

LEGISLATIVE COUNCIL

Tuesday 12 February 1985

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

CLASSIFICATION OF PUBLICATIONS ACT
AMENDMENT BILL

The **Hon. C.J. SUMNER (Attorney-General)**: I move:
That the sitting of the Council be not suspended during the conference on the Bill.
Motion carried.

ASSENT TO BILLS

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

Australian Formula One Grand Prix,
Building Societies Act Amendment,
Companies (Application of Laws) Act Amendment,
Co-operatives Act Amendment,
Correctional Services Act Amendment,
Country Fires Act Amendment (No. 3),
Equal Opportunity,
Evidence Act Amendment (No. 2),
Family Relationships Act Amendment,
Golden Grove (Indenture Ratification),
Nurses,
Planning Act Amendment (No. 4),
Prices Act Amendment (No. 2),
Prisons Act Amendment (No. 2),
South Australian Metropolitan Fire Service Act Amendment,
State Lotteries Act Amendment.

PETITION: VIDEO TAPES

A petition signed by 11 residents of South Australia praying that the Council will ban the sale or hire of X rated video tapes in South Australia was presented by the **Hon. C.W. Creedon**.

Petition received.

MINISTERIAL STATEMENT: HEALTH SERVICES

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

Leave granted.

The **Hon. J.R. CORNWALL**: Members will recall that on 18 October 1984 I announced, on behalf of the Government, a major review and evaluation of preventive health and health promotion strategies in South Australia. I have now received the report of the review team, which comprised Professor Kerr L. White and Mr Ron Hicks. Professor White, who was formerly Professor of Health Care Organisation at Johns Hopkins University, Baltimore and Deputy Director in Health Sciences at the Rockefeller Foundation in New York, is an international consultant on health care services. Mr Hicks, formerly a prominent medical journalist and author of a history of health care in Australia commissioned by the Australian Hospitals Association, is now on secondment as adviser to the New South Wales Minister for Public Works, Ports and Roads. I seek leave to table their report.

Leave granted.

The **Hon. J.R. CORNWALL**: In addition, I seek leave to have incorporated in *Hansard* answers to questions asked by the **Hon. R.I. Lucas** without notice on 29 August 1984, 24 October 1984 and 6 December 1984. Further information is also provided in respect to Questions on Notice numbers 4, 5, 6, 7, 8 and 9 asked on 31 August 1984.

Leave granted.

QUESTIONS WITHOUT NOTICE ASKED ON 29
AUGUST 1984

Answers to the five questions without notice are as follows:

1. Accreditation was not an issue addressed in the appointment of the advertising agent, Mr Ralph. Accreditation by the Australian Media Accreditation Authority is not a requirement for the placement of advertising.
2. No.
3. The decision to terminate the services of the previous agency was taken on 16 December 1983. The State Manager was advised in a letter dated 16 January 1984, and the National Manager in a letter dated 21 January 1984. The decision to appoint Mr Ralph was taken on 10 January 1984, and the letter advising him of his appointment was dated 31 January 1984. Discussions had taken place with Mr Ralph prior to 9 January 1984. It is understood that Mr Ralph resigned from the agency on or about 21 January 1984.
4. Payments to Mr Ralph were made in advance of media placements and sundry charges/production costs being incurred by the Advertising Department.
5. Total payments to Mr Ralph for media placements, production costs, the Healthy State Shop report, and a consulting fee in 1983-84, amounted to \$331 016.46. This includes an amount of \$8 664 paid by Public Health for the Port Pirie Lead campaign.

Payments by month to Mr Ralph in 1983-84 are as follows:

	\$
February	47 025.96
March	120 461.00
April	—
May	114 502.35
June	49 027.15
Total	331 016.46

These payments were approved within Health Promotion Services. The Minister of Health had no knowledge of these payments.

A FURTHER RESPONSE TO A QUESTION
WITHOUT NOTICE ASKED ON 6 DECEMBER 1984

1. Mr Ralph was appointed on 10 January 1984, as the Health Promotion Services advertising agent for the period up to 30 June 1984. Subsequently offers were sought for the period after 30 June 1984. Mr Ralph and two other agencies were interviewed in April 1984 in respect to this period.

QUESTIONS ASKED DURING THE
APPROPRIATION BILL DEBATE ON 24 OCTOBER
1984

1. The answer to the question on financial arrangements is as follows:

Most Payments to Mr Ralph were made in advance of services being rendered, whereas payments to the previous agency were in retrospect.

2. The answer to the question on monthly payments is as follows:

	Payments on advertising, etc.	Other payments	Total payments
1984			
January	—	—	—
February	45 775.96	1 250.00 ¹	47 025.96
March	119 211.00	1 250.00 ¹	120 461.00
April	—	—	—
May	102 467.35	12 035 00 ²	114 502.35
June	39 328.15 ⁴	9 699.00 ³	49 027.15
Total	306 782.46	24 234.00	331 016.46

1 Consulting fee

2 Consulting fee (\$5 000) and Port Pirie Lead Campaign (\$7 035)

3 Port Pirie Lead Campaign (\$1 629) and purchase of computer (\$8 070)

4 Includes \$16 200 for the report on marketing and promotion plans for the Healthy State Shop

3. The answer to the question on details of advertising is as follows:

Mr Ralph acted as an agent. The nature of the arrangement did not require him to specify the hours worked on individual campaigns. Media placements for the four advertising campaigns were as follows:

Immunisation:	February
Stop-Smoking	April and May
Drink Driving	April and May
Breast Self-Examination	June

As previously explained, what was originally described as an advertising and promotion campaign for the Healthy State Shop was a report on marketing and promotion plans for the Healthy State Shop.

TO PROVIDE ADDITIONAL INFORMATION IN RESPECT OF QUESTIONS ON NOTICE Nos. 4, 5, 6, 7, 8 and 9 ASKED ON 31 AUGUST 1984

4. In the previous answer the 1983-84 budget was advised as \$513 867. Internal audit investigations have now revealed that two payments totalling \$24 270 were originally processed as advertising but were subsequently shown not to be advertising. In 1983-84 payments made to the Advertising Department were as follows:

Media buying	\$ 238 618.67
Production costs	60 627.79
Healthy State Shop Report	16 200.00
Advertising consulting fee	7 500.00
Micro-computer purchase	8 070.00
	<u>\$331 016.46</u>

5. In addition to the previous answer, the letter to Mr Ralph advising him of his appointment was dated 31 January 1984.

6. In addition to the previous answer, the State Manager was advised in a letter dated 16 January 1984 and the National Manager of the agency was advised in a letter dated 21 January 1984.

7. The amount given in the previous answers is now known to include an amount which relates to a report on future marketing and promotion plans for the Healthy State Shop.

8. The amount of \$306 782 was spent on health promotions programmes, except for the \$16 200 spent on the Healthy State Shop report.

9. In the original answer I gave to this question a fifth advertising programme (Information for Consumers) was

identified. It is now known that this referred to a report on marketing and promotion plans for the Healthy State Shop, and not an advertising programme.

The Hon. J.R. CORNWALL: As members will read for themselves, while the review team recognised the international reputation enjoyed by the S.A. Health Promotion Unit and acknowledged a number of important and successful initiatives, it also made a number of serious criticisms. One of its major findings was that the standard of internal management was 'appalling'. It was pointed out that the unit had no central filing system and inadequate internal accounting procedures. As I indicated to the Council on 6 December 1984, I met personally with Professor White and Mr Hicks during the period they were in Adelaide and had discussions with them about their interim findings, which showed that I was quite right to be dissatisfied with some areas of administration and policy. A very disturbing picture has since emerged involving not only poor management and accounting practices, but a number of irregularities. For that reason, I propose to inform the Council of the actions that I have taken.

The original proposal for a health promotion unit was developed and put forward within the South Australian Health Commission as far back as March 1979. The concept was enthusiastically endorsed by the then Liberal Minister of Health when the Director of Health Promotion Services, Mr James Cowley, was appointed on 6 April 1980. It is understood that she took a personal interest in this appointment as it was to herald increased involvement by the Commission in health promotion matters. The enterprise displayed by the Commission and the Minister in launching the unit is not a matter of criticism by me. The particular difficulty was to balance the need for accountability and the proper exercise of responsibility against the desire to give the unit some degree of freedom of action in its entrepreneurial role.

In the words of the review team:

When the Unit was set up it was deliberately made autonomous, reporting directly to the then Chairman of the Commission and the Minister. The reality is that the Unit has continued to operate in an autonomous fashion with only broad fiscal and operational accountability. Many of the problems outlined below can be attributed to the lack of accountability and integration with the rest of the Commission. The argument has been strongly put forward that, to operate effectively, the Health Promotion Unit, with its innovative approach to improving health by utilising contemporary market techniques, must have this autonomy. However, the review team believes that initiative and innovation are not incompatible with sound management and accountability. Indeed, laxity in management (outlined below) has affected the performance of the Health Promotion Unit.

The aims of health promotion can be described broadly as:

1. to lower morbidity and mortality for specified aspects of ill-health; and

2. to increase the mental, social and physical health of the community by encouraging an efficient use of health services and promoting steps to produce a healthier environment.

Successive Governments have given solid support to the concept of health promotion, increasing funds from \$350 000 in 1980-81 to \$792 000 in 1981-82, \$1 482 000 in 1982-83 and \$1 603 000 in 1983-84. Funds have been provided both for a general upgrading of staff and for funding of specific major health promotion campaigns, such as anti-smoking, breast self-examination, immunisation and drink-driving. The paradox was that, while we in South Australia could boast of individual campaign successes and a world-wide reputation for innovation in health promotion, we could not determine the extent to which we may have met these broad aims.

Within days of becoming Minister of Health I set in train the processes for the first of no less than 20 external reviews

or assessments of South Australian health services, ranging from hospital and mental health services to the St John Ambulance Service. I also initiated action within weeks which I hoped would place the Health Promotion Unit under more formal lines of accountability to the central office of the Commission. However, I did not initiate a formal review of the Unit at that time for two major reasons: first, the Unit was still to some extent in its adolescence and a review at that time seemed premature; secondly, intervention at that stage in what was a significant publicity and promotion unit could have been misinterpreted as political interference. However, early in August 1984, I personally wrote a lengthy memorandum to my Ministerial staff relating to many areas of policy, legislation and service needs. It may be informative if I read to the Council part of what I wrote under the heading 'Health Promotion and Health Information Services':

The Health Promotion Unit is in some ways the enigma of the health services spectrum. Its supporters say it is in world class, the staff extremely well motivated, its programmes highly professional and its budget very modest against its substantial output—both through major media campaigns and a multiplicity of other services. On the other hand, its critics see it as anachronistic, by far the biggest arm of Government involved in publicity and promotions, financed by a very large budget but with a very modest output. The truth probably lies in between but frankly I have never been able to inform myself adequately to make a well based decision. I believe the time is right for an independent external assessment of the Unit's operations and budget.

In September 1984, I advised Cabinet that I intended to commission a review of preventive health education and health promotion services within the South Australian Health Commission and, as I have indicated, I announced the following month that we had secured the services of Professor White and Mr Hicks. I also directed the Chairman, Professor Andrews, to ensure that the Commission's Internal Audit Branch conducted a review of advertising arrangements made by the Health Promotions Unit. This followed a series of questions asked by Mr Lucas, MLC, about the decision to take the Unit's advertising account away from the advertising agency it had been using and award it to a Mr Toby Ralph, who was previously an employee of that agency. This internal audit commenced on 1 November 1984.

As a result of the work of the internal auditor and the findings of the review team, a number of matters came to light. These included evidence of irregular documentation, unauthorised or improper payments and deceitful practices which were followed without the knowledge of the central office of the Health Commission and, in some cases, which were deliberately concealed from the central office. These matters have since been the subject of considerable further investigation by the internal auditor and the Chairman of the Health Commission. While it must be stated that no evidence of criminality on the part of any employee has been found to this point, there was a clear need for the financial and accounting affairs of the health promotion unit to be subjected to further scrutiny. It was also necessary for prompt corrective action to be taken to remedy the shortcomings in systems and procedures identified by the review team and, in more detail, by the internal auditor. Accordingly, the following action was undertaken:

The Chairman, Professor Andrews, assumed direct responsibility for the professional activities of the unit, and the Secretary of the Health Commission assumed overall responsibility for administrative and financial matters.

The Director of Resources and Planning in the Commission's Western Sector, was seconded to the unit for a 12-month period in the temporary position of Director (Administration and Finance).

Instructions were issued that monthly reports must be prepared on the activities of the Health Promotion Service

and discussed with Professor Andrews and the Secretary, South Australian Health Commission, on a regular basis. The Director (Administration and Finance) assumed his new post in December and supervised a number of significant changes in management processes including negotiations to terminate the engagement of the unit's outside consultants on marketing and advertising. This action is a specific response to the review team's recommendations that 'The Health Promotion Unit should immediately stop the practice of having consultants on annual retainers who are on campaign planning committees and at the same time are sole or main recipients of external contracts and payments.'

The Director (Administration and Finance) gave instructions that the unit should introduce the Health Commission's correspondence system, implementation to be completed by the end of February 1985.

On 11 December, a meeting of the South Australian Health Commission considered:

1. the need for a more closely defined health promotion policy within the Commission and more effective mechanisms for policy formulation, and
2. the need for tighter controls, monitoring and accountability in the administration of the Health Promotion Unit.

The Commission established a Health Promotion Policy Committee in line with one of the major recommendations of the review team. It also endorsed the preparation of a number of action plans to be undertaken by Professor Andrews, the Secretary of the Commission and the Director (Administration and Finance), including reporting systems, goods and services authorisation arrangements, budgeting, transportation authorisation, printing services and appointment procedures.

As new information came to light, it became necessary for me to seek the advice of the Crown Solicitor and the Auditor-General. Some indication of the gravity of the matters that have emerged may be gathered by the way in which information was supplied to my office in response to questions asked by the Hon. Mr Lucas. On 31 August 1984, the Hon. Mr Lucas asked a series of nine questions about the advertising arrangements made by the Health Promotion Unit with Mr Ralph. His ninth question was: 'Since the time of the decision to appoint Mr Ralph what specific advertising has been undertaken by the Health Commission through Mr Ralph and what has been the cost?'

On 18 September I provided answers to the questions posed by the Hon. Mr Lucas, including a detailed response to question No. 9 which indicated that the advertising payments to Mr Ralph covered 'Five specific advertising programmes.' The last of these five was described in this manner: 'Information for consumers (Healthy State Shop). Advertising and promotion of shop. Cost: \$16 200.' This information, it now transpires, was wrong. The payment of \$16 200 to Mr Ralph, which was personally authorised by the Director of the Health Promotion Unit, Mr James Cowley, on 7 June 1984, was not for an advertising campaign or programme. An undated document has been produced which purports to be the outline of a proposal for development of marketing and operational plans for the Healthy State Shop from 1986 to 1989. The final sentence of the proposal—which has been typed under the name of Mr Ralph's business title 'The Advertising Department'—says 'The report, compiled by a team of four consultants, will take 11 weeks to complete, and cost \$16 200.'

Health Commission officers who have spoken to Mr Ralph now advise that the only persons involved in the production of the \$16 200 report were members of Mr Ralph's family and a typist who was paid \$50 to type the report which was eventually submitted. The 'report', if it can be described as

such, was double-spaced on unnumbered pages. It consisted of nothing more than a flimsy outline of possible changes in the utilisation of the Healthy State Shop, including retailing health equipment through existing retail chains. Quite clearly, Mr Ralph had not undertaken an advertising project on behalf of the Health Promotion Unit and, equally clearly, the work that was produced did not warrant the payment of \$16 200.

A second matter of concern was identified by the internal auditor in his review of the advertising arrangements made with Mr Ralph. I quote from the internal auditor's report, which is dated December 1984:

In June, Mr Ralph submitted an invoice for \$8 070 for the provision of display materials. In fact, this amount was paid to Mr Ralph for the purchase of a Rainbow PC 100 micro-computer from (company name deleted) to be used by Health Promotion Services for developmental work. In accordance with the delegations of authority document, the Commission's private purchase delegation is limited to \$7 500 and the purchase of the micro-computer should therefore have been referred to the Supply and Tender Board for processing through the State Supply Division.

It is now evident that the invoice submitted by the advertising department for what it called 'Provision of display materials' and personally approved for payment by the Director of the Health Promotion Unit on 6 August 1984 was a false one and was simply a device to enable the unit to acquire the computer without obtaining the necessary approval for its purchase.

I was deeply disturbed by the events which unfolded as a result of the review team's work and the inquiries conducted by the internal auditor. I held a series of meetings with Professor Andrews and his senior officers, and consulted not only the Crown Solicitor but also Mr Ric Allert, who is a Commissioner of the South Australian Health Commission and a respected senior accountant with a great deal of experience. Mr Allert agreed to assist, and on 25 January 1985 wrote to advise me of his views.

After noting and approving the measures proposed to strengthen management and accounting procedures, including the secondment of the Director of Resources and Planning, Western Sector, to the Health Promotion Unit for a period of 12 months, Mr Allert raised five matters for further comment. I quote directly from his letter:

(1) Payments made in advance

Virtually all payments from February 1984 to 30 June 1984 to the advertising agent, the advertising department, were in advance of the service being rendered or the media advertisement itself. Whilst it is not unheard of for payments to be made in advance at or near the end of a financial year where there is a desire to preserve a budget allocation, it is certainly most unusual for all payments to be made in advance. In this respect I understand the Director of Health Promotion Services, who authorised the payments in advance, claims he had no direct involvement in this procedure other than to instruct his staff that the advertising promotion budget should be spent by 30 June 1984.

(2) Overcharges

There have been three instances of overcharges:

\$8 192.60 was paid for media buying for the smoking campaign in May 1984 and was refunded on 17 August 1984.

An advance of \$4 821 in respect of the drink driving campaign was made in June 1984 with the notation 'Follow up Country Flight'. This did not eventuate and was refunded on 26 October 1984.

Further overcharges of \$4 581 up to June 1984 have been identified in respect of media buying and are now to be refunded by the advertising department who claim they would have picked these up in the course of their annual reconciliation.

(3) An invoice for \$16 200 with the notation 'Healthy State Shop advertising and promotion', was discovered to in fact refer to a consultancy paid to the advertising department in respect of a report on future marketing and promotion strategies for the Healthy State Shop. Further investigation revealed that the consultants engaged on this report were near family members of Mr Ralph, the proprietor of the advertising department, including (and

I have deleted the direct relationship of the relative) who was paid \$6 200 for his input into the report where he had no previous experience or qualification in this respect. This invoice was authorised for payment by the Director, Mr Cowley.

(4) All invoices from the Advertising Department for the period February to June 1984, were undated.

(5) An invoice for \$8 070 from the Advertising Department was described as 'to provision of display materials'. In fact, it was discovered this was the purchase of a micro-computer for use in the Health Promotion Unit.

Mr Allert also made the point that, although there was no evidence that the Director, Mr Cowley, profited personally from any of these actions, it was his view that the Commission could not tolerate deceptions in relation to the authorisation of invoices for payment. He continued:

I understand Mr Cowley has given notice of his resignation from the Health Commission. I intend discussing the Internal Auditor's Review at the next meeting of the Audit Committee and, as you are aware, a Senior Officer from the Auditor-General's Department is a member of that Committee. The Committee will then decide whether it believes any further action is warranted.

In fact, the Health Commission's Audit Committee reviewed these matters at its meeting on 4 February 1984, and decided that the Internal Audit Branch should continue its investigations and widen its scrutiny of expenditure by the unit to cover all goods and services payments.

This proposal was subsequently discussed at a meeting called by me and attended by the Auditor General, Mr Tom Sheridan, a Director of Audit, Mr Jack Epps (who is a member of the Commission's Audit Committee), Professor Andrews, Mr Allert, and senior Health Commission officers. The Auditor General supported the action taken to date and concurred with the proposed wider investigation. Some days previously the Crown Solicitor had provided advice that while there was no evidence of criminality on the part of the Director of the Health Promotion Unit, his actions in a number of instances had been most inappropriate and that, in the event his resignation was forthcoming it should be accepted. Accordingly, acting upon instructions from Professor Andrews, the Chairman of the Commission, and his Deputy Mr John Cooper, a representative of the Crown Solicitor began negotiations with Mr Cowley's legal advisers. The result was that Mr Cowley resigned on 4 February 1985, accepting 4 weeks pay in lieu of notice.

The first major recommendation of the review team is that the Government should make a positive commitment to health promotion and assure its budget. This recommendation becomes especially significant in the light of the criticisms contained in the team's report, and the ongoing investigations into the type of irregularities I have described. The deficiencies in administration and management have been identified, the criticisms sheeted home, and action taken. It is vital that we use the identified failures to ensure successes in the future, and that we do not place 'health promotion' itself in the too-hard category. There has been a failure to achieve the right balance between accountability and proper management on the one hand and the encouragement of an entrepreneurial role on the other. The task now is to ensure those mistakes are not repeated and to make the best use of the considerable skills of the staff employed in the unit.

PUBLIC WORKS COMMITTEE REPORTS

The **PRESIDENT** laid on the table the following interim report by the Parliamentary Standing Committee on Public Works:

Australian International Grand Prix—Track and Facilities Development.

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

Evanson Temporary Tank and Outlet Main (Construction),

Parafield Gardens North West Primary School (Construction),

South Australian Museum Redevelopment—Stage 1 (Phase D).

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

Australian International Grand Prix—Track and Facilities Development.

PAPERS TABLED

By the Attorney-General (Hon. C.J. Sumner):

By Command—

Elizabeth District By-Election, 1 December 1984—Statistical Return of Voting.

Adelaide Railway Station Development—Exemption from Building Act, 1970.

Pursuant to Statute—

Acts Republication Act, 1967—

Motor Vehicles Act, 1959—Reprint.

Road Traffic Act, 1961—Reprint.

Criminal Law Consolidation Act, 1935—Reprint—Schedules of Alterations made by Commissioner of Statute Revision.

Adelaide Festival Centre Trust—Report, 1984.

Administration and Probate Act, 1919—Regulations—Improvements to Property.

Architects Act, 1939—By-laws—Subscription Fees.

Film Classification Act, 1971—Regulations—PG Warnings.

Financial Institutions Duty Act, 1983—Regulations—Merchant Banks, Foreign Exchange.

Rules of Court—Juries Act, 1927—Trial by Jury or Judge Alone.

Legal Practitioners Act, 1981—Regulations—Professional Indemnity Insurance Scheme.

Listening Devices—Report on Use of 1984.

State Disaster Act, 1980—Regulations—Authorised Officers. Disaster Plans.

Trustee Act, 1936—Regulations—CBFC Trustee Investments.

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Building Societies—Report of the Registrar, 1983-84.

Credit Unions—Report of the Registrar, 1983-84.

By the Minister of Health (Hon. J. R. Cornwall)

Pursuant to Statute—

Aboriginal Lands Trust—Report, 1983-84.

Botanic Gardens—Report, 1983-84.

Building Act, 1970—Regulations—Building Footings.

City of Adelaide Development Control Act, 1976—Regulations.

Coast Protection Act, 1972—Regulations—Prescribed Works.

Crown Lands Act, 1929—

Section 9 (f)—Schedule of Remissions, 1983-84.

Return of Surrenders Declined, 1983-84.

Section 197—Return of Cancellation of Closer Settlement Lands, 1983-84.

Discharged Soldiers Settlement Act, 1934—Section 30—Disposal of Surplus Land, 1983-84.

Environmental Protection Council—Report, 1983-84.

Fees Regulation Act, 1927—Regulations—ASER Building Fees.

Food and Drugs Act, 1908—Regulations—Buprenorphine.

Chlorinating Compounds.

Folpet.

Impounding Act, 1920—Regulations—District Council of Riverton.

Institute of Medical and Veterinary Science—Report, 1983-84.

Local Government Act, 1934—Regulations—Proceedings of Councils.

Long Service Leave (Building Industry) Board—Report, 1983-84.

Lyell McEwin Health Service—By-laws—Change of Name.

Medical Practitioners Act, 1983—Regulations—Registration of Medical Practice Companies.

Pastoral Act, 1936—

Hundred of Angas, Section 28—Closed and Dedicated as a Conservation Reserve.

Section 133—Pastoral Improvements, 1983-84.

Planning Act, 1982—Crown Development Reports by S.A. Planning Commission on proposed—

Transportable classroom, Willunga High School.

Reinforcement of electrical supply to Booleroo Centre and Wirrabara.

Construction of single unit transportable classroom, Torrens Primary School.

Lease of land by Minister of Marine at Birkenhead. Division of land at Grange.

Construction of headquarters for Dog Squad at Yatala.

Erection of one single and one double transportable classroom, Gawler Primary School.

Construction of courts as Fulham North Primary School.

Lease of land by Minister of Marine at Gillman.

Erection of classrooms at Northfield High School.

Division of land at Kilkenny.

Construction of single transportable classroom, Plympton High School.

Erection of transportable classroom, Kapunda High School.

Construction of additions to Glenside Hospital.

Activity hall at Brighton High School.

Land division and transfer of land at Bute.

Division of land, Gawler Railway Station Yard.

Erection of a dual timber transportable classroom at Gawler Primary School.

Holding tank, Streaky Bay Jetty.

33 kV transmission line, Warooka-Marion Bay.

Erection of dual transportable classroom, Parafield Gardens Primary School.

Classroom, Kimba Area School.

Erection of transportable classroom, Mitcham Primary School.

Erection of transportable classroom at Seaton High School.

Construction of extensions to the Administration Building for the Pipelines Authority of S.A.

Construction of dual transportable classroom, Port Adelaide TAFE

Lease of a building for Community Service Centre at Kilkenny.

Erection of a dual transportable classroom at Gawler East Primary School.

Lease of land by Minister of Marine at Birkenhead.

Lease of land by Minister of Marine at Birkenhead. Quarrying operations.

Construction of single Demac classroom, Alberton Junior Primary School.

Construction of transportable classroom, Alberton Primary School.

Erection of dwelling at Glencoe.

Land division, Port Victoria.

Borrow Pit, Hundred Monbulla.

Land division, Hundred Blanche.

Transportable classrooms, Port Adelaide TAFE Branch, Grange.

Lease of land by Minister of Marine at Outer Harbor Passenger Terminal.

Extensions to existing Angas Creek Substation.

Erection of transportable classroom, Kapunda High School.

Lease of land by Minister of Marine at Gillman.

Erection of two single transportable classrooms, Para Vista High School.

Lease of premises for Electorate Office, Tapleys Hill Road, Seaton.

Erection of transportable classroom, Kapunda High School.

Construction of single timber classroom, Le Fevre High School.

Lease of land by Minister of Marine at Gillman.

Construction of single transportable classroom, Rua Nursing Home.

Land division by Minister of Marine at West Lakes.
Construction of two navigation lights, Carpenters Rocks.
Land division, Port Augusta.
Erection of a single transportable classroom, Kingston College of Technical and Further Education.
Transportable classroom, Whyalla High School.
Erection of single transportable classroom, Mulga Street Primary School.
Construction of a fire spotting tower, Para Wirra Recreation Park.
Construction of a bus/rail interchange, Salisbury Railway Station.
Construction of quad unit timber classroom, Blair Athol Junior Primary School.
Lease of land by Minister of Marine at Birkenhead.
Lease of land by Minister of Marine at Birkenhead.
Erection of transportable classroom, Balaklava High School.
Use of existing premises for Central Southern Youth Services, Glenelg.
Land division, Hundred of Rivoli Bay.
South Australian Psychological Board—Report, 1983-84.
Racing Act, 1976—Betting Control Board Rules—Betting Sheets.
Greyhound Racing Control Board—Report, 1983-84.
Racecourses Development Board—Report, 1983-84.
Trotting Control Board—Report for year ended 31 July 1984.
South Australian Health Commission Act, 1975—Regulations—
Prescribed Health Centre Audits.
Prescribed Hospitals.
Incorporated Hospital Charges.
District Council of Lucindale—By-law No. 23—Keeping of Dogs.
Libraries Board of South Australia—Report, 1983-84.

By the Minister of Agriculture (Hon. F.T. Blevins):
By Command—
Resolutions of the Australian Agricultural Council, 119th Meeting, Townsville, 30 July 1984.
Learning from Disasters: A Report of the Post Disaster School Support Project.
Pursuant to Statute—
Advisory Committee on Soil Conservation—Report, 1982-83.
Boating Act, 1974—Regulations—Brighton Beach Zoning.
Irrigation Act, 1930—Regulations.
Meat Hygiene Act, 1980—Regulations—Pet Foods—Pet Food Works.
Metropolitan Milk Supply Act, 1946—Regulations—Milk Prices.
Police Offences Act, 1953—Regulations—Traffic Infringement Notices.
Road Traffic Act, 1961—Regulations—
Forward Control Passenger Vehicles Design Rules.
Parking and Lighting Equipment.
Seeds Act, 1979—Regulations—Fees for Seed Analyses.
South Australian Egg Board—Report, 1983-84.
Vertebrate Pests Control Authority—Report, 1983-84.

By the Minister of Fisheries (Hon. F.T. Blevins):
By Command—
Resolutions of the 14th Meeting of the Australian Fisheries Council, 28 July 1984, Townsville, Queensland.

By the Minister of Correctional Services (Hon. F.T. Blevins):
Pursuant to Statute—
Correctional Services Advisory Council—Report, 1983-84.

QUESTIONS

INDEPENDENT CANDIDATES

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Attorney-General a question concerning independent political candidates.

Leave granted.

The Hon. M.B. CAMERON: Throughout the early part of January the Attorney-General released a number of state-

ments indicating plans he had for so-called electoral reforms in the forthcoming session of Parliament. On a number of occasions references were made by commentators that the Attorney supported outlawing the use of titles such as Independent Liberal, Independent Labor, and so on. This is an important issue as at stake is the right of an individual to determine the status of his or her candidature for public office.

Does the Attorney-General support the right of candidates for public office to describe themselves in terms such as Independent Liberal, Independent Labor or Independent Australian Democrat, thus enabling them to reflect their support of a general philosophy while campaigning independently of one of the recognised political Parties?

The Hon. C.J. SUMNER: As usual the honourable member should not believe everything he reads in the newspapers.

The Hon. M.B. CAMERON: Are you changing your mind?

The Hon. C.J. SUMNER: No. At no stage did I indicate to any journalist that any decision had been made by me or the Government on that particular issue. That was speculation by, in particular, one journalist, and he is entitled to speculate. All I can say to the honourable member is that I did not at any stage indicate that a decision had been made on that point.

The announcements made in relation to the Electoral Act were announcements which were made on a number of previous occasions. They combined the undertaking which the Government gave to pursue certain electoral reforms. Those electoral reforms were based, first, on Labor Party policy which was put before the people at the last election in 1982; secondly, on a comprehensive report prepared by the Electoral Commissioner following the 1982 election that was made public in this Council and available to certain honourable members opposite, certainly anyone who requested it; and, thirdly, amendments to the Federal electoral laws, a number of which it was anticipated would be included in the South Australian reform. So, there were three sources of policy, if you like, for the preparation of amendments to the Electoral Act. The Federal Electoral Act prohibits—and this part of it was obviously supported by a majority of the Parliament in Canberra, but I also believe supported by all Parties in Canberra—the use of the name of an independent political Party. So, it would be prohibited for a group to refer to themselves as the Independent Liberal Party, the Independent Labor Party or the Independent Australian Democrat Party.

The Hon. J.C. BURDETT: What about candidates?

The Hon. C.J. SUMNER: That is what I am coming to. I am giving the honourable member a full explanation of the situation. That was what the Commonwealth Act prohibited. Now, it is a different matter as to whether one should intervene and stop a person referring to an Independent Labor or an Independent Liberal candidate. The Government does not intend to do that. As to the other matters that I have referred to, honourable members will have to await further deliberations and drafting of legislation and, in due course, they will be able to consider it.

HOSPITAL TREATMENT DELAYS

The Hon. J.C. BURDETT: I seek leave to make a somewhat longer than usual explanation before asking the Minister of Health a question concerning delays in hospital treatment.

Leave granted.

The Hon. J.C. BURDETT: I have received numerous complaints from constituents, and frequently their families, about the unsettling and haphazard process of admission for operations in some of our public hospitals. It is very disturbing to see people upset and their health put at risk

by poorly applied administrative procedures. One such case relates to a woman whose husband contacted me out of sheer frustration, and highlights the problems that exist.

The lady concerned was referred to a doctor at the Flinders Medical Centre some nine months ago, and was diagnosed as having kidney stones. She was told that an operation would be necessary. Finally in December she received a letter advising her that she would be admitted to hospital on 13 December. Just one hour before she was due to be admitted she received a telephone call to say that there was no bed available for her.

I understand that this procedure is sometimes used. She was advised a week in advance that she was supposed to be admitted again in late January. Again, just one hour before she was due to be admitted she was telephoned and advised that no beds were available. The same thing happened again when on 5 February she was due to have her operation only to be told that she could not be admitted because of lack of operating theatre time. Naturally the lady's husband is very concerned about his wife who is in pain and requires medication to relieve it. He wonders what he has to do to get his wife admitted. The constant deferrals are emotionally disturbing—a patient conditions herself to accepting that she has to go to hospital only to be let down time after time.

This lady's situation is not isolated, as a letter from another family indicates. In this case an elderly gentleman who speaks only French and Italian and who was diagnosed in 1983 as having bladder problems has been subjected to what I can only describe as distressing and dangerous delays in obtaining access to the Flinders Medical Centre. In part, the letter states:

He [the elderly gentleman to whom I have referred] went into Flinders for the bladder operation in January 1984 and the next operation was to be in April. The hospital gave us an admission date, but when we rang to confirm the bed the staff told us we could not bring him because there was no bed available. What could we do, only but wait and we waited. July came and still no beds available, so there was no operation in April and no operation in July.

I should point out that at this stage the gentleman concerned was required to have an operation every three months to rectify his problems.

Final arrangements were made for an operation in August, but on the day he was to be admitted his family were advised not to bring him in as no beds were available. The letter further states:

By Saturday we had to take our grandfather to casualty at Flinders because his health was failing badly. He could not walk, he had the shakes so bad that he could not hold a cup to drink from and he would not eat. His colour was gray. He had lost weight. He would not get out of his bed. His personality was becoming aggressive when we tried to get him to eat. After examining him the casualty doctor sent my husband back home with him saying that he was only suffering from bronchitis.

The story goes on and on, detailing how he had been made ready for an operation by his doctor only to be told when it came his turn to go into the operating theatre that the theatre closes at 3.30 p.m., and he had to go home the next day after remaining in intensive care overnight.

When one reads the entire letter it becomes almost laughable but for the seriousness of the problems. Quite clearly, a disturbing situation has developed at the Flinders Medical Centre.

My questions are as follows:

1. Is the Minister aware of the problems to which I have referred generally and which are highlighted by these two examples?
2. What action will he take to overcome the increasing number of complaints which are being made about delays and the inability to be admitted?

3. Since two wards have been closed at the Queen Elizabeth Hospital, will the Minister consider relocating some services from the Flinders Medical Centre (where beds are obviously in short supply) to the Queen Elizabeth Hospital?

The Hon. J.R. CORNWALL: I do not believe the honourable member named the particular elderly patient, so I will refrain from so doing, also. I am well aware of the case because I, too, received a letter. In fact, the elderly patient's relatives have been asked, if they have not already done so, to attend at Flinders Medical Centre and discuss with the Professor of Surgery the whole chronicle of events outlined. In fact, what happened is that the case in question became involved in an ongoing dispute. The patient had been pre-medicated and some extensive preparations had been done for a surgical procedure. However, because of a dispute between a surgeon and the theatre staff the operation could not proceed as it would have extended beyond the normal hours of operating.

I say quite clearly that my reaction to that when I saw the letter and discussed it with Health Commission officers and again today was that that action was quite indefensible. I have made very clear that I will not tolerate a recurrence of such an event. I have specifically instructed the Deputy Chairman of the South Australian Health Commission to further investigate the matter with the Administrator of the hospital and to ensure that that sort of thing does not and cannot occur again.

As to whether I am aware of the problems, the simple answer is 'Yes'. I think it is probably appropriate that I take some time to detail to the Council the progress that has been made by the task force on waiting lists. I am sure that members will recall that, primarily as a result of questions raised by the Hon. Dr Ritson around the middle of last year, I established in about August last year a Ministerial task force on waiting lists. It was established to review arrangements for the administration of waiting lists in the major metropolitan hospitals. To refresh honourable members' memories, its terms of reference and membership were as follows:

1. Review numbers of patients awaiting, by specialty and period since listed for admission at RAH, TQEH and FMC.
2. Review arrangements for the administration of in-patient waiting lists at the major metropolitan hospitals, and make recommendations.
3. Review policies and procedures for determination of priorities for 'cold' admissions and make recommendations.
4. Recommend and introduce appropriate information systems and reports to allow waiting lists to be kept under review at all relevant levels, i.e. clinical unit, division, Hospital Board and Health Commission.
5. Make recommendations to optimise effective management of waiting lists.
6. Recommend arrangements to ensure waiting lists are kept under review.
7. Report before 29 March 1985.

The membership of the task force comprised Mr E.J. Cooper, Deputy Chairman of the Health Commission; Mr John Blandford, Chief Executive Officer at Flinders; Dr B.J. Kearney, Acting Administrator at the Royal Adelaide Hospital and Director of the IMVS; and Mr Bill Layther, Chief Executive Officer at the Queen Elizabeth Hospital.

In addition to the terms of reference, the task force was asked to address the problem at some non-public hospitals where people have presented for hip and other joint replacements because of the waiting lists or booking times at public hospitals. The progress of the task force to date can be briefly outlined under seven subheadings, as follows:

1. A literature review of recent relevant articles was undertaken and discussions were held with hospital staff on waiting list issues.

2. The task force considered waiting list management and issues in the context of the terms of reference and another project on patient care information systems being conducted at the RAH and FMC.
3. A survey of waiting list information was conducted during November and December 1984. Details of each elective admission during the month from 19 November to 16 December 1984 were recorded and subsequently analysed. In some areas, historical data for the previous two months was also analysed to complement the survey data. On a date in December, the total waiting lists at each hospital were reviewed to provide comparable information for the three major teaching hospitals.
4. A series of interviews was conducted with a range of hospital staff from administrators to directors of specialist units to ascertain the current method of operation of waiting lists and clinical and management needs for improved waiting list systems.
5. A questionnaire was developed covering the use of waiting lists for management, the policy for elective admission of surgical cases and the statistical measures appropriate for all users of waiting list information.
6. A preliminary report was prepared canvassing the waiting list concepts developed and suggesting guidelines for managing waiting lists. This included a description of the survey and preliminary data. It has been distributed to the hospitals for review and comment.
7. Questionnaires completed by staff in hospitals are still being received.

There still remains some work to be done. Following receipt of hospital comments on the preliminary report and data, and following analysis of questionnaires, a draft report will be prepared for further consideration by the task force. This is expected to identify quite new directions in waiting list management.

As to early findings, not a great deal can be said at this stage as the hospitals have yet to comment on suggested systems and the preliminary data. Nevertheless, it appears that the preliminary outcome could indicate that waiting times are at generally accepted limits for most surgical procedures.

Moreover, members of the task force do not believe that the data available to date suggests that waiting times are longer than have been historically experienced in Adelaide. However, there are problems in some specialties at some hospitals. This is germane to the Hon. Mr Burdett's question. Flinders Medical Centre reports more general and severe difficulties than do the other two major hospitals. The hospitals' ability to manage their waiting lists within existing resources should be enhanced as a result of the task force's recommendations, according to an interim report that I have received.

It should also be helped substantially by the expenditure of approximately \$1.2 million, which was committed for the commissioning of the eighth operating theatre and the remaining 16 acute surgical beds. That was announced by me as Minister of Health immediately prior to the Federal election; that was purely coincidental. Those beds and that eighth theatre have been staffed, occupied and in use since the hospital went back to its full operating routine after the Christmas break. That actually increases its capacity by an additional 12.5 per cent.

I have said in this Council many times that there are specific difficulties at Flinders caused by a very high bed occupancy and a rapidly growing population in the southern suburbs. The issues of waiting list management are complex and cannot be divorced from other hospital management issues such as theatre utilisation, bed state management and hospital staffing. It is intended that guidelines arising from the study will be designed to form a basis for motivating hospital staff to optimise utilisation of resources and improve the quality of patient care. I apologise for the brevity of that initial reply, but it illustrates to the Council that I am reasonably well aware of the problems.

With regard to the honourable member's second question, as to what action has been taken to overcome the problems, we have commissioned the eighth operating theatre and the additional 16 beds at Flinders, but pending the final report of this waiting list task force there is not a great deal more in the practical sense that I as Minister of Health can do.

With regard to the final question—whether I would consider having the two wards that were closed at the Queen Elizabeth Hospital re-opened so that we can relocate patients from the Flinders Medical Centre—that is a novel suggestion. Most of the paranoia at the Queen Elizabeth Hospital, about beds in particular, has been based on some real or imagined fear that beds closed would be relocated in the south rather than beds opened having relocated patients. I do not believe that that would provide an immediate practical solution. What I have said to the task force on waiting lists and to hospital administrators generally is that there must be a rational use of resources. Whilst I realise that if people live in the south they naturally like to have their surgery done at Flinders Medical Centre in the surgical unit, by doctors with whom they are familiar, it is nevertheless a very rational use of our very expensive resources for there to be some sort of central registry that would tell us where there are vacancies in surgical beds, in particular, at any time.

I have told the Council before, and I have said publicly on several occasions, that, when we get a rational use of resources and have the information on which to base a rational use, I will regard Adelaide as having one large university teaching hospital that happens to be based on five campuses: namely, Flinders Medical Centre, Queen Elizabeth Hospital, Royal Adelaide Hospital, the Children's Hospital, and the Queen Victoria Hospital. I do not believe that we can afford the luxury of having a relatively large variation in bed occupancy between the hospitals without making some attempt to rationalise that occupancy.

RESIDUAL CONSTITUTIONAL LINKS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about residual constitutional links.

Leave granted.

The Hon. K.T. GRIFFIN: In the past week or two there have been numerous media reports that Senator Evans, the former Federal Attorney-General and presently Minister Assisting the Prime Minister, is accompanying the Prime Minister on his overseas journey and would, among other things, consult with officials of the British Government and with Buckingham Palace about the question of residual constitutional links for the Commonwealth of Australia and for the States of Australia. The question of residual constitutional links has been a subject of discussion at Premiers Conferences and at the Standing Committee of Attorneys-General over a number of years. Some of the difficulties revolved around the question of the appointment of State Governors and the advice to the Queen from the State Governments on that issue and on the question of Imperial honours.

The recent media reports suggest that Senator Evans has a package that is agreed by all of the States and the Commonwealth. I express some surprise about that, but if that is the case I welcome it. I would like to know from the Attorney-General whether Senator Evans in fact carries a proposal for the removal of residual constitutional links, supported by all the States and the Commonwealth in every respect. If he does not, where is there not such unanimity?

Secondly, will any package that Senator Evans is discussing in London with appropriate authorities allow the States to give advice directly to the Queen in relation to the appoint-

ment of State Governors? Thirdly, will any such package allow the States to make recommendations directly to the Queen for Imperial honours, even if for a time there may be a Government in power that does not support that system of honours? Fourthly, what other proposals may be in any such agreed package?

The Hon. C.J. SUMNER: My impression is that when Senator Evans says that he has the agreement of the States and the Commonwealth on a package, that is correct, although from time to time at these Ministerial conferences one believes that one has agreement on packages and finds subsequently that that has turned out to be elusive. I refer to recent events such as referenda on constitutional amendments to the Australian Constitution and to such topics as censorship. However, in simple terms I believe that there is now agreement on all issues relating to the severing of constitutional links.

Obviously, the issues will have to come before the Parliaments of each of the States for complementary legislation. Legislation will have to be passed by the Commonwealth Parliament and, I believe, legislation will also have to be passed by the Imperial Parliament, the Parliament of Westminster. I understand the package involves both the Westminster option, that is, the United Kingdom Parliament's solution to severing the links, but also it will include the so called section 51 (xxxviii) option, whereby the States refer powers to the Commonwealth to enable the constitutional links to be severed.

Whatever happens, there will need to be those procedures: the United Kingdom Parliament, the Commonwealth Parliament, and the State Parliaments in reverse order. In other words, I believe State Parliaments will make their requests, the Commonwealth Parliament will pass its legislation, and then time will be made for the United Kingdom Parliament to pass its legislation. The aim is to cut off the legal ties or the legal barriers that exist, in particular, with respect to State Parliaments to legislate.

As the honourable member knows, the Statute of Westminster applied to the Commonwealth of Australia and, therefore, the Commonwealth Parliament has unfettered legislative powers except, of course, in so far as it is constrained by the terms of the Constitution. The Australian States were not caught up by the Statute of Westminster and, therefore, there are fetters on the capacity of State Parliaments to amend certain laws.

State Parliaments are still bound by the Colonial Laws Validity Act, and any law that specifically applies to the Colonies or the States cannot be amended by the South Australian Parliament. For instance, it is not believed possible for this Parliament to pass legislation to abolish appeals to the Privy Council. The constitutional package would in effect apply the provisions of the Statute of Westminster to the State Parliaments. That is as it should be. Clearly, a State Parliament should be constrained in what legislative action it can take only in terms of its own Constitution or the Australian Constitution. It should not be constrained by legislation of the United Kingdom, passed in the last century, as it now is by virtue of the Colonial Laws Validity Act.

It is a package that will give to the Australian people, through either the Commonwealth Parliament or the State Parliaments' full legislative competence. There were a number of issues which were of concern and which were the most difficult to resolve. One was the question of advice to the Queen on the appointment of Governors. I understand that that still may be the subject of some negotiation in the United Kingdom, because the United Kingdom and the palace, I believe, took the view that it did not want to receive advice from a number of Australian States when clearly it is the Australian Government that has the respon-

sibility for relations with foreign countries. That was one issue of concern. However, I understand that some compromise has been worked out on that to enable the States to provide advice to the Queen on the appointment of State Governors unfettered by the intervention of the Federal Government, but that I believe is still subject to agreement in the United Kingdom.

The other issue—the question of conferring honours—has also been resolved by leaving it to the individual Parliaments of the States to determine whether or not Imperial honours should be able to be awarded in future. When the legislation comes before Parliament it will be for this Parliament to determine whether to abolish the right of this State Government to recommend to the Queen Imperial honours in future or whether to leave the situation to any Government that wished in the future to confer Imperial honours. I understand that they are still two issues that have to be resolved with the United Kingdom Government, and I believe that that is part of Senator Evans's brief. Subject to that, I believe that the package has been agreed to and that it should be able to be implemented—at least the commencement of its implementation should be able to take place—later this year. I point out that in severing these constitutional links with the United Kingdom in no way impinges upon the role of the Queen as the Queen of Australia and the Constitutional Head of Australia and the respective States.

ILLEGAL ARMS TRAFFIC

The Hon. I. GILFILLAN: I ask leave to make a brief statement before asking the Attorney-General a question about illicit firearms traffic in South Australia.

Leave granted.

The Hon. I. GILFILLAN: I heard the Ministerial Statement in another place by the Deputy Premier attempting to allay fears of South Australians about the report in yesterday's *Advertiser* and *Age* by David Elias about South Australia's being a centre for illicit firearms trafficking. I have in my possession a copy of the document that was part of the background for the article. The document was compiled by two Commonwealth police officers who put themselves at great personal risk and acted at times as alleged corrupt police officers and also in disguise. It was unfortunate and a slur on them that the Deputy Premier referred to them as being two junior officers, as if that were some means of discounting their evidence.

From reading the material, I am far from satisfied that the matter should be allowed to rest with placatory remarks by the Acting Commissioner. There are many allegations of varying degrees of evidence submitted in the document, but there are three issues at least that ought to be mentioned in this Council. One is the acknowledgment that the original plan—the master plan showing the location of the arms caches of the so called 'Brisbane line'—was stolen, and to the date of this document has not been recovered. That is one significant feature of the document. The other is that there are very serious continuing implications of the South Australian Police Force in the material in this report. I refer to page 6 of the report, as follows:

Reliable sources from within the South Australian Police Department have stated that in the past few years this subject—this is one of the people referred to in the report—is conservatively estimated to have distributed at least 12 500 unlicensed pistols and revolvers, as well as an unknown quantity of sub-machine guns, machine guns, military munitions, which includes grenades, to criminals and undesirables. At the height of his weapons dealings he is alleged by police to have consigned crates of pistols in lots of 200 to unknown purchasers on the

Coober Pedy opal fields, and wharfs, and also dissident ethnic groups within Australia and also overseas.

From this I am persuaded that the police are of this opinion. The document claims that there are files on hand that could cause a great deal of embarrassment to the South Australian Police Force, so the implication is that South Australian police individuals have possibly been involved. The reputation for Adelaide that was quoted and then denied by the Deputy Premier is based on a quote in this document: that one of the informants reported that when in Melbourne and in discussing arms purchases he was told by an individual in Melbourne 'You live in the arsenal for Australia. If you want any kind of weapon without a licence, you have the source right in your home town.'

There are continuing excerpts which could be taken out and which would, I believe, persuade this Council that the matter is still far from settled and is a cause for great concern. There is mention of people such as Abe Saffron, and one person that I mention in particular, George Josephs of Melbourne, is in fact serving a nine year gaol sentence for providing the firearm that supposedly murdered Don McKay in Griffith. The ironic aspect of this report is that it identified George Josephs as being involved in the illegal gun racket and at that time as being the patron of the Victorian Police Pistol Club. He had receipt of this report within days of its being forwarded to the Victorian police.

I am not sure that this matter has been dealt with satisfactorily or happy that the Deputy Premier is so quick to brush it off. Therefore, I ask the Attorney-General to assure this Council that all reasonable inquiries have been or are being conducted. Also, I ask the Attorney to give an undertaking that he will personally read this report that I have and, as a result of reading it and of reading other material as it becomes available and which will be forwarded to me (such as working running sheets by the police officers involved, other covering letters, and Costigan linking his findings in this report), to assure this Council that he will either undertake a proper investigation or urge that proper investigations be undertaken in South Australia, or satisfy the Council that these allegations are groundless and that there is no need for us to be further concerned. I ask the Attorney to give that assurance to the Council today.

The Hon. C.J. SUMNER: I am prepared to peruse any material that the honourable member cares to forward to me. I do that as a matter of courtesy regarding all correspondence that I receive from honourable members. However, I point out to the honourable member that I am not an investigating authority, and should the honourable member make allegations relating to this matter they would have to be assessed by the proper investigating authorities in this State, the police, or if there was a potential for breach of Federal law, by the Federal police. I understand with respect to this matter that a substantial part of the *Age* article relates to or draws upon a report compiled by officers of the Commonwealth Police Force some six years ago. At that time, I am informed, the report was tested for veracity by senior officers of the force and it was decided that there was insufficient evidence to pursue the matter. I also understand that no new evidence relating to the inquiries made prior to 1979 has since come before the Australian Federal Police.

However, if the honourable member wishes to draw to the attention of the police any additional material, which he says he has, beyond that which was contained in the *Age* articles, of course I will have it referred to the proper investigating authorities, that is, the State police or the Commonwealth police. I understand that the Australian Federal police are preparing a detailed report on matters raised in the 1979 report to bring knowledge of those matters up to date. That being the case, if the honourable member

has any information which may impinge upon that or on any matter that the State police may need to look at, I will of course refer it to those authorities.

The Hon. I. GILFILLAN: I wish to ask a supplementary question. I thank the Attorney for his answer, but I ask him to specifically assure this Council that he will give his opinion to this Council. I do not want the answer to be purely that he will refer matters to the police. I want his personal assessment of the material that he undertakes to read. In my opinion it is the Government's responsibility, and I ask the Attorney, as Leader of the Government in this Council, to respond to the material that I will make available.

The Hon. C.J. SUMNER: I am not quite sure what the honourable member is asking of me. Is he asking me to carry out an investigation personally? Is he asking me to interview all the witnesses, or to refer the allegations to the proper investigating authorities? I would hope that what the honourable member is asking me to do is to refer any allegations or material that he has to the proper investigating authorities so that they can take statements, properly investigate allegations, and then make an assessment of them. If in making that assessment it is necessary to involve the Crown Prosecutor in perusing the evidence and thereby me as Attorney-General who has the ultimate responsibility for prosecutions in the State, I will do it, but that is the procedure that will have to be followed, I will certainly not personally conduct an investigation.

If there are matters to be investigated, they will be investigated by the Australian Federal police on the one hand and the South Australian police on the other hand. Following that investigation, if necessary, the material can be assessed by the Crown Prosecutor in conjunction with me, and I can provide the honourable member with an assessment of that evidence. Certainly, the initial procedure is for the matter, if there is additional matter, to be investigated by the police.

The Hon. I. Gilfillan: And you will report to this Council?

The Hon. C.J. SUMNER: The honourable member has asked me to bring back a reply, which I will do after that material has been assessed, but I am not acceding to the honourable member's suggestion that somehow or other I should conduct the investigation. I will not do that. The matter will be referred to the proper authorities for investigation: if needed the Crown Prosecutor will assess the results of that investigation, and if necessary I, in conjunction with the Crown Prosecutor, will assess the information or the results of that investigation and report to the Parliament.

PEP PROGRAMME

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to a question I asked on 4 December about the PEP programme?

The Hon. FRANK BLEVINS: The reply is mainly in the form of a table, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

PROGRAMME

1. \$3.6 m was allocated on the following basis within the Government schools system:

- (i) 50 per cent transition education.
- (ii) 12½ per cent approximately across education system projects.
- (iii) 37½ per cent approximately to targetted schools.

	\$
1.00 Total Government Schools Allocation/S.A. 1984:	2.6 m
<i>In General Allocations</i>	
1.01 Transition education	1.8 m
1.02 Administration costs	136 000
1.03 Across system projects	458 500
1.04 School projects	1 205 500
<i>Details</i>	
1.03 <i>Across System Projects</i>	
1. Senior Secondary School Student Project (4S)	140 000
2. Aboriginal Post Primary Attendance Project	24 000
3. Senior Secondary Curricula Project (2S)	110 500
4. Service Club Involvement with Youth (SCIY)	34 000
5. Link courses	150 000
1.04 <i>School Focused Projects</i>	
35 targeted schools	999 600
Targeted disadvantaged student groups:	205 900
(i) Traditional Aboriginal students	
(ii) Disinclined learners/re-entry students	
(iii) First phase English language learners	
(iv) Geographically isolated students	

2. Projects have been funded in 35 targeted PEP schools. The PEP project encourages school communities to undertake whole school change with the aims of increasing the participation and equity of disadvantaged groups (including girls) in secondary education. As such it is not possible to say what percentage of funds has been directed to particular programmes since many of the programmes have several focuses. Specifically:

- 24 targeted schools have developed particular girls in education programmes.
- An adviser to support school based initiatives was approved in Term 3, 1984. It has been recommended that this position be continued in 1985.

• The TE programme has a major project 'Transition Education for Girls'.

3. Although there were initial delays in setting up the programme and in working through approved processes, of a total amount of \$3.647 m, actual expenditure at the end of October was of the order of \$2.5 m and approved expenditure to the end of 1984 was \$3.4 m. Since that time, the State/Commonwealth PEP committee has recommended a range of other approved projects which are expected to acquit all of the 1984 PEP allocation.

The Hon. ANNE LEVY: Has the Minister of Agriculture a reply to a question I asked on 5 December about the PEP programme?

The Hon. FRANK BLEVINS: I seek leave to have the reply inserted in *Hansard* without my reading it, as it is mainly in the form of a table.

Leave granted.

PROGRAMME

1. In 1984, 50 per cent of PEP Government schools funds has been allocated to transition education. The funds specifically allocated to the participation and equity programme have supported 44 projects.

2. Six consultants or consultancy firms have been used.

3. (a) *Targeted schools*

In these cases schools have selected their own consultants.

(b) *Senior Secondary School Students Project (4S)*

4S has funded one consultant:

Brian Hannaford was selected on the basis of requests from schools (Morialta High, Murray Land cluster of area schools, Cummins Area, Risdon Park High) which most consistently asked for him. He is a retired Principal from Marion High School, which was outstanding for the programmes it offered the full range of senior secondary students.

4. See table.

5. * Mr Brian Hannaford, a retired principal, is receiving normal Government superannuation.

* The South Australian College of Advanced Education and the South Australian Institute of Technology (Tech. Search) are Government supported.

School	Programme	Consultant	Cost	% of School Total
1. Adelaide	1. Maths	Connie Knox (Sheffield Centre of Learning)	\$ 3 200	9.9
	2. Research	Allouache and Bell Research Consultants	8 000	25
2. Craigmore	Needs Survey	Salisbury SACAE	6 000	22
3. Croydon	Methodology	Brian Hannaford	2 000	5
4. Elizabeth High School	Curriculum Adaptation	Brian Hannaford	1 000	3
5. Gepps Cross	Methodology	Victorian Catholic Education system personnel	1 000	4
6. Mannum	Research	Allouache and Bell Research	8 000	42
7. Salisbury	Positive Self Image	Brian Hannaford	2 000	6
8. Smithfield Plains	Research	Tech. Search Inc.	6 940	25
9. Le Fevre Peninsula Schools (West Lakes, Le Fevre, Taperoo, Port Adelaide, Seaton)	Joint Survey	Tech. Search Inc.	32 000	18
Across School System Projects 4S		Brian Hannaford	4 000	3

PARLIAMENTARY SUPERANNUATION FUND

The Hon. R.C. DeGARIS: Has the Attorney-General an answer to the question I asked on 5 December about Parliamentary superannuation funds?

The Hon. C.J. SUMNER: The Government intends to amend the Parliamentary Superannuation Act so that mem-

bers who in future transfer from this Parliament to another will not receive lump-sum payouts.

SINO MEMORABILIA

The Hon. DIANA LAIDLAW: During the recess I received a reply to a question I asked the Attorney-General on 14

November about Sino Memorabilia. I seek leave to have that answer inserted in *Hansard* without my reading it.

Leave granted.

REPLY TO QUESTION

Dear Ms Laidlaw,

On 14 November 1984 you asked a question on Sino Memorabilia. I referred your question to the Minister of Arts and he has provided the following answer:

The professional museum community in Australia follows codes of ethics and practice which cover the question of collecting policy and which espouse co-operation rather than competition between institutions. Thus State museum staff assessing collections for acquisitions purposes in other States conventionally take great care to establish contact with their opposite numbers in the relevant State. I would expect that the professional staff appointed to the Museum of Chinese-Australian History would operate within this normative framework. The Curator, Museum of Migration and Settlement will be liaising with the staff of such museum when they are appointed and would support an active policy of co-operation between the two institutions.

It is understood that the Migration and Settlement Museum has purchased a small collection of traditional Chinese material which will probably form the basis of an exhibition in 1987. It is also hoped to attract donations reflecting the history of the Chinese in South Australia to use in the Museum's main interpretive displays.

Yours sincerely,
C.J. SUMNER, Attorney-General

ASER DEVELOPMENT

The Hon. L.H. DAVIS: Has the Attorney-General a reply to the question I asked on 1 November about the ASER development?

The Hon. C.J. SUMNER: There are in fact two developments being presently undertaken within the vicinity of the Adelaide Railway Station. The first is, of course, the ASER development and the second is the Adelaide Railway Station Concourse Redevelopment. The member's 'heritage find' could have referred to excavation carried out in either of these projects. In the ASER project the arch referred to by the member is in fact the rounded top of one of the city's main trunk sewers. The ASER developers were aware of the existence of the sewer, and it had been deliberately uncovered last Friday [26 October] in order to establish its level to assist with the locating of the new mains sewer for ASER. The brick sewer was three metres below ground, north of the project site in the area currently used by the Festival Centre as a car park. Once located, the hole had been back-filled as it was part of the main roadway through the car park.

With the railway station redevelopment, excavation for sewer drainage in the concourse area encountered a concrete slab and brick archwork which was subsequently identified as old servicing tunnels associated with locomotive maintenance from the 1860s and later period. Further excavation has exposed brick arched tunnels with bluestone walls. The arches appear to be spanning some 4 metres to 5 metres and the tunnels themselves appear some 4 metres to 5 metres deep and have their keystones at about two metres below concourse level.

It became clear on Thursday 25 October that the tunnels represent a major obstacle to the services runs planned for the concourse. Further, it was clear that the excavations already made for the sewer that run south of the tunnel were in danger of collapse and required both shoring for safe working and early back-filling to ensure that the concrete slabs were not under-mined. Accordingly, an instruction was given that a solution for getting the services through the

tunnel should be found as a matter of urgency, work in the area completed and back-filled.

On the Friday, following a contact made by channel 9 with Mr Rump, STA General Manager, the Development Manager of the STA gave a statement to Mr McGee of channel 9 which indicated what had been found, its background and what was intended to be done. The Development Manager advised Mr McGee that remnants of these tunnels known as the Exhibition Tunnel had been previously encountered by work on the Festival Centre complex and the existence of the tunnels in this area and across to the Memorial Gardens under King William Street was well known. It is our understanding that channel 9 made no use of the statement apparently on the assumption that what had been uncovered was not really news at all.

QUESTIONS ON NOTICE

CEP GRANTS

The Hon. ANNE LEVY (on notice) asked the Attorney-General:

1. What proportion of projects submitted for CEP grants in the past 12 months have employed outside paid consultants to prepare their submissions?

2. What is the success rate for submissions using such outside paid consultants?

3. What is the success rate for submissions not using such outside paid consultants?

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

1. To date no systematic recording of the use of project consultants for the preparation of CEP applications has been undertaken.

2. Sufficient data is not available to answer this question.

3. Sufficient data is not available to answer this question.

CAJ AMADIO PTY LTD

The Hon. ANNE LEVY (on notice) asked the Attorney-General:

1. How many complaints have been received during the past three years by the Consumer Affairs Department about the building activities of Caj Amadio Pty Ltd?

2. What action has been taken by the Commissioner of Consumer Affairs following the references to this Company in his 1983 Annual Report, and what has been the result of this action?

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

1. January-December 1982	30
January-December 1983	9
January-December 1984	8
	—
	47
	—

2. A report was prepared and forwarded to the Secretary of the Builders Licensing Board on 1 September 1983. The matter is still the subject of consideration by the Board to determine what action is required. I shall advise you of the Board's decision in due course.

SOUTH AUSTRALIAN COST ADVANTAGES

The Hon. L.H. DAVIS (on notice) asked the Attorney-General: In view of the fact that the Government's promotional campaign for the State through interstate media,

under the Slogan 'South Australia—Australia's best kept secret', has claimed there are cost advantages in establishing a business in South Australia, will the Minister provide specific information to justify this claim?

The Hon. C.J. SUMNER: The Government has promoted those cost advantages to certain organisations considering the establishment of a business in this State, as a 'package' which includes:

1. Australia's best industrial relations record;
2. Industrial estate packages with national and international transport access;
3. Industrial premises construction scheme;
4. Provision of primary products and raw materials;
5. Industrial and commercial infrastructure;
6. Lower housing costs;
7. Shorter commuting distances; and
8. Better quality of life.

The statistical detail of these cost advantages is made available to potential investors to meet their individual needs. The data is obtained from publications such as ABS Quarterly Statistics, Year Books and various Annual Reports.

CEP FUNDS

The Hon. ANNE LEVY (on notice) asked the Attorney-General:

1. What proportion of CEP funds have been spent to date in the Local Government areas of Burnside, Elizabeth, Mount Gambier, Thebarton and Whyalla?

2. What is the most recent figure available for the unemployment rate in each of these five Local Government areas?

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

1. The following table lists the proportion of CEP funds spent in each area to 30 September 1984:

Local Government Area	%
Burnside	3.41
Elizabeth	3.28
Mount Gambier	5.14
Thebarton	0.53
Whyalla	2.73

2. The following table shows the estimated number of persons unemployed as at 8 June 1984:

Local Government Area	Number of Persons Receiving Unemployment Benefits (%)
Burnside	1.92
Elizabeth	3.35
Mount Gambier (City)	1.09
Mount Gambier (District)	0.47
Thebarton	1.60
Whyalla	3.41

SOUTH AUSTRALIAN SUPERANNUATION FUND

The Hon. L.H. Davis, for the **Hon. R.I. LUCAS** (on notice), asked the Attorney-General: What is the present value of the long-term liabilities of the Government in respect of current members of the S.A. Superannuation Fund?

The Hon. C.J. SUMNER: The present value of the long-term liabilities of the Government in respect of current members of the S.A. Superannuation Fund has been estimated by the Acting Public Actuary to be \$1 300 million. The Government's actual liability is a series of pension payments stretching many years into the future. The present value is the sum of the discounted values of all the estimated future payments. The figure has been calculated on the basis specified in the Acting Public Actuary's report of 25 July 1984. It does not include any allowance for benefits yet to accrue in respect of the future service of current contributors.

IMPLEMENTATION COMMITTEE

The Hon. C.M. HILL (on notice) asked the Attorney-General: In regard to the Report of the Ethnic Affairs Commission Task Force on Education, which the Minister stated on 13 November 1984 has been accepted by the Government in principle, and referred to an implementation committee:

1. When was the implementation committee, to which the Minister referred, set up?

2. Who are the committee's members, and who, if any, are its co-opted members?

3. How many meetings have been held to date?

4. When does the committee estimate it will make its report to the Ministers of Education and Ethnic Affairs?

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

1. The implementation committee or steering committee will prioritise and cost action to be taken. It was appointed by the Minister of Education after a submission to Cabinet which was approved on 27 August 1984.

2. The members of the Steering Committee are:

Chairperson, Mr T. Barr—Director, Office of the Minister of Education;

Mr K. Gilding—Chairman, Tertiary Education Authority of South Australia;

Mr M. Schulz—Deputy Chairman, South Australian Ethnic Affairs Commission;

Mr R. Smallacombe—Chairman, Multicultural Education Co-ordinating Committee and Assistant Director, Education Department;

Ms H. Kolbe—Director, Resources, Education Department;

Ms M. Davis—Equal Opportunities Officer, Department of TAFE and a Secretariat of three persons;

Mr R. Lean—Office of the Minister of Education;

Ms E. Ramsay—Acting Education Officer, South Australian Ethnic Affairs Commission;

Mr F. Verlato—Secretary, Minister of Ethnic Affairs and on a one-half day per week basis;

Ms R. Colanero—Executive Officer, Multicultural Education Co-ordinating Committee.

3. The Steering Committee has met 11 times to 18 December 1984.

4. The Steering Committee estimates it will make its report to the Minister of Education and the Minister of Ethnic Affairs by mid-March 1985. That will be done to enable the costings to be assessed during Budget considerations.

SELECT COMMITTEE ON TAXI-CAB INDUSTRY IN SOUTH AUSTRALIA

The Hon. BARBARA WIESE: I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 2 April 1985.

Motion carried.

SELECT COMMITTEE ON BUSHFIRES IN SOUTH AUSTRALIA

The Hon. ANNE LEVY brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

MENTAL HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 2141.)

The Hon. J.C. BURDETT: I support the second reading of this Bill and do not intend to speak to it at any great length, because the Minister has indicated that he proposes, when the Bill passes the second reading, as undoubtedly it will, that it be referred to a Select Committee. When I spoke to the Consent to Medical and Dental Procedures Bill, which I think runs along with this Bill, as they both emanate from the report of the same working party, and relate to consent to treatment, I said that I doubted the need for it. Certainly, representatives from the AMA, when they saw me, said that they could not see the need for it, and that they had had no problems with consent, but were not willing to say that they were opposed to it. But, there is a real need for this Bill to amend the Mental Health Act because it relates to consent to medical and dental treatment of mentally handicapped persons, whereas the Consent to Medical and Dental Procedures Bill relates to consent to medical and dental treatment of other persons.

There is a need to amend the law in relation to the consent to medical and dental treatment of mentally handicapped persons, particularly in regard to the persons who may consent. The late Sir Charles Bright strongly recommended that something be done in this area. As was acknowledged by the Minister in his second reading explanation, there are times when a mentally handicapped person may give an informed consent and that, of course, is a valid consent. I strongly believe that no other procedures should apply where a mentally handicapped person is in a position to be able to give an informed consent or refusal to medical or dental treatment. At times many people in that position are able to do it and at times they cannot.

In the interests of supporting those people it is important that, where it is likely that at some reasonable time such a person may be able to give an informed consent or refusal to medical or dental treatment, that they be able to do so. Many areas of the law relate to states of mind. I refer to testamentary capacity, which concerns the mental ability of persons to make a will. In that Bill it is also recognised that there are times when people may be of testamentary capacity and times when they may not be. I agree with what the Minister said, that where a mentally handicapped person may give an informed consent, in the interests of his human dignity it is important that he be able to do so.

The Bill addresses the question of consent to abortion and sterilisation procedures of mentally handicapped persons. This part of the Bill is important because at present, if the mentally handicapped person is not able to give an informed

consent, no-one else can give such consent legally. It is necessary to straighten up this part of the law. On occasions it is recommended that mentally handicapped persons have sexual activity because it is therapeutic to the handling of their case. Of course, the question of sterilisation becomes most important in those cases. Presently, no-one is in a legal position to give consent to that treatment. I know of cases where the parents or family of persons in such a position have taken them overseas for such a simple procedure as a vasectomy, which could easily be performed here, because overseas countries are in a different position.

The Bill proposes that only the Guardianship Board may give consent to abortion and sterilisation procedures. The Guardianship Board has operated extremely well in South Australia so far in matters committed to it, and I believe that it would be a very appropriate body in which to vest this power to give consent to such procedures. In relation to other dental and medical procedures mentioned in the second reading explanation, the Bill provides that parents of adult and minor mentally handicapped persons may consent. At present parents have no right to consent. Many parents and parent organisations are upset by the Bill, and I understand their misgivings.

I think it should be noted that at the present time parents do not have the power to consent. The Bill gives them and the Guardianship Board the power to consent. In regard to general medical and dental procedures, apart from abortion and sterilisation, it gives the Guardianship Board the power to delegate its authority in this regard, to make sure that matters can be handled expeditiously. The Bill certainly has a great deal to commend it. At least it attempts to tackle the problem.

It is a problem which, as the late Sir Charles Bright recognised, needs to be tackled. I commend the Minister for saying that he will refer the Bill to a Select Committee, because there are many groups and persons, particularly the families of mentally handicapped persons, who are not satisfied with the present position. The Bill is an attempt to tackle a problem which needs to be solved. With the good record of Select Committees, one would trust that, if the Bill does need some amendment, the Select Committee after hearing the evidence from all interested parties, including the parents of mentally handicapped people, the groups which represent those parents, the professionals who operate in the field and from others with an input to make will be able to arrive at suitable recommendations. I have not spoken at any great length, because the Bill is to be referred to a Select Committee. I support the second reading.

The Hon. R.J. RITSON: I also support the second reading of this Bill on the understanding that it is to go to a Select Committee. It is a very sensitive question, the question of invading the bodies of people considered to be not legally competent to make such decisions for themselves. There are questions of human rights, questions of principle and questions about the first step or the thin end of the wedge. On the other hand, there are some realistic views about the inevitability of sexual activity by people who through no fault of their own are not equipped with sufficient mental powers to use that faculty in a way that is not harmful to themselves or society.

This is a subject on which different groups within the community will have opinions. I think it is a good thing that these opinions should be sought by Parliament. I have great faith in the Select Committee system and for that reason, like the Hon. Mr Burdett, I am happy to wait and see the outcome of the committee before expressing firm opinions on such sensitive matters. In passing, Order of the Day No. 21 on the Notice Paper (Consent to Medical and Dental Procedures Bill) has so much in common with this

Bill in terms of the types of matters that it raises that I believe it deserves similar consideration. In fact, I think that matter will be addressed by members on this side of the Council in due course. Having said that, I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank the two honourable members opposite for their contributions. As I said when introducing the Bill, it is the Government's intention that it should go to a Select Committee. Of course, we have just returned from the Christmas break and have been sitting in this Chamber for less than two hours today. I must confess that I have not had time to find the other five members who I know will join me on the Select Committee and, therefore, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CONSENT TO MEDICAL AND DENTAL PROCEDURES BILL

Adjourned debate on second reading.
(Continued from 4 December. Page 2019.)

The Hon. J.C. BURDETT: When I spoke to this Bill earlier—and I am now concluding my remarks—I set out various reservations that I have about the Bill and referred to comments made to me by various groups and various individuals expressing their concern. The main concern relates to minors below the age of 16 years being able to consent in certain circumstances even though their parents do not consent. There has been particular sensitivity in regard to abortion, sterilisation, cosmetic surgery and similar procedures. The questions that have been raised with me since I spoke on the last occasion have also included concerns from some people that there is no type of conscience clause in regard to cases where consent may be given by children or, in certain circumstances, may be given by the doctors concerned; or where consent may be given for treatment of a person who is not conscious and there is no provision where the family of that person may object to the particular procedure or any medical or dental procedure on religious or conscientious grounds. There is no provision requiring those views to be taken into account.

A number of complaints or objections to the Bill have been raised. At 1 p.m. today there was a demonstration against the Bill on the steps of Parliament House by the Festival of Light. When I last spoke to the Bill I indicated that I found it difficult to see any reason for its need.

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. J.C. BURDETT: I refer to the fact that I raised earlier, which was also mentioned by the Hon. Dr Ritson, that this Bill deals with the same question as the Mental Health Act Amendment Bill, namely, the question of consent to medical and dental treatment (in that case consent in respect of mentally handicapped persons; and in this case consent in regard to other persons).

Having regard to the fact that this Bill emanates from the report of the same working party as the other Bill did, and as the Minister, wisely, has decided that he wants to refer that Bill to a Select Committee, and because in both

cases people have expressed objections, doubts, and so on about the Bill, it seems to me that it would be appropriate to refer the present Bill to a Select Committee. I indicate that at the appropriate time I will move that this Bill be referred to the same Select Committee as will deal with the Mental Health Act Amendment Bill. For reasons that I indicated earlier, and as I said when I started my remarks last year, I support the second reading of the Bill.

The Hon. R.J. RITSON: I support the second reading of the Bill. It deals with a number of issues relating to both the matter of consent and, in a sense, legal competence to consent, and it also solves a problem that existed in relation to the emergency treatment of minors. Honourable members may recall that I asked a question of the Minister of Health some time ago relating to representations made to me by members of the legal profession who had believed that the provision for treating minors without consent in the case of life-saving procedures did not deal with limb saving and health saving emergencies where life itself was not threatened. I notice that in this Bill in section 5 there is a provision to empower the medical profession to treat without consent where there is eminent risk to the minor's health as well as life. A number of things like that I see as good points in this Bill.

It is common knowledge that there is a lot of social contention about the consent given under this Act to the procedures of termination of pregnancy and to the prescribing of contraception, because some people believe that it will actively encourage young people to embark on such things without taking the advantage of the parental support and counselling that might otherwise be forthcoming if the parents had to know of the situation. The question of legal competence to consent is something that the Hon. Frank Blevins will remember as having been expounded by Professor Somerville, a lady of extraordinary charm and intellect, who gave evidence to the Select Committee on the Natural Death Bill at a time when she held a Chair in both the Faculty of Law and the Faculty of Medicine in a Canadian University. That is the quality of advice that is available to the Parliament if it chooses to take the approach of putting such matters to the Select Committee.

There are two advantages of putting this to the Select Committee; first, the best possible professional advice can be received by the Parliament, and secondly, it gives an opportunity for groups in the community with particular ethical or social attitudes to some aspect of the Bill to have their input into the democratic process. For that reason I support the second reading, and in due course will support the Hon. Mr Burdett's proposal to submit this Bill to the same Select Committee as will already be sitting on another similar matter.

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

[Sitting suspended from 4.10 to 10.35 p.m.]

ADJOURNMENT

At 10.35 p.m. the Council adjourned until Wednesday 13 February at 2.15 p.m.