by the Minister to represent the interests of persons receiving dental treatment'.

This amendment relates to the composition of the Board. It is a small amendment, which is intended to clarify and I believe support the spirit and intention of the Bill. The Bill provides:

one shall be a person who is neither a registered person nor a legal practitioner.

I have no doubt that the intention was to provide a consumer representative, that is, a person who represents the interests of persons receiving dental treatment. I simply desire to spell this out in the Bill and make clear that that person, neither a registered person nor a legal practitioner, should not be from any other special interest group, either, but is to be selected by the Minister as a person to represent the interests of persons receiving dental treatment.

The Hon. J.R. CORNWALL: Fair dinkum, the shadow Minister has sprouted another leg on this Bill *vis-a-vis* the Medical Practitioners Act. It is quite clear that Parliamentary Counsel would be perfectly happy to say that one of these people should be neither a legal practitioner nor a dental practitioner, so we are left with a situation where the clear spirit and intent of the Act as it would come out of the Parliament would be that we had a consumer representative. This was done with the Medical Practitioners Act, and the Hon. Mr Burdett did not see fit to amend it in any way.

I find it extraordinary. It is being done now with every professional registration body that comes before the Parliament and the normal terminology used is that one shall be a person who is not a lawyer (because it is customary now to put a lawyer on all these boards) or whatever the profession with which the Board is concerned. However, it makes not one jot of difference except to make the draft as it comes out of Parliament a little less tidy and shabbier. It does not change the spirit or intent one iota, so I suppose that it is more in sorrow than anything else—I am sorry to see it made a little untidy—but I accept it.

The Hon. K.L. MILNE: I can see what the Hon. Mr Burdett means, but I am not sure that he has it right. He refers that this person 'who has been selected by the Minister to represent the interests of persons receiving dental treatment'. However, a lot of people may not be receiving dental treatment; I am not, for one, at the moment. I would like to think that he is preserving the interests that I am likely to use (if and when I do use them). I have been warned that I should go back and have an examination, but I am not receiving dental treatment at the moment. I wonder whether we can get that wording straight; otherwise, it does not help.

The Hon. J.C. BURDETT: My instructions to Parliamentary Counsel were to represent the interests of consumers. Parliamentary Counsel preferred this language to confine the definition and to make clear that the persons were to be consumers of dental treatment. That is really all that it means; it does not mean that one has to be receiving dental treatment now, tomorrow, next year or the year after. It simply means that it is those persons who do from time to time receive dental treatment whose interests ought to be looked after.

The Hon. J.R. CORNWALL: This is a bit of a joke in poor taste, when one thinks about it. The Hon. Mr Milne is quite right. I would be very interested to know whether or not he still has his own teeth at his advanced years (he may tell us before the night is out). I would like to know what sort of treatment he receives, and how often. He would have to disqualify himself because, as he says, he is not currently receiving dental treatment. This introduces the politics of laughter into the place, and we can do with a bit of that occasionally in South Australian politics, as there are not too many people with a sense of humour in this Parliament. In the interests of sanity and in view of the lateness of the hour, the Hon. Mr Burdett would be sensible not to proceed with this amendment because we all know that within the spirit and intent of the Bill, which will become an Act, matters are clearly spelled out in the same way and in exactly the same phraseology as was used in the Medical Practitioners Act, with the exception that the word 'dental' has been inserted. Really, the Hon. Mr Burdett would show a bit of common sense if he dropped off this silly little business.

The Hon. K.L. MILNE: There is a great risk, since the Minister persuaded me not to pursue the matter of registration of dental therapists, that we could possibly have a dental therapist appointed to represent the non-registered people.

Amendment carried.

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

Page 5, lines 14 to 16—Leave out subclause (4) and insert the following subclauses:

'(4) The first members of the Board shall be appointed for a term not exceeding three years but all subsequent appointments to the board shall be for a term of three years.

(4a) A member shall be appointed upon such conditions as the Governor determines and at the expiration of his term of office shall be eligible for re-appointment.'

Subclauses (4) and (4a), mentioned in the amendment, should all be treated as part of that amendment. This amendment pertains to the term of office of members of the Board. It has been the practice on several occasions (one to which members of this Council are not strangers) to require that the members of a Board shall be appointed for a specific period and not for a period not exceeding a certain time limit. The reason for this is to make sure that the Minister of the day—and this is not personal because I have moved this kind of amendment on very many occasions—should not get members of the Board in his pocket by appointing them for, say, a month, to take the matter to extreme, in which case they would be very dependent on the Minister. They should be appointed for the full period. The period mentioned in the amendment is three years.

The purpose of this amendment is to make the normal term of appointment not a period 'not exceeding three years' but a period of three years, with a provision in regard to the initial Board to enable appointments for a shorter period to be made in that situation so that one can have staggered boards, with the members taking office subsequently at different periods. Subject to that, the intention is simply that there be a fixed period, and not a period not exceeding a certain time limit.

The Hon. J.R. CORNWALL: It never fails to amaze me how things can be different when they really appear to be the same. I come back to the Medical Practitioners Act. The Hon. Mr Burdett says there is nothing exceptional about his amendment, that he moves it consistently whenever these things come before the Chamber. He did not insist on it when he was a member of the Tonkin Cabinet or when the original Medical Practitioners Bill to revise the Act was before the Parliament. He did not move this amendment when that Bill was eventually brought into this Chamber by me as Minister of Health. In fact, I happen to have that Act in front of me. It provides that a person shall be appointed for a term not exceeding three years upon such conditions as the Governor determines, and at the expiration of his term of office shall be eligible for reappointment. By something not entirely coincidental, that is

the identical wording of the Bill currently before the Committee.

I would have thought that, if that condition was acceptable under the Medical Practitioners Act, that condition would surely be unexceptional and acceptable under the Dentists Act. But no (and somebody has got the battery to him, I think), the Hon. Mr Burdett has suddenly made all sorts of discoveries and developed a wisdom not available to him 12 months ago. Consequently, he has put in this foolish amendment which takes a great deal of flexibility away from the Minister and the Government of the day. It is often highly desirable that a board member be appointed for a period of 12 months or two years, particularly when there is a mandatory retiring age set. The retiring age in the Bill before us is 65. I am surprised the Hon. Mr Burdett does not have an amendment on file to change that, because the wisdom that pervaded the whole of the debate on the Medical Practitioners Act has now been reversed completely.

I know that I am right in saying that Professor Gus Frankel, the current Chairman of the Medical Board, turns 65 very shortly. We have used him for an invaluable period in setting up that new Board. He has been a most valuable member, as well as President of the new Medical Board, and that is the sort of flexibility we need. The sad fact of life is that those of us with ability—and they are a bit hard to find—under the age of 60 and particularly under the age of 45, are usually out there making their way in the cruel hard world, grinding an honest crust, trying to keep and educate a family, and are enormously busy. The successful in the community, and in the professions particularly, have enormous demands made on their time. It is only as they approach 60 or 65, very often, that they have the time available to them to serve in these splendid capacities on boards like the proposed Dental Board. It would be a great shame to accept the Hon. Mr Burdett's amendment (and I hope the Hon. Mr Milne is listening to this), because it is very important that we have that flexibility.

I have sat in Cabinet for the past 18 months and on many occasions it has been decided to appoint one or two members of a board for 12 months or two years in a situation where the relevant Act provides that members shall be appointed for a term not exceeding three years. For reason of retirement which would fall within that three years, it is highly desirable that we have that flexibility. The notion that everyone must be appointed for a term of three years, or that that flexibility should be taken away, would mean that very often in practice we could not appoint people who were approaching their 61st birthday. That is the practical effect, and that is highly undesirable. Indeed, some of us hit our straps quite late in life—people like the Hon. Mr Milne and I have done our best work in what other people would consider our declining years. It would be quite dreadful to impose this sort of restriction and to take away the flexibility in trying to find the very best and the wisest people to serve on the Board.

The Hon. K.L. MILNE: I am a little confused. I am thinking of the protection of people who are appointed as well as the protection of the Government, which might want this flexibility. Is there not some method whereby people being appointed may know whether they are appointed for one, two or three years? It is a matter of protecting those people who are prepared to make arrangements to do a job of this kind for a given period. There is no guarantee of the term being renewed, and I do not suggest that. Can people whom the Government wants to appoint for less than a three-year term be appointed on a special contract?

The Hon. J.R. CORNWALL: Indeed they can, and this is done commonly—almost weekly, in fact. I am not just talking about professional registration boards but a whole range of boards, from the board of the Savings Bank to many of the boards that come under the portfolio of the Hon. Mr Blevins as Minister of Agriculture. When a person is appointed it is made quite clear that he or she is being appointed for a certain time. A letter states that the Governor in Executive Council or whatever has appointed that person for, say, 12 months, so he knows with certainty whether he will be required to serve for a certain term.

If there is a change of Government (and some boards are appointed for fixed terms, whether two, three or four years) it is quite possible, and it should be possible, for an incoming Government to simply consider all the boards (and literally dozens, if not hundreds, were appointed by the previous Government) and prepare a hit list. The Government can simply send out letters to people and say 'You are sacked'. There is no possibility and no element of that in this. People are appointed for a fixed term, whether 12 months or two or three years, and they know with certainty when that period will expire. Of course they do not, nor could or should they, know whether or not they will be re-appointed, but the fixed term is notified at the time of appointment.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter 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 (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 5, line 18—Leave out 'in the absence of that member' and insert 'if the member is absent or is unable to act for any other reason'.

This is merely a drafting amendment, and it makes good sense.

Amendment carried.

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

Page 5, line 40—Insert immediately before the word 'Dental' the word 'Clinical'.

This amendment is consequential to an amendment to clause 4 made previously in regard to defining clinical dental technicians. I have already explained the reason which applies to a series of amendments in this regard, and this is one of them.

Amendment carried.

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

Page 6—

Line 1—Leave out 'Subject to subsection (10), upon' and insert 'Upon'.

Lines 4 to 7—Leave out subclause (10).

As the Bill stands, when the office of a member who was elected as a dentist (elected by other dentists) became vacant, his replacement was to be appointed by the Minister, which does not seem to me to be reasonable. If he was elected by the dentists in the first place I propose in my amendment that his replacement, if his office becomes vacant, should be elected by the dentists.

I notice that the Hon. Mr Milne has placed on file an amendment which really pertains to the same matter. His amendment is to the effect that, in the event of a vacancy occurring for one of the members of the Board elected by the dentists, he should be replaced by a person appointed by the Australian Dental Association. That, I suppose, is fairly similar. My amendment has the affect that, where one of the members of the Board has been elected by the dentists and his office becomes vacant, his replacement is

to be elected in the same way. I appreciate that there is no ulterior motive in the Bill as it stands. I do not suggest that there is. I expect that it was only meant to be a matter of convenience so that the election procedure did not have to be gone through again. Certainly the Hon. Mr Milne's amendment also ensures that the election procedure does not have to be gone through again.

It seems proper that, where a vacancy occurs in the office of a person who has been elected by a particular organisation (in this case by the dentists), his replacement should be elected or appointed in the same way.

The Hon. J.R. CORNWALL: We have had assurance after assurance that none of these amendments is intended to personalise the legislation, but here we have the *reductio ad absurdum*. No price is too great, it seems, to make sure that this Minister in any way does not get the chance to pop somebody on to that Dentists Board, no matter how short the period. We could have the ridiculous circumstance arise where a member died, left the State or, for one reason or another had to resign from the Board with five or six months only of the term left to run. It would be essential to replace him or her for reasons of a quorum. These boards are often reasonably busy or have peak periods, and getting a quorum is not always easy. It would be terribly important to appoint somebody quickly, but only for that unexpired portion of the term.

The Hon. Mr Burdett proposes that the successor for that unexpired portion of the term (no matter how short the term, no matter how great the inconvenience or the cost), ought to be elected by a full ballot in which every registered dentist in this State could participate. That is stuff and nonsense—it is thoroughly impractical. The cost of conducting a mailing out to everyone of those 700 or 800 dentists, the time and postage involved and so forth, whilst having to go through the whole rigmarole the second time to appoint somebody for a brief unexpired portion of that time, is ridiculous. The foreshadowed amendment by the Hon. Mr Milne, on the other hand, seems to be a reasonable one. If the Board is insisting that it be protected from the Minister of the day and the terrible ravages he or she might wreak upon it for no matter how short a period, that seems reasonable.

I am not prepared to go to the trenches or the barricades on this. I indicate that I will accept, albeit reluctantly, the Hon. Mr Milne's foreshadowed amendment, but we reject completely the nonsense that the Hon. Mr Burdett has put up.

The Hon. J.C. BURDETT: It may not be a brief period: it may be in matter of one month that an elected member dies or, for some other reason, is unable to carry on. It seems to me to be quite improper that the successor in that event should not be appointed in substantially the same way that that member was appointed. There is some merit in the amendment of the Hon. Mr Milne. Probably a quick way to do it in these circumstances is to have an appointment made by the ADA. My amendment is by election, as the original person was elected.

The Hon. K.L. MILNE: I put on record, so that the Minister knows, that I will proceed with the amendment standing in my name.

Amendments negatived.

The Hon. J.C. BURDETT: In that event, as the matters were related, I do not propose to move the amendment, lines 4 to 7, to leave out subclause (10).

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

Page 6, line 6—Leave out 'Minister' and insert 'Australian Dental Association South Australian Branch Incorporated'.

This has nothing to do with the attitude of the Minister and is not an attack on him at all: it is a principle that has been used on many occasions, in my experience. It is a quicker way of obtaining a replacement member. The sitution rarely occurs, and it rarely occurs at a time that would be unsuitable, that is, involving a long period remaining. I hope that the amendment would be found to work well; if it does not we can change it.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8—'Procedures at meetings of Board.'

The Hon. J.C. BURDETT: I do not propose to move my amendment to page 6, line 17. It pertains to a quorum and has been made redundant by the defeat of my amendment on the composition of the Board.

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

Page 6, lines 23 to 25—Leave out 'or, where they are equally divided in opinion, in accordance with the opinion of the person presiding at the meeting'.

I have moved this amendment so that the Government choice and non-Government choice of people on the Board will be equal in number and responsibility, because the words that will be struck out, if the amendment is carried, really say that the Chairman shall have a casting vote. I should like to see that removed. I can honestly say that over a period of years on various committees, boards, commissions, and so forth, very rarely is a vote taken at all. Very rarely does one get faction fighting inside a board of that kind. I do not think that a casting vote ever solves anything permanently, anyway. Therefore, I ask the Committee to consider this amendment in that light.

The Hon. J.R. CORNWALL: The reality is that I have not got the numbers to oppose this as vigorously as I would like. I think it is a bit of a silly amendment. The Hon. Mr Milne says that rarely does one get a tied situation or a vote. My response to that is that that is perfectly true, except on the very important issues. It is a bit like the old husband and wife story: my wife takes the small decisions and I take the important ones but we have not found any important ones yet. I think that the amendment is a little stupid, because it leaves the possibility of a tied vote, in which case presumably something lapses. I do not like the idea. I think it is untidy. However, it is not the most significant amendment that the Hon. Mr Milne has ever moved or will ever move. It is not something that is significant enough for me to consider losing the Bill over. Therefore, somewhat reluctantly, I accept what I think is a bit of a silly amendment.

Amendment carried.

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

Page 9, line 31—Leave out 'Dentists' and insert 'Dental'.

Amendment carried.

Clause as amended passed.

Clauses 9 to 13 passed.

Clause 14—'Delegation of functions and powers.'

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

Page 7, line 32—Insert immediately before the word 'Dental' the word 'Clinical'.

This is consequential on the amendments concerning dental technicians that I moved earlier.

Amendment carried; clause as amended passed.

Clauses 15 to 21 passed.

Clause 22—'The Dentists Professional Conduct Tribunal.'

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

Page 9—
Line 31—Leave out 'Dentists' and insert 'Dental'.
Line 33—Leave out 'Dentists' and insert 'Dental'.

Both amendments, the first of which is to the heading of Division 2, follow the same pattern.

Amendments carried; clause as amended passed.

Clause 23—'Members of the Tribunal.'

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

Page 10—
After line 3, Insert the following paragraph:

(ba) one shall be a person selected by the Minister to represent the interests of clinical dental technicians;

Line 7, after 'practitioner' insert 'who has been selected by the Minister to represent the interests of persons receiving dental treatment'.

I have placed on file two sets of amendments, a larger one and the other on a single sheet. I move part of the amendment on the single sheet. I have prepared the second set of amendments, having regard to the eventualities which have occurred, namely, that some of my previous amendments, which are also set out in the amendments to clause 23 in the larger set of amendments, would be defeated, and this has transpired. I do not propose to move the remaining portions of the amendment, namely, to lines 12 to 14, because the substance of them has already been defeated.

The purpose of the amendment is to make sure that one of the persons on the tribunal is a person to represent the interests of clinical dental technicians whose registration is provided for under the Bill. I understand from discussions with Parliamentary Counsel that it was not specifically stated in the Bill as it initially stood, that a person on the tribunal should be a clinical dental technician simply because at the moment they do not exist. Therefore, it was not possible to say that one person should be a clinical dental technician. But, the way around that is to say that one should be a person selected by the Minister to represent the interests of clinical dental technicians.

The amendment to line 7—after 'practitioner' insert, 'who has been selected by the Minister to represent the interests of persons receiving dental treatment'—is in accordance with an amendment which I moved along similar lines and which was carried previously.

The Hon. J.R. CORNWALL: This would be consistent with an amendment that we accepted earlier, and would make the thing a little neater. I hasten to point out, because I know that there are people in the gallery who have a very keen interest in this, that the original Bill as it came in certainly did not by any means neglect the representation of the interests of clinical dental technicians on the first or any other board. The way in which it was drafted by Parliamentary Counsel, at the insistence of the Parliamentary Counsel, seemed to the average lay person perhaps a little tortuous, but I am assured that it was an elegant and sensible way to go about it. Somebody would have represented the interests of what were to become clinical dental technicians from the outset. The Hon. Mr Burdett is quite right: we could not appoint a clinical dental technician as such at the moment because such an animal does not exist until we have our courses.

The Hon. K.L. Milne: What length of time will it be before they will be available?

The Hon. J.R. CORNWALL: Provided we do not lose this Bill—but we may if this dreadful amendment that stops children receiving school dental services once they have their twelfth birthdays may put the Bill in jeopardy, and I am deadly serious about that—and if the Bill goes through in this session we will have it proclaimed very quickly, by 30 June I hope, and I have an assurance from the people who are being asked to run the course that the first 10 people will emerge from that course before the end of this calendar year. So, we would be in a position to register our first clinical dental technicians possibly before Christmas and certainly by early in the New Year. I have always made it clear that I want to see two outputs—that is, in the calendar years 1984 and 1985—and have them up and running quickly so that we can check the success and smoothness with which we have the transition to clinical dental technicians working chairside.

I am deadly serious, however, when I point out that this dreadful amendment that talks about limiting dental therapists to work on children only up to the age of 12 years is regarded by the School Dental Service, the South Australian Dental Service, the Minister of Health, and the Government with such dismay and alarm, and changes the *status quo* in such a devastating way, that it is totally unacceptable to the Government. I just hope, although I have strayed a little there, that it was worth while. I thank you, Mr Chairman, for your indulgence on this occasion. We accept the amendments moved by the Hon. Mr Burdett.

The Hon. K.L. MILNE: I am not sure whether we are getting it right. Although we have not got any clinical dental technicians at the moment, that is what will be appointed when they are clinical dental technicians. Are we right in saying, 'somebody to represent clinical dental technicians'? On page 11, clause 24 (3) provides:

The members of the Tribunal constituting the Tribunal for the purpose of hearing and determining proceedings against—

(a) a clinical dental technician shall include a member who is a clinical dental technician;

That really means that, as soon as there is a clinical dental technician, the person representing those people will have to be removed from the Board and one of them appointed fairly quickly. Does that make any difference to the Minister's attitude to this amendment?

The Hon. J.R. CORNWALL: No. As I understand it, and the Hon. Mr Burdett can correct me if I am wrong, the person appointed in the first instance would clearly be someone representing the interests of the clinical dental technicians and they are very easily identifiable.

The Hon. K.L. Milne: Someone who would probably be a clinical dental technician.

The Hon. J.R. CORNWALL: Not necessarily. It may be one of the elder statesmen from the dental technicians who has no wish to go on to clinical dental technician status. A number of people have fought this battle in South Australia for a long time, and they are clearly and easily identifiable. It would seem to me that the logical way to go, and the way in which we would go, would be to appoint such a person after a process of consultation with an understanding that, once clinical dental technicians become available, that will not happen. It will not be possible to have proceedings before the professional conduct tribunal against a clinical dental technician until there are clinical dental technicians, so it is in that sense. One can phrase it in either way. In my view, the way in which the Hon. Mr Burdett has gone about it is marginally better. I want to ensure that those interests are protected.

The Hon. J.C. BURDETT: I agree with the Minister. I had discussions with the Parliamentary Counsel on this subject. Apparently, he had some doubts in the first place as to the best way of going about it. This is certainly one option which, in the event and administratively, will not cause any problems.

Amendments carried.

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

Page 10 line 16—Leave out 'in the absence of that member' and insert 'if the member is absent or is unable to act for any other reason'.

This is a consequential amendment, similar to that which I moved to clause 6.

Amendment carried; clause as amended passed.

Clause 24—'Constitution of the Tribunal.'

The Hon. J.C. BURDETT: I do not propose to move the amendments on file in my name. They relate to dental therapists, and they have not been included under the Bill.

Clause passed.

Clauses 25 to 28 passed.

Division III—'The Dental Technicians Registration Committee.'

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

Page 11, line 36—Insert immediately before the word 'Dental' the word 'Clinical'.

This amendment is for the same purpose as other amendments moved previously for the purposes of defining clinical dental technicians.

Amendment carried.

Clause 29—'The Dental Technicians Registration Committee.'

The Hon. J.C. BURDETT: I do not intend to move the amendment I have on file. The amendment relates to a matter that was not agreed to in relation to an amendment moved previously.

Clause passed.

Clauses 30 to 40 passed.

Clause 41—'Registration of clinical dental technicians.'

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

Page 15, lines 35 and 36—Leave out these lines and insert:

'purpose of fitting, dentures to a jaw—

(a) in which there are not natural teeth or parts of natural teeth; and

(b) where the jaw, gums and proximate tissue are not abnormal, diseased or suffering from a surgical or other wound.'

This amendment pertains to the fitting of dentures to a jaw. It is consequential to an amendment carried in regard to the definitions clause.

The Hon. J.R. CORNWALL: The Government accepts this consequential amendment.

Amendment carried.

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

Page 15, line 40—Insert immediately before the word 'Dental' the word 'Clinical'.

This is a consequential amendment relating to clinical dental technicians.

Amendment carried; clause as amended passed.

Clause 42—'Registration of dental hygienists.'

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

Page 16, lines 10 and 11—Leave out subclause (2) and insert the following subclause:

(2) A dental hygienist may provide dental treatment only if the treatment is provided in accordance with this Act and is supervised by a dentist who is authorised by this Act to provide that treatment.

Penalty: Five thousand dollars.

This amendment pertains to the supervision of dental hygienists. Presently, details as to supervision are provided in regulations. Even though these details cannot be spelt out fully in the Bill, I think that it is desirable that the matter of dental treatment and supervision should be addressed in it.

The Hon. J.R. CORNWALL: The Government opposes this amendment. I do not know how closely it has been drawn to the Hon. Mr Milne's attention. It refers to dental hygienists and I will go through it carefully because it is important. Under the present Act, the restrictions or proscriptions to the activities of dental hygienists are spelt out very clearly in the regulations. That has worked effectively and has been quite satisfactory. No substantial evidence has been produced to me or my advisers to suggest that we need to change that situation. The Board will do it by regulation—not me, the Government, or any of those terrible public servants or employees in the public dental service (we could not trust it to me, to them, or to the Government). The regulations will be made by the Board, as they are currently. There is no need for them to be written into the Act and, indeed, it takes away from the Board (not from the Minister or the Government) a great deal of what I believe is highly desirable flexibility.

For example, there is an increasing use of dental hygienists in nursing home situations. That is a very clear and useful situation in which hygienists can be employed. Changes in practice occur quite quickly in the profession and in the para-professional or auxiliary areas of dentistry. It would be a pity if we had to restrict or constrict them to within the very narrow terms defined in the amendment placed on file by the Hon. Mr Burdett. So, I earnestly urge—in fact, I would go so far as to say that I beseech—honourable members not to impose these very close and narrow constrictions and restrictions where are quite unnecessary and which may well be a trifle farcical.

If one can find oneself a trained dentist, drunk or sober, and sit him on a chair at the Julia Farr Centre while the hygenists go about their business, that would virtually cover what the Hon. Mr Burdett is proposing. That would be a situation where anything goes. If, on the other hand, the regulations promulgated by the Board spell out very clearly what may or may not be done, and they are kept up to contemporary practice, I then submit earnestly that that is a far better and more elegant way to go about it and a far better way to protect the public.

The Hon. J.C. BURDETT: In view of what the Minister has said, it is necessary in this argument to refer to my proposed amendment to insert new clause 79a. It is really an argument between regulations or directions given by the Board. I suggest that this is a proper occasion where directions given by the Board are reasonable because they could be tailored to a particular situation. The Minister mentioned dental hygienists performing work at the Julia Farr Centre. Whereas regulations, in the main, are likely to be mostly across the board, directions given by the Board could deal with the ad hockery of the particular situation. The requirements as to supervision are dealt in proposed new clause 79a which enables the directions to be given by the Board.

The Hon. J.R. CORNWALL: It would be sensible to consider the Hon. Mr Burdett's proposed amendment to new clause 79a with the proposed amendments to clause 42. I repeat: this goes too far. What the honourable member is saying, in effect, is that we cannot trust the proposed new Board. We have spent half the night crossing the t's and dotting the i's, debating at great length whether or not there should be three or four elected people, how many the Minister or the Government of the day should be able to appoint to the Board, how many dentists there should be, whether they may or may not be employed by the South Australian Dental Service and so forth and have listened to various amendments and accepted one or two put forward with great wisdom by the Hon. Mr Milne. Now, towards the end of the night, we have said that the Board is right: we think it will work. The Government accepted a couple of amendments in the spirit of peace, friendship, cordiality and consensus and, having done all that hard work and exhausting ourselves as legislators, we now strike these two amendments which say that one cannot possibly trust the new Board that will be in place and we will circumscribe what it can get up to in the Act, we will not trust the Board to promulgate regulations. The spirit that has prevailed and the clear and correct understanding of the Council is that the Board will have its own statutory powers to act responsibly. The Government would never give a Board statutory powers in its wildest moments and make it completely independent of the Minister, the Government or the Parliament of the day unless we believed that we had done it right in the first instance. Now, to turn around, having done all of that, and then to propose amendments like this is, at best, foolish and, at worst, a gratuitous insult to the profession.

The Hon. J.C. BURDETT: The Minister seems to have completely misunderstood proposed new clause 79a. It is not an insult to the profession or the Board: it is quite the contrary. It provides that the Board may give directions.

I have just pointed out that because the situation will be different, whether it is Julia Farr Centre or some other place, in different circumstances, it is better to allow the

Board to give the directions rather than spell out things which must necessarily, generally speaking, be fairly much across the board in regulations.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter 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 (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 43 to 58 passed.

Clause 59—'Inquiries by the Board as to competence.'

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

Page 22, line 4—Leave out 'twelve months' and insert 'two years'.

That applies to a period of complaint. The period is 12 months in the Medical Practitioners Act, where doubtless similar considerations apply, but the ADA has brought to my notice that it considers the 12-month period too short, and there may well be conditions which do not manifest themselves beyond that period. Because the line has to be drawn somewhere and there has to be some limitation period, the ADA has suggested that two years is a more appropriate period.

Amendment carried; clause as amended passed.

Clauses 60 to 84 passed.

Clause 85—'Employment of persons by the South Australian Dental Service Incorporated.'

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

Page 29—

Line 31—Leave out 'The' and insert 'Subject to subsection (2), the'.

After line 33—Insert new subclause as follows:

(2) The South Australian Dental Service Incorporated, if it provides dental treatment to a person who is over the age of twelve years, shall provide that treatment only through the instrumentality of a registered person.

This proposed amendment has been referred to several times by the Minister. The purpose of it is that I believe that, where a dental service is provided, particularly where in the main it is likely to be in relation to permanent teeth, the service ought to be delivered by a person who is registered under this Act and who is subject to the discipline of the Board and, if necessary, the Tribunal. I have said before that the School Dental Service, which deals mainly with primary school children, has performed an excellent service. It has largely used therapists but I believe that, certainly when one is dealing with secondary school children or older children, the dental services ought to be provided by a registered person.

It is difficult to draw the line but if one is to make a distinction of this kind a line must be drawn. So the age of 12 was selected. When I originally instructed Parliamentary Counsel on this I suggested that the term 'primary school children' be used and that there be a division between primary and secondary, but Parliamentary Counsel pointed out to me that there were a number of problems in relation, to area schools, for example, to some schools in the city that do not have the same distinction that is usually applied between primary and secondary students, and so on, and that therefore this was the better way of going about it.

The Minister has already said a great deal about this and suggested that a large number of children in year 7 are above the age of 12. He also refers to the number of disadvantaged children in secondary school who are already proposed to be treated by the School Dental Service. I make it abundantly plain that I am very pleased that it is proposed to treat disadvantaged children above the age of 12 years in secondary schools, and to provide that through the South Australian Dental Service Incorporated. All that I am seeking is that in such a case where one is dealing mainly with permanent teeth and the person is over the age of 12—I regret that it has been necessary to draw the line, but it has to be drawn somewhere—that treatment ought to be provided by a registered person.

The Minister has referred to his costing of the expense, which is based on using salaried dentists employed by the South Australian Dental Service in lieu of therapists. If I remember correctly, he estimated that cost at $260 000 per annum, not really a very daunting figure when one considers additional amounts that have been spent annually elsewhere in the health field, such as a larger amount to provide an afternoon shift in the St John Ambulance Service.

Even if the Minister's estimate of the cost is correct—certainly his arithmetic is correct; I am not doubting that—that is hardly a daunting figure. I would envisage that a service by a registered person to persons over the age of 12 could best be provided not by salaried dentists but by dentists in private practice on a sessional basis. I do not see any reason why that should not be done. The concern that I have is patient care—the care of the person being treated—and it does not bother me whether the service is provided by the South Australian Dental Service, using registered persons, or whether it is provided by dentists in private practice on a sessional basis or any other proper basis. That is not the concern: the concern is that there should not be an escalation into treating older people through the use of the system of therapists.

In dealing with this matter, it is necessary to consider the Barmes Report, which recommended that the School Dental Service be extended to secondary students. It also recommended that it be extended to the unemployed, to selected persons from industry, to pensioners and to persons from other community groups. It is true that the Minister has made it plain that this will not be done at this time because it is not economically possible to do so, but that is the kind of escalation of the service that has been recommended. I do not oppose that at all.

I believe that there should be some extension of dental services, funded or partly funded by the Government, to disadvantaged people, but I also believe that that should be a professional service carried out by people who are professionally trained and professionally registered, subject to a professional board and to a tribunal—to the dental tribunal proposed in this Bill. There should be a professional service conducted by registered people, qualified dentists, who work directly in this situation. For these reasons, I have moved the amendment.

The Hon. J.R. CORNWALL: At the end of all the nonsense that we have had to put up with for the past 3½ hours, we have come to a point that we could have reached at 8 o'clock, and that is the nitty-gritty of the Bill. The Hon. Mr Burdett knew that none of the amendments, with which he has taken up the time of the Committee for three hours, had any chance of passing.

The Hon. Peter Dunn: You had verbal diarrhoea.

The Hon. J.R. CORNWALL: The old cocky from the West Coast comes to life late at night. Notably, he was absent during almost the entire debate, which is of tremendous importance to his constituents, but he is back again, and let it be noted. This is what it is all about. This is the fall-back position—the final defence that the Hon. Mr Burdett knew that he would have to adopt all the time. He knew that he did not have the support of the Democrats for any of the other amendments of substance. He and his mates from the ADA knew that the game was up regarding

those other amendments. In fact, once they had worked out where the Maginot line should be, where the Brisbane line should be and what the scorched earth policy should be, they all went home. There is not one member from the ADA in the gallery, and there has not been one there all night.

The CHAIRMAN: Order! The Minister must not make reference to anyone in the gallery.

The Hon. J.R. CORNWALL: I am not—I am making reference to those who are not in the gallery.

The CHAIRMAN: Order! The Minister must come to order.

The Hon. J.R. CORNWALL: Here we have the scorched earth policy and Custer's last stand. The remarks that I made at great length at the outset apply now. This is where it is all at. It is the beginning of the end for the School Dental Service if this is allowed to go through. I want to make absolutely crystal clear as Minister of Health on behalf of the Government that this amendment is not acceptable to us in any circumstance. It goes right to the heart of the School Dental Service; it goes right to the heart of endorsed Government policy with regard to extension of that service or of the service to secondary school children, not necessarily in the existing form.

A lot of nonsense is talked about the fact that it is all right to use therapists to treat primary school children because they are dealing only with primary teeth. Of course, that is a gross distortion and misrepresentation. The fact is that human beings start to get their permanent teeth from the age of six years, and they normally have a complete dentition of permanent teeth by the time they are 12 years old. Therapists currently employed in the School Dental Service are currently treating the permanent teeth of children from age six to age 12. In fact, 40 per cent of all fillings that are carried out by dental therapists are on permanent teeth. To suggest that therapists cannot, under the supervision or direction of a dentist, threat children from or over the age of 12 as they treat primary school children is an absolute nonsense.

The only difference is that they would be treating older children with bigger mouths, and probably by that time with better social habits. They are easier to treat, if anything, than younger children in primary schools. So, it is a complete nonsense to suggest that we are using therapists in a programme to treat the disadvantaged children, as we are currently doing. Let us not forget that previously they were excluded from this therapist service. All the disadvantaged children in our secondary schools who are currently eligible for treatment would immediately be excluded if this amendment were effected. Let that be on the head of the Hon. John Burdett and his colleagues, and, if it comes to it, the Democrats. That would be a very serious thing indeed. If the amendment were carried we would immediately have to withdraw that existing service from 13 000 children from poorer families around the State. I am not kidding—that would be the position. No longer would we be able to treat them through the existing services provided through our school dental clinics. Members should be clear in their minds before voting on this amendment.

Furthermore, I want to make it very clear to everyone that this Bill contains succinctly, clearly and sensibly the unanimous recommendations of the Select Committee on clinical dental technicians. That matter has been around for almost a decade. I will not go into the history of it, but tonight in this place we have before us a Bill which solves the problem in regard to clinical dental technicians. It will give them chairside status; and it will provide consumer protection, because it will insist on two things, the first of which is that they will have post-basic training through a course, which is already devised. I have already had talks with my colleague the Minister of Education. I had already arranged for officer talks, before I withdrew from the matter, and insisted that I would not be involved one way or the other in the selection of those first 10 applicants, and the second 10 who will go into the first two years of that course. That is how far down the track it is. We can put the first trainees through before Christmas; we can register them, at the latest, early in the new year; we can have them practising chairside by early 1985; and then another lot through, so they will be practising at the latest by early 1986.

If honourable members vote for this heinous amendment, they will be putting that programme in grave jeopardy. This amendment has such tremendous implications that in its present form the Government will have no option but to lose the Bill. That is not a standover tactic, bullying, or a threat—it is a fact. I will not have the South Australian School Dental Service, the Government's commitment to extend a school dental service to children to the age of 16 years (over two Parliamentary terms), or the existing service to those 13 000 kids from low income families in secondary schools jeopardised by this amendment. If the ADA—

The Hon. L.H. Davis: Stop being theatrical.

The Hon. J.R. CORNWALL: We will see who is being theatrical. The honourable member sits there and is prepared to take this away from 13 000 children from low income families in secondary schools—

The Hon. L.H. Davis: You are saying that Parliament does not have a role—

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: Parliament does not have a role and this Council does not have a role in frustrating policies for which the Government of the day has a clear mandate.

The Hon. L.H. Davis: We have a role.

The Hon. J.R. CORNWALL: It does not have a role, and has never had a role, in frustrating the policies of the Government of the day for which there is a clear mandate. I refer the honourable member to the policy that was spelt out in great and clear detail in a 57 page document entitled 'Health—The New Deal for South Australians'. The matter was discussed at length with the dental profession, and I wrote to the dental profession, and further expanded the policy. It was discussed at great length and in great detail with the dental technicians. They were under no illusions as to what it was all about. This Bill implements some of the specific undertakings. We said that we would rewrite the Dentists Act, we would look at peer review, and we promised that we would provide specialists registers in a rewritten, updated Dentists Act which took us away from the horse and buggy legislation of the 1930s. All of those things have been implemented. The parent organisations, the dental therapists, the Public Service Association, the ADA and everyone in the State who was concerned with dental services knew what we were about. We said specifically that we would extend the School Dental Service for children to the year in which they turned 16. It is there for all to see. Now we have this extraordinary backyard approach whereby the Opposition is threatening the Bill and, I must say, pessimistically that the Democrats, unless I am convincing them with the force of logic, decency and common sense, may be considering supporting the rag-tag Opposition opposite. The shadow Minister, who does not understand what he does, who does not grasp the edges of his shadow portfolio—

The Hon. L.H. Davis: Don't start being a cheap bully again. It does not become you. You've been told by the Premier to behave.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: The half smart Mr Davis. He is the moment of glory boy who has had his moment

of glory but who, I suspect, is not going very much further and who makes cheap jibes from the back bench. Let him stand up and say, in this matter of substance to the people of South Australia, where he stands. Will he deny school dental services to those 13 000 children—

Members interjecting:

The Hon. J.R. CORNWALL: Members opposite are doing that. Let there be no error. I will stand on my feet all night while the jackasses carry on, if we have not got control of the Committee.

The CHAIRMAN: We have got control, all right. There is no need to start on that.

The Hon. L.H. Davis interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: Why do not you, Mr Chairman, throw one of them out some time and make a little exhibition of them? If you are fair dinkum, you ought to do it sometime.

The Hon. R.I. Lucas: Stop reflecting on the Chair.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: See what I mean. The Hon. Mr Burdett says that it is only $250 000. He ought to know, because he presided over the decimation of the Community Welfare Department, that $250 000 in an area like community welfare or in dental services—which get only 3 per cent of the total Health budget—is an enormous amount of money. If I were given $250 000 for the community dental area, I could use that to employ dentists, either on a salary or a sessional basis, in our satellite clinics, in the school dental clinics which we are currently using as out-reach services from the Adelaide Dental Hospital. They are up and running, and we are providing general dental services to low income adults in those areas already. We could extend the service to places like Mount Gambier. We could extend it into other suburbs of Adelaide where it is so badly needed.

Let me assure the Hon. Mr Burdett that the irresponsibility of Opposition is easy and that practicality, pragmatism and performance in Government is a good deal more difficult. An amount of $250 000 is a lot of money. I know the callous conservatives who form the official Opposition in this place have no regard for the low income families and the working poor.

They supported Malcolm Fraser when he forced those families to buy health insurance at the same rate as the top income earners in the country, or go without cover at all. That is the old 'user-pays' approach. The Labor Party will not have a bar of it. If the Opposition wants to jeopordise the School Dental Service, if it wants to ensure that existing services are taken away from low income families with secondary school children, if it wants to place in jeopardy the training and registration of clinical dental technicians, then it will vote for the amendment. If the Opposition wants to be responsible, and support and see in place a very major and progressive piece of legislation, something that the dental profession has sought for a decade, then it will reject this amendment and treat it with the contempt it deserves.

The Hon. K.L. MILNE: When discussing this matter we should look at the effect of the proposed amendment. What is the effect on the profession, the Dental School in Adelaide, the patient, the tax-payer and the School Dental Service? Regarding the profession, let us be quite frank about it: it would be useful for some members of the profession, either on salary or contract. It would not be a great number and the Minister estimated it to be 20 dentists. The Minister, the Hon. Mr Burdett and I have mentioned what the profession has deliberately carried out over the past 25 years in its programmes for the fluoridation of water, diet, patient care and reminder notices for examination. Dentists have instituted a number of policies and that has meant that their work has reduced dramatically, probably far greater than they anticipated. That should be taken into account. What would be the effect on the Dental School and the teaching of dentistry? There is an oversupply of dentists, and the number of students must be reduced. If we are not careful we will find that the nearest dental school will be in Melbourne. I do not think that the Government would want that.

What is the effect on the patients? The patients would be secondary schoolchildren and probably the other categories as mentioned by the Minister—the underprivileged and pensioners. It probably will not make any difference to them: they will be grateful to get dental treatment. I do not think that these patients, especially the older ones, should have dental technicians instead of dentists. In fact, qualified dentists as well as dental technicians would have to be present for much of the time. So, we are not replacing therapists with dentists all the time because quite a number of dentists will be supervising: if they are not they should be.

So, it is a matter of simply increasing the number of dentists. What will be the effect on the School Dental Service? That is really what I am talking about, I suppose. I do not think there would be a great deal of difference in cost; it might or might not be more expensive. Certainly there is no suggestion from either the Opposition or me that the service would be reduced or that the Government's promise would be interfered with—do not pretend that we have said that.

The Hon. J.R. Cornwall interjecting:

The Hon. K.L. MILNE: Tell me in a minute—the Minister has had a fair go. We do not know what the effect will be on the taxpayer. The report from the Public Accounts Committee, which was mentioned earlier, makes it quite clear that there was not sufficient evidence available to help make up one's mind. I will go into the matter of costs in some detail in a moment. But, even as a layman, I can see that there is a great difference between the first teeth in young children, or deciduous teeth as they are called (rather a nice term), and permanent teeth. I can understand that the responsibility of dealing with deciduous teeth is not as great as when dealing with permanent teeth. One does not need to be a Rhodes scholar to see that.

The CHAIRMAN: I ask members to hold their private conversations a little less audibly so that we can hear the member who has the call.

The Hon. K.L. MILNE: I would like a little support when speaking on this subject. The Australian Democrats would applaud expansion of the present School Dental Service to secondary school students; there is no question of that.

The Hon. J.R. Cornwall: You don't have to pay for it. You are never likely to be in Government. Be a bit responsible, please.

The CHAIRMAN: Order!

The Hon. K.L. MILNE: We would also applaud its expansion to children of deprived families, but why should they be denied access to qualified dentists like everyone else with permanent teeth to look after?

The Hon. J.R. Cornwall: They will not be denied access to dentists of any description.

The CHAIRMAN: Order! The Minister can inform the Hon. Mr Milne about such matters later.

The Hon. K.L. MILNE: Since there is not sufficient evidence in this report to show what the costs really, are I will turn to some figures quoted that are not terribly enlightening. I wonder what the costs really are, because when one looks at the cost of the school therapist system, supervised by dentists, one has to look at what costs there are in addition to salaries. For one thing, there is automatic index

increases on the cost of living. Also, there is four or six weeks leave.

The Hon. J.R. Cornwall: Twelve weeks every 10 years.

The Hon. K.L. MILNE: There are four weeks leave, 17.5 per cent holiday loading, a number of Public Service clerks in the administration of the scheme, the directors' salary, provision for investment and replacement of equipment, depreciation, travelling and accommodation costs, plus training costs. Another matter to be taken into account is the speed of qualified dentists as against therapists. One has to consider the special conditions regarding hours of work for the Public Service, such as tea breaks and heaven knows what.

I would like to know what the real cost per effective hour of work really is. I am not convinced that it would be significantly greater, if greater at all. As the Hon. Mr Burdett said, the Minister's estimate of 20 dentists with a wage differential of 13 000 a year above what a therapist earns might vary one way or the other. He estimated that the cost of dentists instead of therapists would be an extra $260 000 a year. He has spent more than that on a programme at the drop of a hat, and on things less important than this. This is a very important matter and it would have priority for money to be spent and it would be—

The Hon. J.R. Cornwall: I challenge you to name one. Tell me one area where I have spent money at the drop of a hat.

The Hon. K.L. MILNE: Not this Minister necessarily, but the Government. I would like to ascertain whether dentists would be prepared for the School Dental Service to accept some sort of arrangement, such as on a contract basis, which would reduce the cost still further, if there is an additional cost, because I am given to understand that they probably would. If there is now a group of dentists anxious to dismantle the School Dental Service, perhaps then there would not be. However, I believe that sufficient dentists would agree to that sort of thing, particularly new graduates who are trying to get a start. I would be very surprised if it were not possible to come to an arrangement with the ADA that would make the use of fully qualified dentists a sensible proposition.

I understand that there is a difference in the support costs between therapists and dentists. For example, I believe that one such difference is that there is one dental nurse to every two therapists, while dentists insist on one dental nurse for every qualified dentist. I think that there is certainly room for manoeuvre there. One has to think about support staff when thinking of salary costs. That would go against the dentists, but I am sure that they would be prepared to discuss it. I am sure that an arrangement could be reached whereby teenage children and indigent adults in the lower income groups (people in financial difficulty) could be supplied with this service, or some dental service to the satisfaction of the Government, the Opposition, ourselves and everyone else without a great deal of additional cost, if any, and, I emphasise, without withdrawing any services from school children, students, under-privileged children, or under-privileged people.

Until I hear real figures to the contrary, that is what I believe. I have here a report that refers to a survey done of the cost of treating 1 000 children for eight years (I do not know why it is eight years, but that is what it is). In the therapy-based operation, training costs were $17 000 and salary costs roughly $129 000, but it does not say what are the further training costs for therapists to tackle adult children because there is an additional training period.

The Hon. J.R. Cornwall interjecting:

The Hon. K.L. MILNE: That is what I understand. Also, it does not say what the other costs are but simply refers to training and salary costs, and there is a lot more than that. That comes to approximately $146 000. The report then refers to dentist-based operations, where training costs are nil and salary costs are $172 668.

There is not a big difference, anyway, between the two, over the eight years—nothing terribly significant. It would not be unduly more expensive, if at all, to use dentists for that operation. I do not suggest for one moment that the School Dental Service is not efficient and properly run, because it is well run. What the Minister said about it is quite true, but we are now getting to an area on which he has no figures and very little experience in administration. I am not convinced that this is not a practical proposition. I am sure that the Opposition must have considered it seriously with its research officers, and I propose to support this amendment.

The Hon. J.R. CORNWALL: I will respond to that. I have to do so at some length, but I will try not to hold the Council up. I then intend that the Committee should report progress and that the Council should adjourn for 15 minutes while we all have a cup of coffee.

An honourable member interjecting:

The Hon. J.R. CORNWALL: The suggestion was put to me by your President, and I agree with it; it is a very sensible idea. We cannot do this by exhaustion. It is essential that this matter go through tonight, and I do not want to see the Bill lost.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: I would like to do it in comparative silence because, if the people who come wandering into the Chamber after three or four hours debate and make inane interjections and contribute absolutely nothing to the debate were concerned, they would have been here throughout.

The CHAIRMAN: You go on with your explanation and I will see that they do not.

The Hon. J.R. CORNWALL: I am delighted to hear that. The Hon. Mr Milne has just made one of the saddest contributions that I have heard in this place for some time, certainly the saddest contribution that he has ever made in this place. The Hon. Mr Milne is an accountant by training, and I understand that he was a pretty good one. So the extraordinary logic and figures that he produced I find amazing. He talks quite glibly, as did the Hon. John Burdett earlier tonight, about the odd lazy $250 000; then he found a small way to advance that to $1.5 million, which would be the sort of additional costs if the proposed Secondary School Dental Service were run entirely by private dentists, even on a sessional basis. Then he said that there would be no trouble to extend this here, there and everywhere.

The Hon. K.L. Milne: I did not say either of those things.

The Hon. J.R. CORNWALL: Yes, the honourable member did. I will take him through it slowly. The fact is that we have a mandate to provide a Secondary School Dental Service for children up to the age of 16. I made it clear earlier in the night that that is to be implemented over two Parliamentary terms, and I specifically spelt it out as a Secondary School Dental Service. I would use whatever combinations were the cheapest.

Strangely the Hon. Mr Milne criticised the Parliamentary Public Accounts Committee. He cannot take the evidence of the PAC and he uses glib throwaway lines. I have heard these arguments, which are the dental faction arguments to which I have been listening *ad nauseam* for more than four years; he has picked them up and run with them. I have given him the figures, which we know and can cost aggregate. Imagine an experienced accountant falling for the three card trick, saying that these figures do not reflect the real costs but take into account only the actual salaries, and they do not take into account annual leave, long service leave, accouchement leave, the support staff, or the capital cost.

The Hon. K.L. Milne: Do they take them into account?

The Hon. J.R. CORNWALL: Of course they do. That is a gratuitous and gross insult to the very fine personnel in the Health Commission generally and in the dental service in particular. I can assure the honourable member that those people are very effective and efficient. I would put them up against anyone he would like to line up in the private dental area any day, person for person, pound for pound. I can assure the honourable member that they would hold their own with the best. Of course, all those things are and must be taken into account in cost efficiency studies.

On all the available evidence (and it is overwhelming), the way to go is primarily to use the present combination of dentists and therapists. The Hon. Mr Milne states that it does not take into account the additional costs for further training of therapists to treat what he called adult children. I presume that he meant children over the age of 12 years or between the ages of 12 and 16 years who have all their permanent teeth. There is no difference. The range of treatments that therapists give is a relatively narrow range, because they are not into orthodontics, periodontics, or prosthodontics but a very well specified range of treatments that they carry out very well. The only difference between treating a permanent tooth in an eight-year-old head and a tooth in a 16-year-old head is that there is a better mouth and a better behaved, less fractious patient. That is fact, not fiction. That is the reality.

We could use the existing therapists training course and the existing therapists. On the figures I gave, we would have to recruit more dentists to treat the 13 000 secondary school children from poor families. They are all Government assisted scholars, so they come from poor to very poor families. They are all children for whom there is no other option: they cannot and they do not go to a private practitioner. Our experience in the first year, when we picked them up in 1983, was that there was a relatively high incidence of caries because some of the children had gone on to secondary school up to four years previously and from that moment they had not gone near a dentist, for the very simple reason that their parents could not afford it. That is $250 000 as a minimum. To implement our policy (to treat children up to 16 years old right through) and to implement that in two Parliamentary terms, if we were forced to use dentists only instead of a combination of dentists and therapists, would cost an estimated additional $1.5 million.

The Hon. Mr Milne said, 'Well, you can find it. You find big heaps of money all the time. You throw it away and you throw it around.' I have responsibility for the second biggest budget in the Government, estimated in 1984 to be in excess of $600 million. At a standstill position there will be virtually no initiatives, so the idea that we can cut taxes, hold prices and do all those things that are being demanded and at the same time find the odd lazy million or two is just nonsense. The system does not work in that way. In any case, I must tell the Hon. Mr Milne (because this is enormously important) that there are an estimated 250 000 adult South Australians who have no access to dental care because they cannot afford to go to private dentists and pay on a fee-for-service basis. For them there is no option. They line up at the dental hospital. For $1.5 million we could work wonders in the community dental health programme through the existing clinics.

We would not spend that extra $1.5 million that is supposed to be a 'save the dentist fund'. If we had $1.5 million, of course we would employ dentists to treat the working poor and pensioners, providing general dental services on a means tested basis to those families and those individuals, adults, who in the present circumstances cannot afford any dental care. That is where the $1.5 million would go, if I could find it. It would be a miracle, it would be marvellous; we could solve all manner of problems. Any money that I can find I want to spend in the best way possible. As I have said, part of the programme is to expand in to the secondary school area. At the moment the dental therapist basis seems to be the best way to go.

If any money becomes available we will certainly employ dentists. We will employ them on a sessional basis, as we do at Whyalla. We would mix them with salaried dentists, as we do in many situations in Adelaide and in country areas. We could work miracles, but we cannot spend money that has been allocated twice. I hope that the Hon. Mr Milne understands that. First of all, we are going to hold the line. We need to have that flexibility in regard to children over the age of 12. If we are going to expand the service we need that flexibility. With the moneys saved, if we are going to ultimately expand the community dental programme to treat low income adults on a means tested basis so that the quarter of a million people who presently miss out on obtaining service get some service, then we must do it in the most cost effective way.

It is a nonsense to say that one can find a lazy quarter of a million, or a million or two million. The sort of talk that we have heard across the Chamber tonight is grossly irresponsible. I cannot find that sort of money. Look at the competition there is for it when money is available. What does one do if one has a quarter of a million dollars? Does one spend it on the *anorexia nervosa* specialty area at the Flinders Medical Centre? Does one spend it on community mental health programmes, or on any of the other 70 programmes that we need desperately?

The Hon. Peter Dunn interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: The child adolescent psychiatric service is grossly deficient: that is acknowledged. The Government has made it clear from the time it came into office that it considers that that service is quite deficient. So, that is another area where there are competing demands on our finances. The Hon. Mr Milne asked why secondary school students should be denied access to dentists. I point out to the Hon. Mr Milne that the answer to that is simple: it is for the same reason that a quarter of a million adult South Australians are denied access to dental treatment, and that is because they do not have the money. It is as simple as that.

I come back to the point consistently that I want to put the little bit of money that I might be able to scrounge and gouge out of the system to the optimum use, and that will not occur if it is simply thrown out to employ dentists in the least cost effective way possible. The Government cannot accept that it ought to be bound in this most extraordinary way in developing policies. If the ADA has, as they see it, a genuine case, we will sit down and talk to them as often as required, and we will try to work with them in a spirit of co-operation, as I have tried to do from time to time. They must realise the realities of 1984: they cannot turn back the clock to 1964 by this most objectionable constrictive type of legislation which ties the hands of the Government, the policy makers and the administrators in a totally unacceptable way.

Progress reported; Committee to sit again.

[Sitting suspended from 12.1 to 12.46 a.m.]

DENTISTS BILL

Debate in Committee resumed.

The Committee divided on the amendment:

Ayes (11)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (7)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, and Anne Levy.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.J. Sumner.

Majority of 4 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 86 and title passed.

Bill read a third time and passed.

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 3803.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill. In 1972 the Commonwealth Government signed a convention on the dumping of waste at sea, and in 1981 the Federal Liberal Government enacted legislation to ratify that convention and to give it effect in Australia. That legislation provided that if the State's passed complementary legislation in respect of coastal waters the Commonwealth legislation would have no application within the limit of those waters. This Bill is South Australian legislation which will result in South Australian law rather than Commonwealth law applying in coastal waters.

For that reason, it is important that the South Australian Bill not be identical in every respect but reflect the provisions of the Commonwealth legislation. To a very large extent it does, but I voice a number of matters in the expectation that the Minister will have some further information when the matter is considered next week. I propose not to debate the philosophy of the Bill, because that is well accepted by the Opposition, but merely to identify some of the differences between the State and Commonwealth legislation and to inquire why there are those differences.

Because of the hour, I propose not to identify in detail the provisions of the Commonwealth legislation but merely to refer, in a sense, to the head note provisions to identify the problem. I deal first with clause 5 of the Bill, which is a little different from the usual provision in South Australian legislation which merely provides that particular legislation shall bind the Crown. In this instance it follows the Commonwealth form of drafting to provide that nothing in the Act renders the State liable to be prosecuted for an offence.

I concede that that probably would apply in any event with the short fall of words that are used in South Australian legislation. But, clause 5 goes on to provide that notwithstanding that provision it does not affect any liability of a person in charge of a vessel, aircraft or platform of which the State is the owner to be prosecuted for an offence. I can see that as an individual in those circumstances the indemnity of the Crown from prosecution should not apply to that individual. But, my question in relation to this clause is whether there is any provision for the Crown to indemnify its servant or agent in respect of an offence which is so committed and which is likely to be the subject of clause 5. Clause 9 sets out various defences to charges under clauses 6 and 7.

Clauses 6 and 7 relate to offences of dumping of wastes or other matter and dumping of vessels. Clause 11 deals with a further offence, namely, incineration at sea, but there is no clause in this Bill which relates to defences for incineration at sea. Section 15 of the Commonwealth legislation is substantially the same as clause 9, and it does provide a defence in respect of incineration at sea. Therefore, the Commonwealth Act sets out defences to all three offences, but the State Bill deals only with defences in relation to dumping of wastes or other matter and dumping of vessels. The Hon. Michael Wilson raised the matter in the House of Assembly, and my recollection is that the Minister of Marine undertook to provide some clarification of the reason why there was no defence in relation to incineration, and I would appreciate it if the Minister could obtain that information.

Clause 9 *(b)* provides a defence if the defendant proves that the dumping the subject of the charge was the only reasonable way of averting a threat to human life. The equivalent section in the Commonwealth Act, section 15 (3) *(b)*, provides the defence where the dumping the subject of the charge appeared to be the only way of averting a threat to human life, etc. Quite obviously, in the Federal provision there is not as high an onus as in the provision in the Bill before us. I would like some clarification as to the reason why that is different and why there should be a higher onus in the State legislation than in the Commonwealth legislation.

There is a subclause in clause 14 additional to what appears in the Commonwealth legislation, but the additional clause is not really one to which there can be significant, if any, objection. The Minister has already put on file an amendment to clause 15, which deals with a matter raised by the Hon. Michael Wilson and, therefore, I need not deal with that. I do draw the attention of the Clerks to what appears to be a typographical error on page 9 of the Bill, where at line 27 there is a subclause numbered (7), which I think ought to be subclause (8), but it is not a matter of any consequence at all.

There is a difference in drafting in clause 17 from that in the Commonwealth legislation, where there is an additional subsection. Again, I do not think that that is a matter of great significance, although the Commonwealth provision does set out more clearly the requirements with respect to permits, and perhaps the Minister would give some indication as to why the expanded provisions of section 21 of the Commonwealth legislation have not been included in clause 17.

There is a difference in clause 18 from section 22 of the Commonwealth legislation, but there is no objection to that. I am not inclined to raise any significant question about clause 22, but I had representations from the Chamber of Shipping that expressed some concern that clause 22 might be administered in a way that is not reasonable. Clause 22 deals with the boarding of vessels by inspectors, but it is probably adequate because the inspector has to have a belief on reasonable grounds that certain things are on a vessel, aircraft or platform, so that there has to be some basis for forming that belief before the inspector can board a vessel.

I draw attention to one other difference: that is, that the Commonwealth section 29 provides that if an inspector, other than a member of the Police Force who is in uniform, boards a vessel, aircraft or platform, that inspector has to produce the appropriate identification. I am not sure that that is really necessary in our legislation, but it seems reasonable that an inspector who is not in uniform shall be required to produce upon request evidence of identity. I would have thought that that would apply as a matter of ordinary principle, but perhaps the Minister could give some attention to that, and if there is any doubt about it he may care to consider an amendment that will have the effect of making it mandatory for evidence of authority and identification to be produced on request.

There is a difference between clause 25 of this Bill and section 32 of the Commonwealth Act. In that respect our

section is preferable because it is more specific in relation to the arrest provisions, but, notwithstanding that, our clause 25 as currently drafted follows what would probably be a normal arrest provision in State legislation.

I raise a question in relation to clause 27, which was moved by the Hon. Michael Wilson and accepted by the Government, and I am pleased about that, because the right of appeal is an important issue. The right of appeal to the Supreme Court appears to lie only against a refusal of the Minister to grant a permit. As I recollect, the Bill provides for revocation and suspension of permits and licences, and in that context there is no right of appeal. If there is provision in the Bill for those powers to be exercised by the Minister they ought equally to be subject to the right of appeal. The Crown will not in any way be prejudiced by an appeal, and it is a protection for the citizen in this context.

Rather than indicating that I will move an amendment, I believe that a response from the Minister may shortcut proceedings. There are certain provisions in clause 29 that are additional to those in the Commonwealth legislation but they are unexceptional. Some provisions of clause 33 are not contained in the Commonwealth legislation and they appear to be more onerous and to some extent reverse onus of proof to an extent greater than the Commonwealth legislation. Provisions under subclause (1) paragraphs *(a)* and *(b)* and subclauses (2), (3) and (4) are not contained in the Commonwealth equivalent legislation, section 38. They appear to place a greater degree of onus upon the accused than would ordinarily be reasonable. Certainly, they do not conform to the Commonwealth section.

Why have those additional provisions been inserted? They appear to go further than might ordinarily be warranted in the administration of this legislation. Subject to the Minister's response, it may be necessary to consider amendments, but these matters will not in any way prejudice the Opposition's support for the Bill. Hopefully, they will contribute to better legislation. I support the second reading.

The Hon. I. GILFILLAN: I have on file two pages of amendments aimed at correcting a matter that we believe should be of great concern to the Parliament and to the people of South Australia—that there is tolerance in this Bill for the dumping of radioactive material. This is of particular concern when one realises that not only is the practice unacceptable but also potentially may result in a cumulative effect on seafood, especially crustaceans. Seafood will carry an incredibly increased load of radioactive material, sometimes 100 000 times the accumulation of radioactive material in the area in which it has grown and foraged. It is essential that this Bill be amended so that there is no question of the dumping into the sea and coastal waters of South Australia of any material which to any extent can be regarded as dangerous or damaging from the radioactive point of view.

The safeguard that this provision will not become petty or trivial is already contained in a clause in the Bill. It would prevent, say, marble or ordinary quarrying material from being dumped if people were vexatious. We seek to prevent any risk that radioactive material will be dumped into the sea. The second point of the amendment is that, in our opinion, the person who applies to dump material should carry the cost of research and analysis on the effect of that dumping. Provisions whereby research and analysis by the applicant is permitted should be deleted and we intend that an applicant should not have that opportunity.

We believe that it is a very dangerous procedure that allows a person or an applying authority to control research and the analysis of that research to give the okay for certain practices to proceed that could be unacceptable. Therefore we intend to move an amendment which will mean that the Government will have responsibility to research and assemble. Any costs associated with that would properly be borne by the applicant. They are the only comments that I wish to make at this stage. We support the intention and the major purpose of the Bill, recognising that the schedule which is attached is a very significant document of international consequences. We support the second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank honourable members for their contributions. The questions asked by the Hon. Mr Griffin were very technical in nature, and I will have to seek some advice in order to be able to provide completely accurate responses. Therefore, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HIGHWAYS ACT AMENDMENT BILL

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

PHYLLOXERA ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3) (1984)

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

APIARIES ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos 2 and 3, and had disagreed to amendment No. 1.

Consideration in Committee.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That the Legislative Council do not insist on its amendment No. 1, to which the House of Assembly had disagreed.

The House of Assembly disagreed with this amendment for the reason that the amendment is an unnecessary addition to the Bill. When the Bill was before the Council, I said that the amendment moved by the Hon. Dr Ritson was meaningless and that there was a possibility that the House of Assembly would not agree with the amendment. My words were proved correct—the House of Assembly did not agree with the amendment—and, on further reflection, this Council should not insist on its amendment.

The Hon. R.J. RITSON: This amendment was one of several dealing with four principles. It was universally agreed that there should be a statutory fund created which should provide compensation for hives destroyed as a result of infection with American foul brood. After some discussion with the Department and the Minister, several amendments were brought in by agreement with the Minister, with one being moved by myself, and they formed a package. As the Bill stood, it did not specify any particular disease, did not specify the circumstances in which compensation would be paid for destruction, and did not specify the interest rates, terms and conditions upon which the fund, if exhausted by excessive claims, would be topped up.

As a result of discussions, the Minister proved to be very co-operative on matters discussed earlier. He agreed to amend

the Bill to specify the disease American foul brood. He agreed to a provision excluding compensation where there was contributory negligence. He agreed, after hearing my arguments, that it was intended to be a producers' fund, funded by producers without a drain on the public purse. This amendment would have enshrined in the principal Act the current Treasury policy of lending at commercial rates. Without this amendment it is possible for the Treasurer (Hon. Mr Bannon) to lend at rates that would be a drain on the public purse. All these amendments are declaratory of current policy and do not change such current policy but merely enshrine it in the principal Act so that future Treasurers and Ministers of Agriculture will not be able to do a 180-degree turn on policy without bringing the matter back to the Parliament.

Had the Minister not been co-operative in the first instance, and had we had to have a major adversary debate on this, and had it ended up in conference, the first thing I would have given away, in the hope of preserving the rest, would have been the amendment that has been disagreed to by the House of Assembly. Understanding the consequences of a conference and the consequences of the Bill being laid aside—which would be a disaster—I join with the Minister in asking the Council not to insist on its amendment.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

In Committee.

(Continued from 1 May. Page 3810.)

Clause 2 passed.

Clause 3—'Arrangement of Act.'

The Hon. C.M. HILL: I have an amendment to clause 3 but before I speak to it I express my strong criticism of the Government for handling this Bill in this manner. Local government has been waiting for years for this Bill to be considered by Parliament. We are here at 1.30 in the morning, when no-one can speak or think as logically as they should as legislators, when there is a further week in the legislative programme to go. Members on this side are willing to work in the forenoon of next week to assist the Government to finish its programme on its scheduled time of next Thursday. Yet the Government brings this Bill on at this time and expects full consideration to be given to it by the Council.

One glance at the amendments indicates how complex and difficult they are going to be to handle, if they are handled properly. Yet we are expected to legislate under these conditions. I am sure that local government out in the field will be very critical of the Government for pushing on with this matter in these circumstances when, I repeat, we could during the forenoons of next week give proper consideration to the measure and then the best possible legislation would evolve as a result of such proper consideration. I think it is extremely poor management by the Government.

Members interjecting:

The Hon. J.R. Cornwall: My colleague Frank Blevins was ready to go.

The Hon. C.M. HILL: Your front bench has not been here; you were not here yesterday. We do not mind that. The Leader of the Government has not been in the Chamber since the dinner adjournment five hours ago. He has taken the night off. One member on our side has had to go home.

Members interjecting:

The Hon. J.R. Cornwall: You know damned well—

The Hon. C.M. HILL: I know damned well that you are making a mess of it.

The CHAIRMAN: Order!

The Hon. J.R. Cornwall: Behave yourself, you foolish old man.

The Hon. C.M. HILL: Do not call me a foolish old man.

The CHAIRMAN: Order! We must now commence the debate. The Hon. Mr Hill has an amendment.

The Hon. C.M. HILL: I will not pursue those matters because of your remarks, Sir.

The Hon. M.B. Cameron: It is fair to say—

The CHAIRMAN: I think you have said that, and we are not gaining anything.

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

Page 3, line 28—Leave out 'PART VIII—REGISTER OF INTERESTS'.

I presume that by dealing with this amendment now it would be a test case. We would make complete reference to that Part, to which in my later amendments I indicate opposition. I rely on your guidance as to the procedure you would prefer, Sir.

The CHAIRMAN: I think that the honourable member should proceed on that basis.

The Hon. C.M. HILL: I have a later amendment to delete this Part altogether (at page 65 of the Bill, involving new section 145). I express very strong opposition to local government having foisted upon it by this State Government the need for a register of interests. There is very strong opposition to that among councils throughout the length and breadth of this State.

For the first time in South Australia the State Government is trying to tell local government that there must be a register of interests and that disclosure of interests must be made. This is in keeping with the Government's explanation when it introduced the Bill that it was endeavouring to bring local government as close as possible to the form of either the State or Federal Government. I explained in the second reading debate that the Government was wrong in adopting this approach, because local government has its own beginnings and traditions upon which legislation for local government should be based.

It most certainly has those traditions, because it was the first form of Government as we recognise it in the Westminster system generally. It was worked up from that foundation and philosophy. We can see that there is no need for a register of interests simply because there is one imposed upon us at State level. Secondly, a different form of service altogether applies in local government from that existing at State Government level, particularly on the basis that local government involves voluntary service, whereas State Government service is not voluntary.

The men and women throughout the State who undertake this form of community service as their interest and who are prepared to give much of their time in this voluntary area should not be forced to make public their pecuniary interests because, quite frankly, there is no need for it. For example, why should a councillor who is giving service, say, in Marion have to disclose that he has a beach house in Moonta Bay? It is quite ridiculous. Why should, say, a member of the Adelaide City Council, who might have a block of land in the suburbs of Sydney have to make that disclosure to the Adelaide City Council? Why should a farmer who is on the roll because of the—

The Hon. Anne Levy: What are they ashamed of?

The Hon. C.M. HILL: They are not ashamed. I am asking the honourable member what is the need for it.

The Hon. R.C. DeGaris: They can find out from the Lands Titles Office, anyway.

The Hon. C.M. HILL: Exactly. Why should a farmer who is on the roll because he has a freehold farm in an area in

which he serves in local government have to disclose that elsewhere in the State or the nation he has some pecuniary interest? He might have been left some shares in a company, let us say, based in Melbourne, involving a deceased estate. What has that got to do with the activities of his local council? It is quite ridiculous. As I said, there is an extremely strong feeling against this approach to a register of interests, and I oppose it very strongly. I am endeavouring, because of the time, to be as concise as I can and I will not go into the great detail in which I could speak if we had more time. At this stage, however, I oppose the register of interests provision.

The Hon. J.R. CORNWALL: I will be extremely brief, because the message is very simple. This is quite central as far as the Government is concerned: it is a very firm plank in the policy of the Party. Councillors serve in a voluntary capacity, and more power to them for that: I have every respect for councillors, aldermen and mayors who serve in a distinguished local government capacity. However, they do make and take decisions which in their own way are every bit as vital as any decisions that we make and take in the South Australian Parliament. They take planning decisions in particular which involve developments worth many millions of dollars, and it is just as appropriate in those circumstances that they should be involved in a disclosure of interests and a register of pecuniary interests in exactly the same way as we are as members of this Parliament. The operation of the register of pecuniary interests in South Australia, after a couple of little hiccups from a couple of Liberal members of the House of Assembly, is now quite clearly working.

The Hon. C.M. Hill: Did you say Liberal members?

The Hon. J.R. CORNWALL: From a couple of Liberal members of the House of Assembly.

The Hon. C.M. Hill: You want to think of one of your own, too.

The Hon. J.R. CORNWALL: I was thinking of the member for Alexandra and the member for Coles, who were digging in their toes and putting on a bit of an act about disclosing or otherwise, but the matter did not cause any discomfiture or undue invasion of privacy, even for the Hon. Mr Hill.

The Hon. C.M. Hill: I had given mine previously and you hadn't.

The Hon. J.R. CORNWALL: I did not have too much to give. I was ashamed I had so little to declare at the age of 48, I might say, but then I have never been one to try to amass personal wealth.

The Hon. C.M. Hill: You mightn't have had the ability to do it.

The CHAIRMAN: Order!

The Hon. R.I. Lucas: Sorry; that was quite humorous, I thought, John.

The Hon. J.R. CORNWALL: The honourable member has a bizarre sense of humour. He is a very funny fellow in the peculiar sense. The register of interests caused no real hardship to any member of the South Australian Parliament. It is not used in a way that reveals actual monetary amounts, but it would certainly give an indication to anyone who wanted to know whether members should be involved or otherwise in legislation before this Parliament, because it could be a matter that affects them or result in their accruing some sort of windfall or personal gain. We believe very strongly that the same rules should apply in the local government area.

The Hon. R.I. LUCAS: There is similar legislation in Victoria. There have been many press reports in recent months of numbers of local government councillors refusing to comply with that Victorian legislation, and the Victorian Government has had the problem of deciding what to do with the recalcitrant councillors. The offence is under proposed subsection 150 (3) and the penalty in the first instance is $5 000. What would be the approach where a councillor dug his or her heels in and refused to pay? I presume that the councillor could end up facing a gaol sentence?

The Hon. J.R. CORNWALL: The short answer is that they would face a stiff fine. The situation in Victoria, as I understand it, is that the individuals who have dug their toes in, as the Hon. Mr Lucas calls it, have been relatively very small in number. It is a little bit like the initial stages in the South Australian Parliament, where one or two individuals made the odd point, and everything settled down and all was well. I anticipate that the same sort of situation would apply here in local government.

The Hon. R.I. LUCAS: I appreciate that proposed subsection 150 (3) involves a stiff fine not exceeding $5 000. My question was: if those persons dug their heels in and refused to pay, would it be correct to say that they could face a gaol sentence?

The Hon. J.R. CORNWALL: It is entirely up to the judicial system and the courts as to how they deal with contempt.

The Hon. K.L. MILNE: Let us get the facts right. Let us get what we are talking about sorted out. Local government is not a career; politics on the whole is a paid career. There is no need to try to apply the same rules as apply in Parliament; in fact, it is quite wrong and misleading to do so.

The Government must be aware that this will frighten off a large section of the population who are prepared to volunteer for local government service and who would not do so if they were required to disclose all their personal financial arrangements. Let us get something else straight as to what the Government is trying to do. There are fewer than 100 politicians. Later on, when some have retired, their private affairs will still be on the Parliamentary register. About 100 of us have been asked to declare our private affairs in such a way that they cannot be understood for a start, but the Government has had a great pleasure in asking us to do it. It is equally painful for those who have nothing as for those who have too much. About 100 of us are in that category.

However, one must remember that there are approximately 1 200 councillors, and the Government is asking them and about 1 000 spouses and 1 000 children (although it would probably be more)—at least 3 000 people—in a small place like South Australia to declare their private financial interests. And why? Because the Government wants them to and because it is enjoying it. It will have no bearing whatsoever. There are dishonest people in local government and in Parliament. I have no doubt that the register will be in Draconian form; it will be held by the Town Clerk (that is great!) and the public will have access to it (and that is great!). Imagine what will happen in a small town or even a large town like Mount Gambier where everyone knows everyone else. The Clerk will be laughing; the staff will have to type and file the register, so they will have access to it, and they are members of the public in any case. All the staff will know the financial arrangements of the councillors.

The Hon. R.C. DeGaris: They know that in country towns in any case.

The Hon. K.L. MILNE: They know a lot of it. So, there is no need for a register. They would know vaguely what it is. The whole thing is misguided in relation to local government, particularly in South Australia. I do not give a damn what happens in other States; they can do what they like. In New South Wales crookedness is a way of life. Crookedness in local government is a way of life, as was pointed out to the Local Government Association by a very prominent barrister and alderman who spoke at the Local

Government Association dinner. He gave instances and explained the situation in New South Wales. I do not want that, if that is what other members want. If we are talking about who should declare their interests, why are we picking on the councillors? The first person who should put his circumstances on the local government register would be the Minister. His interests are recorded on one register and they ought to be recorded on the local government register so that the Town Clerk can have a look at it. The Director-General of the Department of Local Government, his deputy, town clerks and district clerks ought to declare their interests, before anyone else.

The Hon. R.C. DeGaris: And health inspectors.

The Hon. K.L. MILNE: Yes.

An honourable member interjecting:

The Hon. K.L. MILNE: That is where the temptation lies—it is with those chaps. There is more temptation with them than with the councillors, do not worry about that. And people say that they do not have much to declare. What about the pensions that are mounting up? Of course they are rich people, especially the Ministers who have a career in politics. They will retire on the equivalent of $1 million.

The Hon. J.R. Cornwall: Am I looking at a lengthy career, do you think?

The Hon. K.L. MILNE: As a matter of fact, yes, and the Minister knows it. If members capitalise the pension that they will get after they have been in politics for a long time, they will be very wealthy, so they should not talk to me about my income. Another one has just come into the Chamber.

Members interjecting:

The Hon. K.L. MILNE: That is why they picked me. Poor old Murray Hill over there—I have to lend him five quid. I simply do not understand why the Government wants to go to all this trouble to make local government look like State government, which it is not. It is quite different, as we will see as we go through the Bill. Objection has been taken to all those rules. This was tried a few years ago and it was very unpopular. I do not know why the Government is pressing local government in this regard.

It is a pack of individuals. I would not say that the majority of them voted Labor—I admit that. I agree entirely with the Government's programme of making arrangements whereby people who are employees will be in a better position to go into local government than they are now. We will deal with that matter when we come to it in the Bill. I agree with that programme. It needs to be done; but to provoke the whole of local government—1 200 councillors and all their friends, and everyone else—I think is very unwise. I cannot understand why the Government is going out of its way to needlessly provoke so many people. Reforms, yes, but take it a step at a time; take it easy. I will be adopting that attitude.

I do not agree with the register of interests. I think it is a waste of time, and will cause as much trouble as it is trying to cure, or more. After all, the penalty for non-disclosure of an interest or for doing something dishonest has been increased. I would not care if the Government doubled the penalty: build it up, give them hell, but everyone else does not have to be given hell at the same time. It is like the clergyman who belts the daylights out of the congregation who come—and misses the people who do not come.

So, my advice to the Government is to not press to the barricade some of these matters which are unnecessarily provocative. I feel sorry for the Minister of Local Government. It is a rotten job, because there are so many cross-currents and so many different sorts of people. People who serve local government get a lot of pleasure out of it, and I ask the Minister to please not take that away.

The Hon. PETER DUNN: There are two or three things that I do not find very pleasant. First, I refer to this being applied to voluntary people, as has been pointed out by the Hon. Mr Hill, as against the paid servant. That is quite difficult to comprehend. In fact, it appears to me to be politicising the third tier of government, and it will disadvantage those councillors, believe me. New section 149 (2) states:

> A chief executive officer shall, at the request of any member of the public, permit him to inspect the register maintained by him and to take a copy of any of its contents.

So, that can be taken away and used. I find that quite unusual. I anticipate that in some small communities there may be, say, two people vying for a job in local government. They might be both selling motor cars or light commercial vehicles that might be used by that local government body. The person who is a sitting councillor seeking re-election has to have his whole heart opened up to the rest of the community and to his opposition, whereas the person not an incumbent at that stage would not have to do so. So, that could be a great disadvantage and that proposition will not attract people into local government.

We have great difficulty, in the far flung reaches of this State, in getting people to stand for local government office. In fact, sometimes they have to be appointed. I am sure that they would not tolerate being appointed and then being told that they must then declare their interests, their heart and soul, to the rest of the community. I believe that this is simply politicising something that is not that way at the moment, that it will disadvantage those people who hold office, and that perhaps it will not attract the people we are looking for. As I said in my second reading speech, in regard to people in most types of industry others in the community know their interests and how long they have been in their particular fields. They know whether a person has a pecuniary interest apropos a decision that the person has to make.

If they have not found out by then and asked them not to make a decision on whether they buy a vehicle from Joe Bloggs or Fred Smith, either one of them can discreetly withdraw from that decision. I do not believe that this section is at all necessary.

The Hon. J.R. CORNWALL: This business of career politicians who are paid having to disclose, as against the unpaid volunteers in local Government who should not have to disclose, I find an extraordinary argument and one which is not compelling by any means. Many councils make some very big decisions which involve very big money and, although their individual budgets may not be huge by the standards of State and Federal Governments, they are making decisions on very large amounts of other people's money. They are taking, making and planning decisions which affect the quality of life and which can have a very positive or adverse effect on developers, to name just one. It is very much in the interests of local government, local councils and councillors that they take this step in the interests of avoiding what are, in most cases, quite wrongful allegations. There is always that little bit of odium about decisions taken occasionally by councils which involve developments, and there is always—

The Hon. Peter Dunn: Can you cite any cases?

The Hon. J.R. CORNWALL: I could quite easily, but I do not intend to do so. We are not on the West Coast exclusively, Mr Dunn—lift your game a bit. Quite obviously,

controversial decisions are taken from time to time by corporations or city councils in various parts of the State. It would be quite wrong of me to speculate or name individual councils, but the honourable member would know—

The Hon. R.C. DeGaris: Can you tell me anyone who did not declare their interest in that circumstance?

The Hon. J.R. CORNWALL: Yes, indeed. It is really burying one's head in the sand to suggest that there have not been accusations over the years concerning councils and individual councillors. It is wrong and highly undesirable and 99 per cent of the time, I suspect that those allegations are wrong. In a small percentage of cases it is quite possible that they are right.

The Hon. Mr Hill and various other speakers say that, if we cut out all these people, they will not be interested in serving. I am not sure about that. The wrongful allegations work both ways. How many people in real estate, for example, are prepared to be actively associated with a council as a councillor when that council is taking development or redevelopment-type decisions in which there could easily be allegations made and some mud stick—allegations of financial interests, of windfall gains and so forth? That is not entirely confined to New South Wales.

It is logical and common sense that pecuniary interests be declared in a general way—not discrete or particular money amounts any more than we have to do as members of the State Parliament. It is very much in the interests of everybody. It is not a question of big brother, the all-seeing eye, or something like that. It is just a sensible, logical and sane way to go.

The Hon. R.I. LUCAS: I agree with at least one part of what the Hon. Mr Milne suggested. We as a Parliament need to look at the question of registers of interests for senior public servants. I supported legislation for a register of interest for State members of Parliament. On that occasion I indicated that the question of a register of interests for senior public servants is something at which we ought to look, but that is not of particular relevance to this matter. Will the particular form of register of interests included in the Bill allow a councillor to indicate that he has a family trust (or trust of some description) and will it not require the listing in a general way of the assets of the particular trust?

The Hon. J.R. CORNWALL: As I understand it, the rules are identical to those applying to State Parliament's register of interests.

The Hon. R.C. DeGARIS: I listened with a great deal of interest to the Hon. Mr Milne, the Hon. Mr Lucas and the Minister. I agree with the Minister on one point: that no case can be made to separate members of Parliament, public servants, or all those involved in any public activity from people serving on councils. I do not think that any case can be made to say that because one serves voluntarily one should be exempt from a register of interests. I have always strongly opposed the register of interests for members of Parliament as I do for public servants and councillors, whether or not they are paid. I would not like to see councillors paid and hope that that does not happen. But, if they are paid, suddenly there will be a register of interests for them because they are paid.

I oppose the whole concept of any declaration in a register of interests. I have served in Parliament and on local government for nearly 40 years and have always found, both in local government and in this Council, that when a topic is raised where there is a need for a declaration of interests, that declaration has always been made. I believe that that is the best way to leave it. The best way to leave it is in council where councillors make a declaration if there is a particular interest involving a decision on an issue before them, whether or not such councillors are paid.

The Hon. C.M. HILL: The conflict of interest provisions are tightened up in this Bill. I commend the Government for adopting that approach. In other words, under the Bill a member of a council will have to not only disclose his conflict of interests and withdraw his chair but also leave the committee or council meeting and not take part in any of the debate or the matter involving that conflict of interests or be present when the final decision is made. I have a further amendment to increase the penalty for an offence against that clause. That is the area that covers most of the points that have been made in this debate. I have had little evidence from local government in this State to say that there is a need for it. Nevertheless, the Government, in a Bill of reform and change, has adopted that approach and I commend it for that. But, having tightened up that area of conflict of interest in that way, I think strengthens the argument that there is absolutely no need to proceed along the second prong, which is the pecuniary interest track.

The Hon. R.I. LUCAS: Returning to the question I asked—and it was my understanding that the provisions are virtually identical to the State members of Parliament register of interests provisions—it would appear that individual councillors could just list a family trust or discretionary trust in which he or she has an interest without declaring all the assets or interests of that family trust or discretionary trust.

It has been put to me that the State members of Parliament register of interests has a weakness. If the logic behind the State members' register was in a general way to give an indication of what assets or interests a member or family has, it appears that the provisions were not tight enough because trusts could be listed without giving specific detail. I understand that certain matters have to be declared under 'other provisions', but I am told that if trusts have interests in companies, for example, and things like that, there is some doubt as to whether they need to be specifically declared. Has the Minister applied his mind to that matter and does he see it as causing concern if we follow through the logic of the Minister and the Government in wanting to know, in general terms, anyway, details of interests a particular councillor might have?

The Hon. J.R. CORNWALL: Again, as I understand it, and I cannot vouch for this 100 per cent, any changes would parallel changes in the State register. I suggest that if the Hon. Mr Lucas has any difficulties or queries he wants to raise concerning the State register he should take them up with the Attorney-General.

The Hon. R.I. LUCAS: Certainly, in my travels around the State in recent months the register of interests has been a particularly hot topic. Many local councillors, particularly those in country areas, have indicated that should a register of interests be introduced they would resign. Some councillors we met talked about resigning *en masse*, although at that stage it was just talk. However, I wonder whether the Government, the Department and the responsible Minister have received any formal notification from councillors or councils indicating that should the register of interests provisions be instituted those councillors, or perhaps even groups of councillors from various areas, may well resign *en masse*?

The Hon. J.R. CORNWALL: No, neither the Government nor the department have had any formal notification that this is likely to happen. The Department picks up things by personal communication and on the grapevine, the same as other human beings, of course, and there has been some talk, which is common knowledge. But there has certainly

been no formal notification to the Minister, the Government or the Local Government Department.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, C.M. Hill (teller), R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (7)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, and Anne Levy.

Pairs—Ayes—The Hons K.T. Griffin and Diana Laidlaw. Noes—The Hons C.J. Sumner and Barbara Wiese.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 4—'Transitional provisions.'

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

Page 4, after line 14—Insert subclause as follows:

(3a) Notwithstanding the provisions of section 47 but subject to the other provisions of this Act, the term of office of the members of a council (other than a mayor) elected at the periodical election first occurring after the commencement of the 1984 amending Act shall be determined as follows:

(a) if there is an even number of such members—the term of office of one-half of those members shall expire at the conclusion of the periodical election second occurring after that commencement, and the term of office of the remainder shall expire at the conclusion of the periodical election third occurring after that commencement;

(b) if there is an odd number of such members—the term of office of a number of those members (being a number ascertained by dividing the total number of those members by two and ignoring the fraction resulting from the division) shall expire at the conclusion of the periodical election second occurring after that commencement, and the term of office of the remainder of those members shall expire at the conclusion of the periodical election third occurring after that commencement; and

(c) the order of retirement as between such members shall be determined in accordance with the regulations.

This is where some of the real complexity arises in regard to these amendments. My amendment to clause 4 deals with the transitional provisions which would be required if a policy of elections was adopted in which half the council came out on each election day. That principle joins up with my amendment later to proposed clause 47 on page 26, which introduces the principle of four-year terms for councils and includes half the council coming out every two years. In other words, if I was successful in my amendment to clause 47, it would be necessary to have transitional provisions to introduce that system into local government, and my amendment to clause 4 involves those provisions. Mr Chairman, I am in your hands for some guidance as to how you want me to proceed.

The CHAIRMAN: I think that the honourable member will have to speak to the provision *in toto* to make it make sense.

The Hon. C.M. HILL: I think so, too. Thank you, Mr Chairman. The Minister might be able to help in many ways.

The Hon. J.R. CORNWALL: I am a very helpful fellow, particularly at 2.15 a.m., as always. I am sure that that clarification is particularly useful to the Hon. Mr Hill and it is something that I would like to think about and give a considered judgment to over the weekend. I apologise for keeping a lot of people hanging about for a long time. It was largely due to matters beyond my control. I had to go to Canberra yesterday on important Government business and to see three senior Ministers.

The Hon. C.M. Hill: Senator Ryan?

The Hon. J.R. CORNWALL: Senator Ryan, particularly, about nurse education, to try to get some money, which was terribly important.

An honourable member: Clyde Holding?

The Hon. J.R. CORNWALL: Yes, I saw Clyde Holding, too, and talked to him about Maralinga, Aboriginal health, and other matters; and my colleague and friend, Neal Blewett, bought me rum balls and cakes for morning tea because he thought that I probably needed cheering up a little. It was a very pleasant trip. But that is quite beside the point and has nothing whatsoever to do with the matter that is before the Chair.

I have had an assurance from the Leader of the Opposition in a very co-operative way that we can expedite this business. It is intended that we will sit earlier than usual on Tuesday so that we will get off to a flying start, and I am sure that with the co-operation that will be forthcoming from all parties we can get the Local Government Act Amendment Bill through in some sort of reasonable order and condition later in the day on Tuesday.

Progress reported; Committee to sit again.

ADJOURNMENT

At 2.20 a.m. the Council adjourned until Tuesday 8 May at 11.30 a.m.