LEGISLATIVE COUNCIL

Thursday 19 September 1985

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

PAPER TABLED

The following paper was laid on the table:

By the Minister of Tourism (Hon. Barbara Wiese):

By Command—

Technology Action Program—Report.

QUESTIONS

NOARLUNGA HEALTH VILLAGE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Health a question about the Noarlunga Health Village.

Leave granted.

The Hon. K.T. GRIFFIN: It has been drawn to my attention that the medical drop-in at the Noarlunga Health Village, which was to have been opened in February 1986, is now to be opened in 1985. I am informed that the opening was brought back to October 1985 by direction of the Minister of Health and was against the wishes of the board and contrary to a board decision. I am told that the early opening date will create problems, particularly in relation to the staffing of medical officers, and other areas.

There is some concern in the local area that, as a result of the much earlier opening, the services to be provided will be inadequately prepared. If this direction was, in fact, given, it would suggest very much that there is an early election in the wind. My questions are:

1. Did the Minister direct or cause a direction to be given that the opening be brought forward from February 1986 to October 1985?

2. What problems will the earlier opening create in terms of staffing?

3. If there is to be an earlier opening than that originally planned, will the facility be fully operational and fully staffed from that earlier opening date?

The Hon. J.R. CORNWALL: The frantic attempts of the Opposition to drum up health stories have gone beyond the stage—and I will have more to say about that later—where I can take them seriously. It has become completely ludicrous. I cannot work out who the shadow Minister of Health is. Is it the Prince of Slander? Is it the shadow Attorney-General? Is it the parrot? Who is it? They are all up—

The PRESIDENT: Order! We went through the procedure of parrots and everything yesterday. I ask that the Minister refer to honourable members by their correct titles.

The Hon. J.R. CORNWALL: I would have to say that it has reached a ludicrous and laughable stage. The Noarlunga Health Village was always going to be opened as soon as reasonably possible after September 1985, I am very proud to say. The Noarlunga Health Village was specifically promised by me as shadow Minister of Health and by the then Opposition Leader, John Bannon (now the most popular Premier in the history of this State) prior to the last election.

An honourable member interjecting:

The Hon. J.R. CORNWALL: I can assure the honourable member that it will do the Party a world of good. I am very happy to be behind a Leader who has a 73 per cent approval rating; I feel very comfortable indeed.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: I can assure the honourable member that the Premier feels very comfortable with me; and I will be seen with him at many public functions over the coming weeks including the opening of the Noarlunga Health Village. It is absolutely ludicrous and laughable to suggest that somehow or other a direction went out saying 'The village should be opened by October or else you will be heavied by the Minister of Health'.

As I have said, the health village was an undertaking given prior to the last election, after I had visited a polyclinic in the western suburbs of Sydney accompanied by the member for Mawson (Susan Lenehan) and the now Deputy Premier (Don Hopgood). The health village is based on a concept which is arguably the most exciting multi-disciplinary community health facility in Australia, and it has been implemented in a period of a little less than three years. In the circumstances, I am not surprised that this desperate Opposition is disturbed that we have been able to perform so magnificently. I have never given any direction as to moving about the opening date: the opening of the Noarlunga Health Village was always to occur as soon as possible after July 1985.

The Hon. K.T. Griffin: You said September.

The Hon. J.R. CORNWALL: This is going back to the time we started construction. After making such a big fool of himself yesterday, I would have thought that the shadow Attorney would keep his head down. The fact is that there has been a small amount of slippage in relation to the opening date due to one or two things beyond the control of the builder. I have personally inspected the site and I am pleased to say that it is a very exciting community health concept. It will be opened on 20 October by the Premier, and it will be my great pleasure to introduce him on that day.

It was never intended that we would hold up the opening until February. In fact, an Executive Director and a deputy were appointed many months ago, and staff have been actively recruited for at least the past three months. I received a status report as recently as last weekend indicating that all staff for the Noarlunga Health Village—with the exception of a full complement of medical officers—will be in-post by October. There is no reason whatsoever to hold up the official opening, not that that will make any difference to the efficiency of the health village one way or the other. There is no reason whatsoever to hold up the official opening until after 20 October.

The Premier and I happen to be available on 20 October, and it will give us great pleasure to be in attendance; and I am sure it will give the residents of the southern suburbs very great pleasure to see what can be achieved by a progressive and imaginative Government such as the Bannon Administration. The multi-purpose building will be the only building on site which will not be entirely completed by that date. However, for all practical intents and purposes it will be completed, apart from some internal fittings. As I have said, all of the staff apart from a complete medical complement will be in-post by that date. The question of finding suitably trained and experienced medical practitioners to staff the medical drop-in centre 24 hours a day, seven days a week is a matter which has been addressed very responsibly.

The reality is that we have had some very good applications for the post of Medical Director for the medical drop-in centre, but it will not be possible to fully and adequately staff the medical drop-in centre until a new batch of residents (that is, medical graduates who have had at least one year's hospital experience) is available in February. We make very clear that the medical drop-in centre will not be open 24 hours a day, seven days a week, until February next year, but this is very much a multi-disciplinary

approach. All of the other health professions will be represented—the Royal District Nursing Service, Southern Domiciliary Care, legal services, the Department of Community Welfare—in what is the most exciting community health complex in Australia at this time.

It would have been irresponsible had we proceeded to open the medical drop-in centre on a 24 hours a day, seven day a week basis without adequately trained doctors. That is a temptation that I resisted at once. Certainly, I had the Health Commission, in conjunction with Flinders Medical Centre and others, explore the possibility of recruiting adequately trained and experienced doctors to staff that centre prior to February, but that was not possible. Unlike this desperate Opposition, I refuse absolutely to jeopardise anybody's well-being by opening that facility on a 24 hours a day basis until fully trained and experienced medical staff are available in adequate numbers.

Quality assurance, as I am sure the shadow Attorney would know, is something on which I have laid enormous stress during my period as Health Minister. The simple answers to the questions are: no, I certainly did not direct or cause any direction to be given to the Board of Management of the Noarlunga Health Village that it had to be opened on a particular day. There was mutual agreement amongst all interested parties as to a suitable date for the official opening.

As regards problems, I have explained that the medical drop-in centre will not be open until February, when we can absolutely ensure that it will be completely and adequately staffed by suitably qualified and experienced medical personnel. The rest of the health village, for practical purposes, will most certainly be fully operational on or before the date of the official opening. On that day, I hope that we will be able to unveil sketch plans and give further details of the very exciting twin hospital complex.

We are conducting negotiations with Mutual Community at this time: we are talking of providing a hospital of 100 public beds, with a close association with Flinders Medical Centre, and Mutual Community is looking to provide a private facility with 60 beds contiguous with that hospital. We will share many facilities: we will share privileging and admitting rights so that the quality assurance programs at that twin hospital complex will be unique in Australia. It is the first time that that twin hospital type concept has ever been developed in this country. So, like the health village itself, the twin hospital complex will also be a very exciting and very much needed facility in the area.

I can understand the Opposition being upset about the fact that we have been able to put all of these things in place adequately and in very good time for an election, whenever it might be held. Certainly, I am not politically naive; I am well aware that there will be a general election some time between November and March. I suggest that, given the way the polls are looking at the moment, the election should be held as soon as we are comfortably in front. I believe (and I will give the Council this little bit of wisdom, based on my many years experience) that the time when we will be comfortably ahead is very close at hand.

The Hon. K.T. GRIFFIN: I have a supplementary question: to what extent will the medical drop-in centre be staffed from the date of opening, 20 October?

The Hon. J.R. CORNWALL: I cannot answer that in precise detail, but let me make crystal clear that there will be no fudging and no attempt to make it other than totally clear that the medical drop-in centre will not be fully staffed on a 24 hours a day basis until February. Certainly, there will be a Medical Director in-post, and I would hope, by that time we may well have recruited other experienced medical practitioners on either a salaried or a sessional basis. However, nobody is going to pretend that there will be a 24-hour service at least until February of next year.

When it is considered that we took it from just a very good idea in Opposition, right through the stages of planning, consultation, and setting up a board that is widely representative of the community, to the stage of an official opening in October 1985, I think that, despite my natural tendency to modesty, it is something of which I can be proud indeed. I am sure people will come from all around this country and from overseas to learn from it.

The Hon. R.J. RITSON: I have a supplementary question?

The PRESIDENT: We have had one supplementary question; I will come back to this.

MINISTERIAL STATEMENT: TECHNOLOGY ACTION PROGRAM

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement on behalf of the Minister for Technology on the Technology Action Program.

Leave granted.

The Hon. BARBARA WIESE: The statement I am about to make relates to the Technology Action Program, which I tabled in this place this afternoon and which is now being distributed to members of the Council. When releasing, three weeks ago, the 'principles for development' in the State over the next five years, the Premier said:

1. Fundamentally, our economic and social future depends on the intellectual resources and the skills of our people.
2. Information, knowledge, expertise—these are all powerful tools in a modern economy. They are essential prerequisites for a State gearing itself for the 1990s.
3. We must look to the skills of our work force, the drive and ability of our entrepreneurs and the flexibility and sophistication of our decision-makers.

We are seeking to bring this about, and to create in South Australia a centre of technological excellence. The Technology Action Programme (TAP) is a listing of Government activities designed to realise certain goals in this quest.

During the past year the Government has spent a great deal of time ensuring that its own efforts are being used to promote greater innovation, technological development and change in the State. The Government has reviewed its entire incentives policies, that is, financial assistance given to industry. It wishes to ensure that this expenditure actually promotes Australian innovation and technological change. As a result of this the State development fund has been created, and within it an innovation and technology program. This is a major initiative which will have a big impact in future years. In the past year many advanced technology activities in the private sector have been assisted, and as a result many new and exciting ventures are getting underway. This will be greatly expanded in future years. This activity is included in TAP.

Another major initiative is a review of Government procurement to ensure that Goverment procurement activities actually assist innovation in Australian industry. There are several other activities which are part of TAP. The first of these is the work of the Education and Technology Task Force (ETTF). The Government's decision to have both education and technology under one ministerial portfolio is also now bearing fruit. A few weeks ago the ETTF released an interim report. A second major report is due next March. Our South Australian initiative led to the creation of a national task force under the auspices of the Australian Education Council, which the Minister for Technology chaired and which has just completed its work. It will report to the Australian Education Council at it 52nd meeting to be held on 11 to 13 October 1985.

We are witnessing the beginning of a major period of change to our education system, which is designed to produce those intellectual resources, work skills, innovation and entrepreneurship, needed by the State and which were referred to by the Premier. This complements programs such as the YES scheme announced last week and which was based on the Kirby report, work to develop technology studies courses by SSABSA and many other initiatives already going on in the education field.

Another important component of the TAP is the 'Industry and Technology Futures Study', which will be developed and coordinated by the South Australian Council on Technological change. This activity is the coherent attempt to look at expected technological changes on an industry by industry basis, and is designed to encourage the development of cooperative approaches to ensure the rapid implementation of the technological change, which is so necessary, in many industries, but at the same time, to ensure the most equitable possible outcomes to all parties. The aim is to prevent problems occurring which could threaten our excellent industrial relations climate in the State by looking a considerable distance ahead rather than waiting until technological change is on top of us. Although the overall responsibility will be with the council on technological change, other important bodies such as the Industrial Relations Advisory Council will also be involved.

The Technology Action Program also includes a commitment to put in place promotion groups to develop a more energetic, coordinated and cooperative approach to new industries. An aerospace technology promotion committee modelled on the already successful biotechnology promotion committee will be established. In South Australia we have many activities in the aerospace technology field, but so far there is no 'industry' in the fullest meaning of the word. Likewise a committee to develop an environmental technology promotion committee in South Australia is planned in 1985-86.

The new 'Commission for the Future' has as part of its motto: 'The future is not some place we are going to, but one we are creating. The paths to it are not found but made.' The major challenge before us is to commit ourselves to making the path to a really advanced economy in this State. In the 1930s a similar series of decisions to industrialise the State were made by the Government of the day.

QUESTIONS RESUMED

HEALTH COMMISSION WASTAGE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to asking the Minister of Health a question on Health Commission wastage.

Leave granted.

The Hon. R.I. LUCAS: On 1 August 1984, the South Australian Health Commission entered into an agreement with a large metropolitan council to share the costs of a locally based adolescent health centre. That agreement on page 3 states that for a five-year period up to 30 June 1989 the South Australian Health Commission will meet two-thirds of the cost of the centre. Up until now the Health Commission has spent approximately $120 000 on the project and over the five-year period will spend in excess of $500 000. However, over $200 000 of that expenditure will be wasted as it will be spent on items with no connection at all to adolescent health. For example:

1. About $25 000 a year will be spent on the position of a Neighbourhood Development Officer which has no relationship whatsoever with the centre; this officer was meant to look after neighbourhood houses in the council area which I am told had a prime emphasis on the needs of young children and adults and certainly not adolescents.

2. About $30 000 a year will be spent paying for the council's Community Development Coordinator who is also responsible for managing the council's Aged Care Officer, Children's Services Development Officer, Neighbourhood Development Officer and Information Officer; I am told that these officers (in particular the council's Aged Care Officer) have little, if any connection with adolescent health.

3. The salary for an assistant to the Children's Services Development Officer was paid out of the adolescent health budget.

The scandal does not end there. Toward the end of the last financial year a sum of about $20 000 had been unspent on salaries. An officer of the council rang the Central Sector of the Health Commission in June this year and asked what should be done with the unspent $20 000. An officer of the Health Commission said, 'Spend it somehow, as it will cause more problems for us if it is unspent.' That is exactly what the council did. So, the computer printout for June 1985 under the heading 'Sundry Miscellaneous' is $20 000 worth of expenditure mostly unrelated to adolescent health. For example, money has been given to a senior citizens group, playgroups, preschools and child care centres. Clearly, unrelated to adolescent health centres.

In July this year senior officers of the Health Commission visited the council and the previous telephone instruction from the Commission's officer was reversed. The result has been a letter dated 1 August 1985 to the Health Commission from the council agreeing to supplement the 1985-86 budget for the centre by about $19 000. In fact, the money is to be spent on specific community health initiatives and, I am informed, that does not necessarily relate to adolescent health either. This is a further example of the Minister and the South Australian Health Commission not exercising tight financial controls, with resultant waste of taxpayers' money. It is time for the Minister to come clean on these matters and finally admit that his Health Commission is involved in wastage of significant sums of taxpayers' money—in this case over $200 000. My questions to the Minister are:

1. Why has the Health Commission entered into an agreement to fund an adolescent health centre when a significant percentage of the expenditure will be on areas unrelated to adolescent health?

2. Will the Minister now finally admit that supposed tight financial control, exercised by him and the Health Commission on health units, does not exist and that significant sums of taxpayers' money are being wasted?

The Hon. J.R. CORNWALL: The day had to come when the Hon. Mr Lucas finally overreached himself and finally overdid it and was exposed—

The Hon. R.I. Lucas: I thought that was yesterday.

The Hon. J.R. CORNWALL: Yes, it was yesterday as well as today. I will spend some time explaining the position to the Council. In his desperate attempt to drum up slander—like yesterday—he has taken his slander beyond senior professional officers of the commission in to what was actually a disgraceful attack on the Health Commissioners, who include Mr Rick Allert, who is one of the most respected accountants and a principal in one of the most senior accounting firms in this State. That is the level to which the Hon. Mr Lucas is descending in this perverted personal vendetta against me. By inference against me also yesterday he slandered every major metropolitan hospital in the Central Sector and, by inference, he most certainly slandered Adelaide Children's Hospital.

They are the lengths to which this man will go. Let me explain, first, by responding to the immediate questions in this persistent and scurrilous attempt to degrade and deni-

grate. The council to which the honourable member refers is presumably Salisbury council. We have said as a matter of policy ever since I became Minister—in fact, it was in our fighting platform—that we would be anxious to enter into joint agreements with local councils for the provision of community health centres and community health services. Obviously adolescent health is a significant and important part of that community health program.

We had the spectacle last week of the shadow Attorney-General (Hon. K.T. Griffin) complaining bitterly in the Parliament, on radio and on television, that we were spending too much on the health of the young people of this State.

The Hon. K.T. Griffin: You know that that is not true.

The Hon. J.R. CORNWALL: I know that it is very true; and it hurts. It was a very ill-considered attack. I hope that the Hon. Mr Griffin and the Hon. Mr Lucas do this on a daily basis. They are bringing themselves into total disrepute in the community. I was at a charity concert last night, as was the Hon. Dr Ritson, and the matter of the Hon. Mr Lucas and his persistent slander under parliamentary privilege was raised with me by senior staff and board members of the Adelaide Children's Hospital. I warn the Opposition that what it is up to is being very much noted in the community.

With regard to the adolescent shopfront drop-in centre we opened in Salisbury quite some time ago, we have entered into a five-year agreement. I have made it clear to every council that has raised the matter that I am anxious for the Health Commission to enter into five-year legally enforceable agreements with councils. Understandably, councils are terrified to get into these agreements unless they are legally enforceable because, if there is a change of Government, with the cutting, slashing, axing, and the so-called 'small' government that is being preached, as we saw between 1979 and 1982, there will be a massive cut-back in spending in the health area. For that reason, as a matter of policy, we are prepared, anxious and willing to enter into five-year agreements with local councils.

As the Hon. Mr Lucas said—and his mole feeds him some very strange information; gets it half right half the time and mostly wrong most of the time, if that equation works—we have entered into a five-year agreement with the Salisbury council for the conduct of the adolescent shopfront drop-in centre. That will be part of the networking we are doing at The Second Story, which is the most exciting development in adolescent health in this country. That is acknowledged. People from interstate are watching with great interest to see the development of this multidisciplinary and comprehensive approach to adolescent health.

I do not mind how often the Hon. Mr Lucas gets up and criticises the Government for spending money on the young people of South Australia. The day I have to apologise for boosting spending in the areas of adolescent and youth health is the day I will resign from this Parliament. I am very proud—

The Hon. L.H. Davis: We have got that on the record.

The Hon. J.R. CORNWALL: Indeed, you have. We also have on the record how you carping, critical knockers have persistently knocked the Health Commission. You have persistently slandered senior officers of the Health Commission under privilege and you are now slandering prominent citizens from the private sector who, traditionally in this State, have given willingly of their time. It is a fact that no member of any hospital board in this State is paid for their services. We have people of the calibre of Mr Lou Barrett—who is the Chairman of the board at the Royal Adelaide Hospital—one of South Australia's outstanding citizens, who gives of his time free, gratis and for nothing, and has done so for years. He is an outstanding Chairman of the board; but he is not going to be staying there much longer if the Hon. Mr Lucas, who has now changed the basic rules of decency in this Parliament—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —who has now changed the basic rules of decency under which this Parliament has operated for almost 150 years, is now prepared—

Members interjecting:

The Hon. J.R. CORNWALL: He has. He has changed the basic rules of decency. He is prepared directly and by inference not only to slander people of the calibre of Dr Bill McCoy and Des McCullough, but people of the calibre of Mr Rick Allert and others, and Mrs Jenny Strickland, who is a quite outstanding health commissioner, and represents, amongst other things—and represents very well—the interests of local government on the South Australian Health Commission.

How much longer can we expect these people to give freely of their time, skills, talents and energies if they are at risk of slander by the Prince of Slander in this Parliament? I challenged him yesterday to go out and repeat his allegations outside, and he did not. He failed to do it.

The Hon. R.I. Lucas: Come out now. You come out now.

The Hon. J.R. CORNWALL: You go out and do it. Don't sit parroting—

The Hon. R.I. Lucas: You come with me. You call me the Prince of Slander outside, come on.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Mr President, I will call Mr Lucas the Prince of Slander anywhere at any time.

The Hon. R.I. Lucas: Come outside now then.

The Hon. J.R. CORNWALL: I will, at the conclusion of Question Time.

The Hon. R.I. Lucas: Now. Come out now.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Stop parroting. What an idiot.

The Hon. R.I. Lucas: I am waiting. Come on. On the steps.

The Hon. J.R. CORNWALL: Mr President. I am prepared to call Mr Lucas the Prince of Slander anywhere at any time and, apart from being fair comment, the defence will be in truth. So, I have it both ways. Any member of the media can approach me at any time. Thank God he has left because that parroting of his in that falsetto voice really is most annoying. As to these matters of moneys allegedly underspent and being allegedly rapidly spent at the end of the financial year, one cannot win with Mr Lucas. One cannot win with this Opposition. Yesterday—

The Hon. R.I. Lucas: What happened?

The Hon. J.R. CORNWALL: The soprano is back again. Has he slandered those people out there? I will call him the Prince of Slander anywhere. As I said, my defence will be twofold. First—

The PRESIDENT: Order! I call on the Hon. Mr Lucas. This is not a drama society.

Members interjecting:

The PRESIDENT: Order! I do not have that much control over him. Standing Orders do not give me that much authority. However, I think that this argument has gone far enough now.

The Hon. J.R. CORNWALL: With regard to the moneys, they were spent profitably, sensibly and reasonably by the Salisbury council on community health programs in the best and broadest sense. As I say, one cannot win. I certainly will not apologise for spending this money on adolescent health or on community health programs, and certainly not on the young people of South Australia. I am very proud of what we have achieved. However, yesterday the Hon.

Mr Lucas was complaining bitterly and trying to drum up a storm, slandering people and peddling falsehoods in this Chamber that someone had been fiddling the books in country hospitals. His complaint was that as there was money over it was taken back and added to the subsequent year's budget. The very simple explanation for that—

The Hon. R.I. Lucas: You admit it today?

The Hon. J.R. CORNWALL: I admit it very proudly. The simple explanation, very well documented, is that it is called incentive budgeting.

The Hon. R.I. Lucas: You denied it yesterday.

The Hon. J.R. CORNWALL: You should read *Hansard* very carefully. You put your foot right in the bear trap. It is called incentive budgeting.

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Dunn should stick to agricultural matters.

The Hon. Peter Dunn: That's not what you said yesterday.

The Hon. J.R. CORNWALL: I was very careful yesterday to 'Lucas-like', if you wish, lay a little bear trap. I will now tell the Council about the 'alleged scandal'. I refer to a letter, which I will be very happy to table if I am requested to do so, from Dr W.T. McCoy, Executive Director, Central Sector, which was sent to all country hospitals in the Central Sector except Hutchinson Hospital at Port Pirie. The letter is dated 3 April 1984 and states:

> Thank you for the hospitality extended to Sector Finance Officers during the recent funding visits.
>
> It is my present intention to introduce a first step towards a form of incentive funding as part of the 1984-85 allocations to country hospitals. Unlike previous years, where savings have been lost to the hospital, it is envisaged that any significant 1983-84 savings will be added to the 1984-85 funding base.
>
> Savings carried forward would be available for any purpose other than the employment of additional staff.
>
> These proposed arrangements are subject to there being no significant change in the present funding formula used by State Treasury to fund the Health Commission.

That is the alleged scandal—incentive budgeting. Flexibility is being introduced into the hospital system by the commission (because it is a commission not a department). Incentive budgeting is Government policy, as clearly enunciated before the last election. Of course, that decision was ratified by the Health Commission.

The Health Commissioners sat on Tuesday 9 April 1985, as I mentioned earlier, and included Mr Rick Allert (from the private sector), who has a very fine record. As I said, yesterday the Hon. Mr Lucas, in his desperate and perverted attempts, changed the ground rules and took the Council in a very dangerous direction indeed. It is the Hon. Mr Lucas who should be out publicly apologising to all the decent, first-class citizens of South Australia who give their time and talents to hospital boards around the country. I refer to the agenda for the meeting of the Health Commission finance committee on Tuesday 9 April 1985.

The Hon. M.B. CAMERON: Mr President, I rise on a point of order. I understand that you do not have any control over replies to questions, but I ask whether anything can be done to stop a Minister who has taken 30 minutes to answer only the second question of the day in an attempt, as he said, to take up the whole of Question Time. It is absolutely ridiculous. The Standing Orders Committee will have to meet soon to see whether we can do something about this.

The PRESIDENT: I do not uphold the point of order, but I understand what the Leader is saying. However, there is nothing that I can do.

The Hon. J.R. CORNWALL: I am almost finished. I can understand the Opposition's discomfort. The Hon. Mr Cameron's hatchet man—he of the supple loins on the backbench who yesterday brought the system into disrepute—has been exposed for the Prince of Slander and the scurrilous and recklessly irresponsible individual that he is. I conclude with the minutes of the Health Commission finance committee meeting held on Tuesday 9 April 1985. Under the heading 'incentive funding', it states:

> Dr McCoy's paper outlining what has been done in Central Sector in regard to incentive fundings was considered. Following discussion it was agreed to endorse the system of incentive funding piloted by the Central Sector in country hospitals during 1983-84 and 1984-85 and further exploration in the area of incentive funding, with a further report in due course.

Incentive funding is innovative, flexible and good management at its best. This perverted fellow, in a desperate attempt to discredit me, the Health Commission and its senior officers and, worst of all, to discredit decent and responsible citizens of South Australia who serve on hospital boards and the Health Commission, attempted to totally misrepresent the situation, and he stands exposed for the disgraceful thing that he is.

THEBARTON OVAL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the lease of the Thebarton oval to the West Torrens Football Club by the Thebarton council.

Leave granted.

The Hon. I. GILFILLAN: I understand that the Thebarton council meeting on 28 August 1984 approved that an offer be made to the West Torrens Football Club that the rental be $35 000 per annum for the next eight years. On 3 September 1984 the West Torrens Football Club accepted the offer, which was duly signed by the Mayor and Town Clerk. Payments have been made to the council, with letters confirming that the payments were for the lease of the oval at the agreed duration and cost per annum.

In the May 1985 elections, a new council was formed, including a new Mayor, John Lindner; the new council informed the West Torrens Football Club that they would not accept the previous council's resolution and requested it to be changed to include CPI, which the West Torrens Football Club rejected. The council then made an offer for $35 000 for three years, which the football club rejected again. On 3 September 1985 the new council rescinded the resolution of 28 August 1984.

It seems to me that a quite unacceptable lack of consistency and legal responsibility has been exercised by a council in an area which is very sensitive for the public. It is a critical arrangement for league football that there is secure tenancy of ovals and that the league has a reliable basis on which to program. If indeed these facts are true (as I am assured) it seems quite reprehensible behaviour by the council, because it will throw into chaos and disarray any security for the West Torrens Football Club and for anyone who has a legally binding contract with the council on the basis that it could be changed following any council election.

Can the Minister say whether a new council can rescind previous council resolutions? Can a new council abrogate a legal contract entered into by a previous council? Will the Minister undertake to look specifically at this case and advise Parliament of her opinion?

The Hon. BARBARA WIESE: This is an issue which has been a problem between the Thebarton council and the West Torrens Football Club for some time, as the honourable member has already said. The matter has also been aired in the press. For this reason, and because various people involved with the issue have been in touch at one time or another with officers of my department to seek advice, it is a matter with which I am familiar; in fact, I have been monitoring the matter during the months when the disa-

greement has been taking place. Therefore, I am in a position to respond to the honourable member's questions.

First, I am advised that decisions of a council are capable of rescission only if they have not been acted on, and a significant body of legal precedent would support this view. Secondly, a council, like any other organisation, is bound by all legally binding contracts and agreements entered into by it or any previous council and is subject to the law of contract in the same way as is every other person. Obviously, it would create a very difficult situation if this were not so because it would leave councils open to repudiate other contracts, such as debenture loan, employment or any other forms of contract.

Under the Act, I have no power to direct the council to take any particular course of action. Certainly, in this matter and other matters relating to councils it is my view that councils should deal with and solve their own problems without intervention by the Minister, even if power is available, if that is at all possible. The only thing that I would be in a position to do would be to write to the council, reminding it of its legal obligation with respect to contracts and advising it that it is not appropriate to rescind decisions made by another council, but that would be the extent of the action that I could take.

MURRAY RIVER CRUISES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism a question about Murray River cruises.

Leave granted.

The Hon. DIANA LAIDLAW: On a radio station interview earlier today Capt. Keith Veenstra, a Murray River cruise operator, said that the Minister of Tourism had ignored the promotional potential of a new $4.5 million cruise ship that he is building. Capt. Veenstra indicated that this negative response from the Minister represented just another frustration to add to 10 years of battles with the State Government to clear up the Murray River. He said that ever since the *Murray Explorer* first became a cruiser he had been battling with the E&WS Department to clean up the snags and sandbars in the river that made it impassable in spots: he cited Loxton, where he has not been able to dock for three years.

Capt. Veenstra said that the department keeps doing surveys and then says that it has no money to clear up the river; he himself is not permitted to do so. Now, he says that he is employing 133 people on the $4.5 million *Murray River Princess,* and that again nobody is interested. Capt. Veenstra said:

> We are creating a lot of employment, and this cruiser will be the most modern vessel on a river anywhere in the world. It has lifts, spas and cabins for the disabled, yet nobody wants to know about it. We are getting a bit hurt about that.

When asked by the interviewer:

> Have you approached the new Minister of Tourism about the promotion of the *Princess*?

Capt. Veenstra replied:

> Well, our company has written to her and she has chosen to ignore our calls for help.

Will the Minister table the letters that this company has written to her on the subject of the Murray River cruises and will she explain to the Council why she has not responded to that correspondence seeking her help to promote the *Murray River Princess*?

The Hon. BARBARA WIESE: I am not aware of the correspondence to which the honourable member refers. During the time in which I have been Minister a number of letters, dealing with a range of topics, have been received in my office relating to Murray River developments. So, it is difficult for me to isolate the particular correspondence that the honourable member refers to. However, I shall seek the file relating to correspondence from that company and see whether I can work out exactly what Capt. Veenstra is referring to in the statements that he made on radio this morning.

With regard to the support that his company has received from the South Australian Government during the past 10 years, and the Department of Tourism in particular, I strongly disagree with the statements that he is purported to have made on radio this morning, because I know for a fact that the Government during the past few years has been extremely supportive of many of the ventures that Capt. Veenstra has undertaken. There have certainly been disagreements with his company and with some of the actions he has taken during that time because, as I am sure he would admit himself, he sometimes employs rather unorthodox methods for achieving his goals and does not always follow the rules that are set down by various departments. However, by and large, the Department of Tourism has enjoyed a very reasonable working relationship with Capt. Veenstra and we have promoted his riverboat activities on the Murray River. To come back to the original question concerning correspondence that the honourable member has referred to, I will investigate this matter and bring back a reply.

ADOLESCENT PSYCHIATRIC SERVICES

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about adolescent psychiatric services.

Leave granted.

The Hon. R.J. RITSON: At the beginning of my explanation, I make clear that I am not about to talk about The Second Story. The only thing that I say about that is that I understand the Government's need to create a primary point of contact for that percentage of adolescents who have no experience or knowledge of medical consumerism and do not know how to handle the standard patient-initiated health service: there is some need for that. As to how the dollars are spent exactly, we will watch that, but I do not want the Minister to attempt to answer along those lines because I will ask about something entirely different.

The question concerns a problem arising as regards the disease of anorexia nervosa. A phenomenon has occurred, which is not of the making of any Government and which has currently become acute: that is, there is a shift in the age group in which this illness is occurring. Traditionally, one would see it most commonly in females between the late teens and the late 20s. Now, an increasing number of young girls—13, 12 and younger—are suffering this disease, which is very serious, very disabling and often life threatening.

I have been in contact with the profession, and the evidence emerging is clear that there is now an acute shortage of facilities for the treatment of these people within the State sytem. I know that the Minister, in recent months or within the past year or so, has announced financial support for work in this field, but the problem is there here and now, that these very young children are not able to be placed in accommodation where they are, first, able to be cared for by the specialist psychiatric nursing staff who should be available to care for them, and they are being placed in paediatric wards by virtue of their age, where this nursing care is not available.

Alternatively, if they are placed in psychiatric units to obtain the specialised nursing supervision, they are sharing

accommodation with older patients and quite different patients. The Minister may be receiving advice presently that there is not a problem.

The PRESIDENT: Is the honourable member about to ask his question, because time has expired?

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

That Question Time be extended to 3.20 p.m.

Motion carried.

The Hon. R.J. RITSON: In the kindest possible way, and with the greatest respect to the Minister, I would ask him not to be persuaded by immediate advice that there is no problem. Such advice may be based on data collected from a time when the age distribution of this disease was not as it is now. I believe (and I have confirmed this with telephone calls with senior professionals in this field) that there is a very real and acute problem in placing these very young girls in hospital accommodation which is suitable both to their age and to the nature of the condition they suffer. It has been suggested that places such as the Children's Hospital, which as a matter of policy is being developed as a super specialist hospital, and Flinders Hospital, where there is an area of particular academic interest, would be very suitable for the development—

The Hon. J.R. Cornwall: Have you been reading my mail?

The Hon. R.J. RITSON: No, I have not. I am not standing here to accuse the Government of some sort of failure to deal with the problem, because the problem is not of any Government's making but has occurred due to the shift in the age group; I am standing here asking the Government to have a look around those wards right now (not look at old data), talk to the professionals and do something about it. Will the Minister please take that on board?

The Hon. J.R. CORNWALL: Obviously, I am acutely aware of the problem of anorexia nervosa; it is a very distressing disease and even in the most favourable outcomes is usually not resolved under 12 months and, in many cases, goes for as long as seven years, and occasionllay well beyond that. So it is a very distressing disease for the victim and for the victim's family.

Anorexia nervosa is a disease of western culture, of course, and it is a phenomenon of the twentieth century and the multi-media message that 'thin is beautiful'. That is most regrettable but it is a fact of life. Certainly it has not been any action that I have taken or failed to take that has caused the rather dramatic increase in cases of anorexia nervosa over the past decade. However, I am very pleased to be able to tell the Council that whereas 10 years ago treatment and intervention, notwithstanding that something like 10 per cent of all cases of diagnosed cases died, today the figure (and this is provided by Professor Ross Kalucy, who is undoubtedly a world expert in the field) is more like 1 per cent. Therefore, in terms of treatment, we have come a very long way; unfortunately, in terms of incidence, we have gone backwards.

Specifically, I have funded a survey by Dr Ben-Tovim, who is an expert in the field of anorexia nervosa currently employed at the Repatriation Hospital at Daws Road, and I have also put in train a whole series of trans-hospital services so that the services that are available, not only at Flinders Medical Centre, which is an acknowledged leader in the field, but also at our other major public hospitals, are available for in-patients.

We have also made special arrangements for the Women's Information Switchboard to conduct a referral service for a lot of people out there in the community who at various times and for various reasons are concerned and can become quite distressed and emotional in the ongoing support of the long-term patients.

We have not been idle, by any means. We are acutely aware of the problem and they are the things that we have done. Only a few months ago I also funded a public seminar in which we brought together a range of experts to discuss the problem with patients, ex-patients and their families and friends. I am pleased to say that was a very constructive day.

Notwithstanding any of that, we still have a problem. I am pleased to say that, as part of a reorganisation of child and adolescent mental health services, we will also be significantly expanding a whole range of adolescent mental health services over the course of the next triennium, but I am not yet in a position to make that announcement formally. If the Hon. Dr Ritson will just bide a wee, I promise that within the next 10 days or so I will make a significant announcement about expansion of child and adolescent mental health services.

The PRESIDENT: Call on the business of the day.

EVIDENCE ACT AMENDMENT BILL (No. 2)

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Evidence Act 1929. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The right of an accused to make an unsworn statement was abolished in 1975 in Queensland, in 1976 in Western Australia and in 1984 in the Northern Territory. The question of the abolition of the right of an accused to make an unsworn statement has been continuing in South Australia since 1975 when the Criminal Law and Penal Methods Reform Committee of South Australia (the Mitchell Committee) in its Third Report, Court Procedure and Evidence, argued for abolition of the right. The Committee put its argument in these terms:

> There is no method of testing its veracity except by opposing it to the evidence of witnesses who have been called to give evidence and have been cross-examined. The accused is in danger of conviction and of suffering a penalty and the witnesses are not. Nevertheless it must be a most unedifying spectacle for a jury to see and listen to a young girl, the prosecutrix in a charge of rape, being stringently cross-examined and subsequently to hear the accused merely read a statement giving his version of what happened without being exposed to any questioning at all. (Chapter 7, para. 7.3.3)

In 1981 the Select Committee of the Legislative Council on Unsworn Statement and Related Matters recommended the retention of the right of the accused to make an unsworn statement but that the unsworn statement should be made subject to the general rules which apply to sworn evidence. The committee's recommendations were implemented in 1983. I do not intend to repeat the arguments in favour of abolition and retention of the right to make an unsworn statement. These arguments should be well known to members by now. The reasoning of the Mitchell Committee in arguing for abolition is convincing. However, the committee's recommendation that the right to make an unsworn statement should be abolished completely does not take into account those in the community who would be at a distinct disadvantage if the only way they could present

their case was by way of sworn evidence, which would then, of course, open the way for cross-examination. I have in mind not only tribal Aborigines but also people who suffer from such mental or physical handicaps which would prevent cross-examination of them being helpful in arriving at the truth.

The provisions of this Bill abolish the right of the accused to make an unsworn statement, thus ending the 'unedifying spectacle' referred to by the Mitchell Committee, but at the same time protecting those who simply cannot be expected to undergo cross-examination. This is achieved by giving the judge a discretion to allow the defendant to make an unsworn statement if he would not, by reason of intellectual or physical handicap or cultural background, be a satisfactory witness.

I realise that what I am proposing was considered and rejected by the 1981 Legislative Council select committee. The select committee considered that the hearing to determine whether a defendant was to be permitted to make an unsworn statement would lengthen trials. The exemption clause is narrowly confined, thus the number of defendants who will fall within it are not unlimited. This is a small price to pay for the abolition of the unsworn statement in the overwhelming preponderance of cases.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides for the amendment of section 18a of the principal Act which makes provision with respect to the right of a person charged with an offence (not being a summary offence or a minor indictable offence heard and determined in a summary way) to make an unsworn statement of fact in defence of the charge. The clause amends the section so that it provides:

(a) that an unsworn statement may not be made except with the leave of the judge;

(b) that the judge shall not grant leave unless satisfied that the defendant would, by reason of intellectual or physical handicap or cultural background, be unlikely to be a satisfactory witness in defence of the charge;

(c) that an unsworn statement may with the leave of the judge be committed to writing and read to the court by some other person on behalf of the defendant;

and

(d) that an application for leave must be heard and determined in the absence of the jury (if any).

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act 1935. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill makes three amendments to the law relating to sexual assault. These amendments should be regarded as part of the Government's ongoing concern to ensure that victims of sexual assault are accorded the due and proper protection of the law. I refer honourable members to the reforms already effected in relation to the unsworn statement, the abolition of the corroboration warning rule, the reforms relating to the admission of evidence of sexual experience of complainants, the reform of the law relating to the competence and compellability of spouses and reinstating the complainant's ability to give evidence of the circumstances in which a complaint of the sexual assault was made.

The first amendment extends the definition of sexual intercourse. The definition of sexual intercourse for the purposes of the crime of rape is confined to the penetration of the vagina, the anus or the mouth by the penis. This represents an extension of traditional notions of rape as the penetration of the vagina by the penis.

With the law now extended well beyond the prohibition of non-consenting, but conventional, heterosexual intercourse there seems no sound reason to define narrowly the means by which a sexual assault can be carried out, particularly in view of the fact that less conventional assaults (for example, those involving penetration by bottles or screwdriver) can be most abhorrent. The new section covers acts which can be regarded as attacks on one's body and integrity.

In some Australian States the principal offence of rape has been abolished and replaced by a series of offences described as 'sexual assaults' of various levels of seriousness. One principle underlying the reform has been the desire to emphasise the violent rather than the sexual nature of the crime of rape. An unexpected side benefit of such reforms may be an increase in the number of guilty pleas and convictions. An increase in the number of guilty pleas because offenders are more likely to plead guilty when there is no longer a risk of a sentence of life imprisonment and an increase in convictions because juries no longer equate rape with the sending of a person to prison for life. The New South Wales Bureau of Crime Statistics is evaluating the effect of the reform of rape laws in that State and should it appear that the introduction of a graded series of offences results in more guilty pleas and convictions the Government will most certainly look to moving in this direction.

The second amendment is designed to highlight the fact that a person who does not offer physical resistance to a would-be rapist is not by reason of the non-resistance to be taken as consenting the sexual intercourse. The amendment is, in fact, only stating what is the present law but it is considered that a clear statement of the law in this Act would serve as a useful reminder.

The third amendment, the repeal of section 76a, removes an anomaly. Section 76a provides for a time limit of three years within which charges for sexual offences under the Act must be laid. There is no time limit on the laying of charges for other offences under the Act. It can happen that a person will make admissions concerning sexual offences after the three year time limit has expired. No action can be taken against such a person.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends section 5 of the principal Act which sets out definitions of expressions used in the Act. The clause replaces the present definition of 'sexual intercourse' with a new definition by which the term is defined to include any activity (whether of a heterosexual or homosexual nature) consisting of or involving—

(a) penetration of the vagina or anus of a person by any part of the body of another person or by an object;

(b) fellatio;
or
(c) cunnilingus.

The present definition of sexual intercourse defines the term to include the introduction of the penis of one person into the anus of another or into the mouth of another.

Clause 4 amends section 48 of the principal Act which makes provision for the offence of rape. The clause amends the section so that it expressly declares that the offence may be committed whether or not physical resistance is offered by the victim.

Clause 5 repeals section 76a of the principal Act which was enacted in 1952 and provides that an information for an offence of rape or any of the other sexual offences under the Act must be laid within 3 years after the commission of the offence.

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

PLANNING ACT

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

1. That a Select Committee be appointed to inquire into and report upon section 56 of the Planning Act 1982, and related matters, and to recommend appropriate amendments.
2. That in the event of a Select Committee being appointed it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
3. That this Council permits the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

I want to indicate to the Council that this is a result of the discussion that occurred yesterday on the Planning Act and to facilitate the passage of the Planning Act and the suspension of that part of the Act that has been causing concern until such time as the Select Committee of the Legislative Council can decide upon the matter. I ask for the support of members.

The Hon. DIANA LAIDLAW: I am keen to support this motion. It was not my intention initially to have spoken to the amendment to the Planning Bill yesterday, but what I expected did not eventuate, so I propose to speak to this motion for a Select Committee. The motion arises from a Bill introduced by the Government to repeal section 56 and to substitute a saving provision. That Bill represented the fourth occasion in the last 18 months that the Government has sought to repeal all or part of section 56, the previous occasions being April 1984, October 1984 and March 1985. At present, section 56 (1) *(a)* of the Act is suspended until 31 October 1985 and yesterday the Council provided that that suspension continue for a further year, until 1986. On each of the occasions that the Government has sought to repeal all or part of section 56 in the past, the Liberal Party has opposed this course, for we have been concerned that the Government in its haste had not given sufficient consideration to the ramifications for existing use rights.

As I am coming to appreciate more fully each day, planning legislation is a very complex matter posing many conflicts, dilemmas and pitfalls, and certainly generates many diverse opinions. Section 56 is no exception. There are many who have argued (and I believe convincingly), that section 56 is vital in reinforcing the fundamental and long standing right, first under common law precedents and later following the introduction of the Planning and Development Act 1967 and then the Planning Act 1982, for an owner to retain the option to use a property developed for what is subsequently deemed a non-conforming use. In fact, most properties deemed to be non-conforming uses were in existence well prior to the current zoning regulations and/or the purchase of neighbouring properties by the present owners. The Government, however, has argued repeatedly that section 56 (and particularly 56 (1) *(a)*) is irrelevant because, in its opinion, the Planning Act 1982 does not control land use but merely changes to land use.

Accordingly, the Government argues that existing use is protected by the very nature or intent of that legislation. Indeed, in summing up the debate on the Bill that was before the Council yesterday to repeal section 56, the Minister in another place a fortnight ago stated, 'Section 56 (1) *(a)* was written into the Act in 1982 out of an excess of caution.' He added also, 'It is not necessary.' This assessment of this section by the Minister represents an interesting change of heart on his part. Certainly the section caused the Minister no such concern in 1981 during the debate on the new Planning Act, and a perusal of *Hansard* of that time confirms that neither he nor any other member of the then Opposition saw reason to comment, let alone to challenge the continuation of uses provision in either principle or practice.

In my opinion, the Government's argument that section 56 is not now necessary because the Act already protects existing use rights is a deliberate distortion of the traiditional notion of existing use rights. In a non-conforming use zone, such rights have provided the property owner with the right to develop existing activities, subject to conditions required by council. At least this was the case until the suspension last year of section 56 (1) *(a)*. While councils have not had the right in such instances to deny consent to extend existing activities, they have had the right and indeed have exercised the right to impose conditions to ameliorate perceived adverse effects and/or to accommodate objections.

This interpretation of existing use rights has been upheld for decades by common law. Nevertheless, the Government has been seeking to confine the interpretation of existing use rights to the maintenance of existing activities on land as opposed to the controlled extension of existing activities. The Government's limited interpretation of existing use rights and the repeal of section 56 are significant actions that have generated considerable concern in the community because they seek to take away long-standing established rights. Such actions also have the capacity to inflate the value of residential property that adjoins a non-conforming use property and to deflate the value of non-conforming property.

Honourable members will be aware of situations where commercial or industrial property, for instance, have been maintained or purchased in a non-conforming use zone on the basis that the property can be developed in the future without changing the use of that property. Also, in instances of purchase, the price paid has reflected the potential capacity of that commercial or industrial property while the property itself has been valued subsequently for land tax and other purposes on potential use, not actual use. All these facts reflect that existing use rights have long been interpreted by owners, neighbours, councils, valuers, among others—indeed, including the courts—as permitting controlled extension of existing activities, irrespective of any current or subsequent zoning regulations that may apply. The Government is now seeking to cancel these rights, to insist that all applications for extension of non-conforming activities are submitted for approval and to provide councils and other planning authorities with the capacity to deny approval or consent.

Furthermore, the Government's limited interpretation of existing use rights coupled with the repeal of section 56 and the new saving provisions that the Government proposed, have the potential to create significant problems in the light of other amendments to the Planning Act passed by Parliament in the last session. The first amendment to which I refer relates to section 47 (9), which provides:

In deciding whether to consent to a proposed development under this section a planning authority—

(a) shall have regard to the provisions of the development plan so far as they are relevant to that decision; and

(b) shall not make a decision that is seriously at variance with those provisions.

I am advised that, following a repeal of section 56, section 47 (9) to which I have just referred would in effect require a planning authority to reject any application for extension of use on a non-conforming property because the application could automatically be seen, or at least be interpreted, as being at serious variance with provisions of the development plan.

The other amendment to the Planning Act to which I want to refer relates to section 53. In April this year Parliament repealed the provision requiring leave to be granted by the Planning Appeal Tribunal for the continuation of third party appeals. With the repeal of this leave provision coupled with the repeal of the existing use provision one can envisage situations where vexatious third party appeals may be instituted in relation to development applications on non-conforming use properties merely to delay reasonable development.

Further, one can envisage situations where pressure is applied to councils and other planning authorities to remove activities that residents, for example, do not believe add to their quality of life, albeit that those activities might have been located there for many years and the residents either purchased or moved into the area fully aware of those activities. I acknowledge that, when assessing the provisions to repeal section 56, I was somewhat haunted by the controversy that was waged in the Bowden/Brompton area in recent years between the very active residents association, long established, local industries, Hindmarsh council and the Department of Environment and Planning. For instance, on 10 April 1985 the *News* featured an article that noted that a compromise had been reached between all those parties for orderly planning development within the Bowden/Brompton area, and I quote in part from this article:

A compromise has been reached on plans to redevelop the Bowden/Brompton area. New development plans which recognise the right of existing industries to maintain their operations will be released on Monday. The compromise follows extensive discussions over the past few years between the State Government and the Chamber of Commerce and Industry, which had expressed concern that the Government was trying to force industry out of the Bowden/Brompton area. The Premier (Mr Bannon) said today he believed the new plans would satisfy the concerns of industry and residents.

Since this statement by the Premier in April the residents association has again kicked up a fuss. It is certainly not yet satisfied, as the Premier suggested in April, and certainly I doubt that it will ever be satisfied until all industry is removed from the area. The association now opposes a Government move to sell part of the former remand centre site for use by industry, notwithstanding the fact that the site is not zoned residential. Also, the Minister for Environment and Planning has indicated that the Government never promised to develop housing only on that site.

To support its campaign to frustrate existing industrial and commercial activity in the Hindmarsh area the association is now seeking the support of the BLF to stop the remand centre site being used, in part, for industry. I suspect that, if we were to agree with the repeal of section 56, then in future the residents association would not need to bother to enlist the help of the BLF, because Parliament itself would be providing the association with the means to get its own way.

I strongly suspect that the Government acted in haste in introducing the Bill in this session to repeal section 56 with little or no thought for the repercussions of its actions. However, I respect the fact that many councils have been placing the Government under some pressure and, on behalf of those councils, the Local Government Association also has been pressuring the Government to repeal section 56 (1) *(a)*. They believe that the retention of this provision will not enable councils to control expansion of existing land uses even when such expansion could have, in their opinion, major adverse impacts on adjacent properties. To address the competing concerns, over the past few weeks I had toyed with the idea of moving an amendment to the Bill which, in effect, would have reintroduced the 50 per cent provisions contained in regulation 33 of the former Planning and Development Act.

Such an amendment, if passed, would have contained many pluses. I was also advised that it could have introduced some new difficulties. Therefore, I believe that the proper course is for the Council to agree to the motion moved by the Hon. Mr Cameron that a select committee be appointed. In conclusion, such a committee would provide a forum of relative calm in which members could assess all the issues and ramifications, and could identify those issues and the course that we should be following in planning. It would also provide an opportunity for concerned groups—I cite just the Real Estate Institute and the Environmental Law Association—to air their concerns. I am aware that both of those bodies have tried often to meet with the Minister but that the Minister has not yet found the time to do so. They are gravely concerned about any tampering with section 56 (1) *(a)*. I believe that, rather than acting in haste, the right course is to establish a select committee so that we can deal with this question once and for all. I support the motion.

The Hon. I. GILFILLAN: We support the motion. As I said yesterday, I do not share the implied suspicion that the Hon. Miss Laidlaw expressed about various areas of the implementation of the Planning Act. That is not the reason why I principally support the establishment of a select committee. There are many more substantial reasons, one of which is that the current legislation and regulations have provided a virtual maze through which virtually no-one other than a Rhodes scholar of town planning is able to even leave first base.

Although that is not necessarily referred to in the terms of reference, it will be an opportunity to at least provide for people a chance to outline some of the confusion and difficulty in interpreting and anticipating what is the trend of future legislation. All this can be aired and considered in the most appropriate forum of a select committee. Section 56 has been a perplexing provision and, although the native vegetation issue has been removed from it, it is still a dilemma for town planners, developers, councils and residents.

We must be even handed about this. It is a quite important aspect of any development control that not only do the developers and those immediately in the surrounding environment of the proposed development have an opportunity to be considered but also the matter should be considered in balance with the overall community wish and Government plan. In my opinion that has been largely neglected. We have had very much a lurching, sporadic, inconsistent evolution of bits and pieces of legislation and regulations, very little of it knitting together in any coherent, cohesive thread. In supporting the motion for a select committee we recognise

that it has an important primary job to deal with section 56, and also recognise that the Hon. Mr Cameron has included 'and related matters' in the terms of reference, indicating that there will be an opportunity for substantial discussions and recommendations on other areas of the Planning Act. We support the motion.

Motion carried.

The Council appointed a select committee consisting of the Hons G.L. Bruce, M.B. Cameron, J.R. Cornwall, I. Gilfillan, Diana Laidlaw, Anne Levy; the committee to have power to send for persons, papers and records, to adjourn from place to place, and to report on 31 October.

BUDGET PAPERS

Adjourned debate on motion of Hon. C.J. Sumner:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1985-86.

(Continued from 17 September. Page 925.)

The Hon. M.B. CAMERON (Leader of the Opposition): It had not been my intention to speak to this matter today, and I will seek leave to conclude my remarks. After Question Time I decided that it was necessary to say a few words about the area of health because, quite frankly, the way that Question Time was treated today was absolutely disgraceful. I believe that it is necessary to put the record straight in relation to what was raised by the Minister of Health. The Minister has failed to read the Auditor-General's Report. The Auditor-General is one of those people who the Minister of Health has decided to infer is slandering officers of the Health Commission. The Minister will not recognise that he has a problem in relation to the Health Commission. It is not the Opposition—

The Hon. Diana Laidlaw: Not just a personal problem?

The Hon. M.B. CAMERON: I think it gets back to that. I do not think that the Minister can admit he is wrong in anything. He has a real problem—a problem of ego and a problem of being unable to accept that he can be wrong; that something might be wrong. If that occurs it is quite a problem because it means that the matter cannot be fixed. Before one can fix a problem one has to accept that there is a problem. Page 13 of the Auditor-General's Report states:

I am concerned by four matters arising out of that examination—

This is the examination of the financial operation of the central office of the South Australian Health Commission. The Auditor-General goes on to detail four matters—what I consider to be serious matters—not the least of which is the lack of accountability with respect to the development of some projects. If there is a lack of accountability, that is quite a problem. Page 14 of the Auditor-General's Report states:

Having regard to all those factors I believe there is a need for an independent and detailed role and function study to be made of the operations of the central office of the commission, including the Computing Systems Division.

The report goes on to detail what that study should do. For the Auditor-General to call for an examination of the central office of the Health Commission is a very serious matter. He does not pick out the Health Commission because there are no problems: he picks it out because there are problems. For the Minister of Health to stand up in this Council and abuse members of the Opposition on a very personal basis in an attempt to shift the blame—

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: If you want me to read it, I will. If the Minister thinks that he will get away with that sort of behaviour, and because of that there will be no critisism, he has another think coming. The Opposition intends to pursue every matter in this Council on any subject and on any portfolio. I wish that the Minister had stayed in the Chamber and had listened to my comments because he might learn something from them. The Minister of Health, in answering questions, always gets down to personal abuse. He then says to us, 'You are slandering members of the Health Commission.' Not at all. He is the person who continually brings their names up. He drags them into the debate. The Opposition talks about the whole office, but the Minister picks out people in the office and he is the one who drags them into it.

We have read that the Premier has an acceptance level in the community of 73 per cent. In normal circumstances that would inevitably lead, in my opinion and from my experience as a politician, to a rise in Party support. However, it has not. For that we must be grateful to people like the Minister of Health, because he drags the Party down more than any other Minister does. He is the person that the public do not like, and I am very grateful to the Premier for leaving him in that position—a very public position that he uses in a very public way.

If the Minister thinks that by getting up in this Council and abusing the Opposition he is taking the heat off himself, he has another think coming. We will have to look at the Minister of Health's activities in relation to Question Time. Quite frankly it is developing into a farce. I will ask the Attorney-General to call a meeting of the Standing Orders Committee to do just that, because to have a situation where a Minister quite deliberately sets out to fudge the problem he has by ignoring and not answering questions and then proceeding to ignore the situation he has created during Question Time, and ignoring his own situation and portfolio, is ridiculous.

In relation to the Lyell McEwin Community Health Centre (and I will not describe all the activities that went on out there), if the Minister believes that there is no problem, he has a big shock coming to him. If the Minister believes that people such as the Hon. Mr Lucas and I did not go through that matter very carefully before reaching our conclusions, he has a shock coming to him. We know, for instance, in relation to a question asked in this Chamber yesterday that investigating officers of the Health Commission visited country hospitals to make sure that the money referred to by the Hon. Mr Lucas was not spent, and that it came back. They went out and investigated and harried people in country hospitals.

I hope that the Minister of Health is listening to this, because he will then know that perhaps we know a little more about the subject than he gives us credit for. Quite deliberately, the Minister changed the year mentioned in the question to try to avoid answering it. That sort of thing has happened in every situation raised with the Minister over the past few weeks. If the Minister thinks that by saying that the morale of Health Commission officers is under threat because of attacks in Parliament (which he claims are baseless), I point out that we are not referring to specific officers; we are referring to matters raised in this Chamber in relation to the Health Commission. If specific officers happen to be involved in certain of those actions, so be it. That is a fact of life.

Some of the matters raised in this Council are a direct result of memorandums brought before the Council by the Minister—not by us but by the Minister. In fact, we had to take apart, piece by piece, an internal memorandum brought in by the Minister to show that it was wrong. I am quite certain that, once the Auditor-General concludes his investigation at the Lyell McEwin Community Health Centre, members will find that there is a greater problem than the Minister ever knew about, and certainly greater than has been admitted in this Council. I do not intend to go any

further with the matter at this time. I will raise the whole question of the behaviour of the Minister of Health at a later stage. In the meantime, I express my gratitude to the Minister for the way he behaves: it only helps us and increases our support in the community. We are very grateful to him and to the Premier for leaving the Minister of Health as Minister because it ensures that our rating in the polls will continue to rise. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PARLIAMENT (JOINT SERVICES) BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 440.)

The Hon. G.L. BRUCE: I support the Bill. The report on which the Bill is based is the result of 16 meetings over a period of at least two years by the Joint Committee on the Administration of the Parliament. Of course, before that there was a report from the Public Service Board, which provided a consultative service. At the behest of the Speaker and the President a committee was set up to look at the running of both Houses of Parliament and the connected services. What we now have before us is an attempt to give legality to the employment of staff by both Houses of the Parliament of South Australia, and that deserves support. However, I would like to make several observations.

It seems that some concern has been expressed that staff of the Legislative Council and the House of Assembly do not come under the common umbrella of the Joint Services Committee. The member for Elizabeth in another place said:

> However, that leaves out the employees of both the House of Assembly and the Legislative Council, and that is an aspect with which I am concerned.

On Thursday 15 August, the member for Light in another place said:

> I refer to the statement on page 5 where another part of the Bill is concerned with achieving equitable working and industrial conditions for all the staff at Parliament House, attempting to establish consistent management principles throughout the Parliament. This is done by directing the committee to consult with and make recommendations to the President and the Speaker on appropriate matters and by establishing a committee of the Clerk of the Legislative Council, the Clerk of the House of Assembly and the three chief officers of the joint parliamentary service that will be able to make recommendations as to the management and working conditions of all the staff at Parliament.
>
> If there is a criticism of the work of the committee it would be that it was unable to achieve perhaps more strength in that aspect of its deliberations.

It seems that it is an area of concern, at least to members in another place, but I cannot see why that is so. It is my firm belief that not only must the principles of the supremacy of the Parliament be given the utmost consideration and support, but equally as important is the fact that the integrity of the two Houses as separate entities should be recognised and supported.

I am sure that staff of both Houses are legally employed and answer to either the President or Speaker in the respective Houses. Recognition is given to the Joint House Committee to have an input into the running of the Houses of Parliament, as can be seen from the committee's report at page 5, as follows:

> Another part of the Bill is concerned with achieving equitable working and industrial conditions for all of the staff at Parliament House, attempting to establish consistent management principles throughout the Parliament. This is done by directing the committee to consult with, and make recommendations to, the President and the Speaker on appropriate matters, and by establishing a committee of the Clerk of the Legislative Council, the Clerk of the House of Assembly and the three chief officers of the joint parliamentary service that will be able to make recommendations in relation to the management and working conditions of all of the staff at Parliament.

I am sure that the President and the Speaker would give every consideration to suggestions and recommendations made to them. However, the final decision whether or not action should be taken rests with them. Thus, the protection of the integrity and independence of the two Houses is fully recognised.

I now turn to clause 7, to which I will be moving an amendment during the Committee stage, as follows:

> (1) The joint parliamentary service is divided into the following divisions:
>
> *(a)* the Parliamentary Reporting Division;
>
> *(b)* the Parliamentary Library Division;
>
> *(c)* the Joint Services Division.
>
> (2) For each division of the joint parliamentary service there shall be a chief officer, as follows:
>
> *(a)* in relation to the Parliamentary Reporting Division—the Leader of *Hansard* shall be the chief officer;
>
> *(b)* in relation to the Parliamentary Library Division—the Parliamentary Librarian shall be the chief officer;
>
> *(c)* in relation to the Joint Services Division—the secretary to the committee shall be the chief officer.

As a member of the committee I formed the impression in regard to the catering section that the Catering Manager would be consulted and would be responsible for the catering section, under the Joint Services Committee, in much the same way as the *Hansard* and Library chief officers are recognised.

However, that has not been written into or spelt out in the Bill. The catering manager should have some degree of autonomy in the daily running of the catering system. The Secretary to the Joint Services should be able to do the administration task for the Joint House Committee, for example, the keeping of accounts and the paying of the same, and the book work associated with Joint House activities.

I realise that possibly he would have to come under the scope of the sectional manager of the Joint House Services and the catering section if he were doing that, but I presume that he could wear another hat and be Secretary of the Joint House Services in another capacity, so I see no problem in having a Secretary appointed to the Joint House Services.

In the way in which the Bill is structured now, it would be inappropriate that he would have the running of the catering section under his control, where the catering manager exists. While in all probability the new Secretary would not seek to embrace this role unto him or herself, there is no guarantee that that would not happen. No matter what, staff find it impossible to serve two masters in the day to day running of a business. Long-term aims and decisions to change the direction of certain Joint House activities are legitimately within the role of the committee, but the day to day running of departments, be they *Hansard,* the library, the catering, the Council and the Assembly, could and should be left to the Chief Officers. So, I urge that support be given to having the catering section included as a separate identity under the umbrella of the Joint House Committee.

Another matter that has not been spelt out in detail is how the Secretary to the Joint House Services will be appointed should this Bill go through. His or her appointment should be done through a panel selection, with both Houses of Parliament being represented on that panel. The person selected will need to be a first class diplomat, whose job in the first few months of office will be like wending his or her way through a minefield, as in any change there is always a feeling that someone or something could be under threat, and this can be true in this situation. I see the person who is eventually Secretary to the Joint House Services as being something of a diplomat and aware of the different

atmosphere that operates in Parliament House to that in most other places.

I note on page 5, clause 13, that the committee may if it thinks fit appoint subcommittees to deal with any matter or class of matters relevant to the performance of its functions under the Act. This would mean that the Library Committee as we now know it would or could cease to exist. Whilst that Library Committee has been formulated by Parliament and can be dissolved only at the wishes of Parliament—I do not want to prejudge the issue—it would be a surplus body if it were running independently of the Joint Services Committee. Eventually, the Joint Services Committee could, if it so desired, appoint a small committee to deal with the library functions. I do not doubt for a minute that that would possibly be the way that it would go: that would apply to any situation. The committee may, if it thinks fit, appoint subcommittees to deal with any matter.

The few points that I have mentioned come readily to mind, and no doubt other members will have other fears and concerns. I will listen with interest to their comments and watch with interest the progress of this Bill in Committee. I support the Bill. It was by very delicate negotiation of the select committee of the Joint Houses that the Bill got to the stage it has reached. The very fact that it has taken over two years to reach this stage and that there were many draft copies of the Bill prepared while I was on the committee before we came up with something that satisfied the aims and aspirations of what the members on the committee were looking for gives this Bill some credibility.

I cannot emphasise too much that the Council and the Assembly are two separate identities. Throughout my deliberations, I sought to protect the interests of this Council and see that the two Houses were recognised as separate identities. If we do away with the bicameral system, let us be honest and do away with it. If we are to operate within the bicameral atmosphere we ought to have the two Houses recognised as such. I see no problems that have been raised in the other House on those matters. Given time and goodwill, the Joint House Services can work and be effective. The members who are selected for the Joint House Services should be selected with great care. The responsibility they will have will now be greater than those of the joint committees that we now have operating in Parliament because they are taking on a much larger and grander role and will have a greater responsibility to see that those services are delivered to the members and the staff of Parliament in a proper, just and fair manner. This Bill goes along that road, and I urge support of it.

The Hon. M.B. CAMERON (Leader of the Opposition): I very strongly support the remarks of the Hon. Mr Bruce in relation to the two separate Houses of Parliament. I was somewhat surprised and bemused to read the remarks of the newly elected member for Elizabeth—I say 'newly elected' because in parliamentary terms he has not been here very long—concerning the need for further amalgamation of the staff of Parliament House. I have not seen him up in the Legislative Council; I have not seen him discussing many matters with the Legislative Councillors. I do not want to reflect on his views—he is entitled to them—but I strongly recommend to people who have views like the member for Elizabeth has that they examine the bicameral system of Parliament so that they get a deeper understanding of the role and function of the two Houses of Parliament.

The member for Light conducted a conversation in the House along the same lines. He could not be considered to be inexperienced in these matters, and I was somewhat surprised to read his remarks because I thought that he understood the bicameral system. It somehow seems that once people become Speakers of the Parliament, even if they have retired from that position, they believe that they should run the whole place. It seems to get into their blood. They do not like to have the separate House. We do not try to take them over, but somehow they seem to believe that they should run us. I get a little tired of this. I cannot accept any interference in the Legislative Council by a Speaker, just as they should not expect any interference in the running of their institution by a President of the Legislative Council.

We are separate Houses. The reason we are separate is that we have the Westminster system of Parliament, which is a bicameral system, and long may it remain so. We have had a lot of attacks on us in this Legislative Council over the years, and some of them may well have been justified. In the early days, when I arrived here, it could not be said to be the most democratically elected institution in the British Commonwealth. I recall sitting in this House with 16 Liberal members and four from the Labor Party. That did seem a little imbalanced, but that is all over. We are now democratically elected. If one likes to look at it in purist terms, we are more democratically elected than members in the other place because we are elected on a different system. We are a separate House of Parliament and we are probably the most democratically elected institution in this country, not just in South Australia. For that reason—

The Hon. Barbara Wiese interjecting:

The Hon. M.B. CAMERON: It is a good job that the Minister had some assistance, too. I have nothing to be ashamed of in any stand that I have taken in relation to this Council and in leading this Council into the situation that it is in now, that is, that it is the most democratically elected. It is essential that we keep these Houses separate, even when it gets down to the situation of staff. We have a Clerk and we have an Assistant Clerk—a Black Rod—who are the people who look after the staff of this Council, under the President, and that is the way it should be. I would resist to the utmost any attempt to change that situation.

When this Bill was passed in the Lower House, I must say I was surprised suddenly to receive messages from people indicating that Mr Speaker was seeking a secretary for the committee and, in fact, had somebody in mind. That person was being contacted. I was contacted by a person who indicated that the Public Service Board was down in the House looking around to see what the duties of the new secretary would be and the salary range was expressed to me. That led me to look closely at this Bill, because I wondered just what we were getting ourselves into, because that was the very situation that I had expressed opposition to in the early stages. The last thing in the world we need is an executive running around this Parliament, going to both sides, and starting to cause problems. We had a little of that about 12 months ago and the place ended up in an uproar. There were people coming to my office from all over the House asking, 'What is this person doing here? What is his role? Are we going to be taken over?' That is when the Bills were first being discussed.

The Hon. Mr Bruce will recall the Bills at that stage did have amalgamating features in them. We all started looking very closely at these Bills and the role of the proposed committee. I had a good look at this Bill and I found that 'there shall be an office of secretary to the committee', and this proposed secretary 'will be the chief officer of the Joint Services Division'. So it seemed that the poor old catering manager was going to be taken over by this new secretary, under this Bill. I hope that got through by mistake: I hope that there was not a vote of no confidence in the catering manager of this Parliament, because that is virtually what this is, when you put this officer under another person.

Everybody else in the place can be a chief officer except the catering manager of his division, which he has been running while being Acting Secretary of the Joint House Committee for some time.

The Hon. Peter Dunn: And very well.

The Hon. M.B. CAMERON: Very well indeed. I have no problem with him; if anyone has a problem about him let him say so. I regard him as a very competent person. If he ever retires from the position I am quite certain that this proposed committee can pick another competent person to carry out that role. I agree that that particular section should be taken out of the office of secretary and that there should be a chief officer—and I forecast that I am having discussions on an amendment to do just that.

Therefore, we have a chief officer, but not necessarily only of the catering division. What else is there in this area of Parliament, apart from the catering division? There are the caretakers; who are they under? My understanding is that they are under the catering manager. Who else is there? I do not think there is anybody. If there are, they are only odd individuals who work around this Parliament. Why do we not have the catering manager as a chief officer of the Joint Services Division and then, if we need a secretary (and I am putting this idea into people's minds so they can think about it), I would propose that when the Speaker of the House of Assembly is the chairman of the committee, that the Clerk, or a person nominated by the Clerk, be the secretary to the committee, and when the role of chairman of the committee shifts up here, as it does every 12 months under this Bill, that the Clerk or a person nominated by the Clerk, be the secretary to the committee. In that way we make sure that every now and then there is a bit of a break for the secretary of the committee, that we each have a bit of a go so the committee knows if it starts leaning too much towards one House in seeking advice in its deliberations, there is going to be a bit of a share-up in the end. That is a good way to make sure that everybody compromises a little on the committee.

There is no doubt that there will be a need for assistance for the catering manager, for the accounts, etc., but surely that is a question that can be addressed by the committee. There is power under the committee to get such persons as are necessary for the proper running of any division. Any division can put an application in for an extra person, but the last thing in the world we need in this Parliament, if we are going to keep harmony in the House, is a super secretary running around creating strife, because he would have to look for work to do. Goodness knows what he would do. For the life of me, I cannot understand why we would need somebody like that, because I cannot think of what he would need to do. I understand that there was even a search going on for an office to hold two people. So we are not only going to have a secretary, but another person as well to act as assistant to the secretary, I suppose.

If we are not careful we will all be out of the House and the Joint Services Committee will be the only thing left in it, because the moment you create an office like this you create underneath it the necessity for staff. I think we ought to stop this right now—stop and think about what we are doing. I cannot understand why this has become such a matter of contention. I have had some indication that my proposition might create a bit of a problem. So be it. I say that there is no need for this provision.

If we are going to go down this track, we are better not to have the Bill. It is better not to start. We will have fewer problems by leaving things as they are than by starting down this track of having a super secretary running around the building interfering in every area. I would ask members to carefully consider this matter and what the role of the secretary would be. This matter has been around—as the Hon. Mr Bruce said—for three years. The idea that we have a problem has probably been around for five years. Yet somehow in that time we have not had a problem. I do not see that the absence of this new proposition has created a terrible void in the Parliament. We get a lot of messages from the Joint House Committee—I get them fairly regularly. I am surprised at some of them. I am surprised that the Hon. Mr Bruce concurs with so many of them, because they obviously come from the committee as a whole.

One message came out on 29 August 1985, and I suddenly found that everybody in the Parliament was worrying about the workers compensation, availability of common law damages, application of equal opportunity legislation, long service leave and award rates, pending the passage of the joint services legislation. I have been holding up this Bill for a fortnight or three weeks. I thought that, as there is this terrible furore going on throughout the passages of this building, I would have people running down to me and urging me to pass this Bill because of the terrible concern that is being expressed, according to the Joint House Committee, about all these matters.

The Hon. G.L. Bruce: Who was signing it?

The Hon. M.B. CAMERON: It was signed 'Terry McRae, Chairman, Joint House Committee'. It went on to say that we had terrible problems with safety and indicated that the Crown was being very generous in meeting problems in the interim until the Bill is passed. The Crown has always done that. We have never needed a Bill to do this; we have never needed any of these other associated matters. The fact is that such problems have always been resolved. About the only people I have had down in my office to see me are people complaining about the Bill. Everybody who has come to me—and there have been a number of them—have complained about the Bill, and particularly about this office of secretary. They want to know what on earth the role of this secretary will be. They ask why we need the Bill anyway.

The majority of people in this Chamber who have come to me from the staff have been urging me not to pass the Bill. Perhaps I am getting the wrong people. Perhaps the others are not going to come near me. I invite any member of staff to come to me and explain where they have a problem, because I would be very interested to hear it.

I intend to say a little more on this subject once I have had further discussions about my amendments in relation to the office of secretary, but I would urge members to give very careful thought to what I have said about this proposed office of secretary. I believe that it is an unnecessary expense upon the Parliament. If the Government, or any future Government, has that much money to spend on the office of secretary, I suggest that they do not spend it in that way but talk to members about their real needs, and I will go through them at a later stage if anybody wants to hear about it.

Members of the Opposition (and I am quite sure that this applies to Government members) have very real needs in relation to their offices in this Parliament, particularly on the Legislative Council side, because unfortunately we appear to be a neglected wing of the Parliament in relation to services to members. Any member of the Legislative Council will know the lack of staff and office facilities that we have compared to those of members of the House of Assembly. In fact, I received a letter today, in response to a couple of minor requests, in which it was indicated that what was requested is not available to us as members of the Legislative Council. I will not give the details, but if there is $45 000 for a super secretary, another $20 000 for a secretary under that one, and money for whatever other staff are needed, I can tell the Government and the Parliament how to spend that money in a much better way on

facilities for members of Parliament. I seek leave to conclude my remarks later.

Leave granted, debate adjourned.

ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission to the Attorney-General (Hon. C.J. Sumner), the Minister of Health (Hon. J.R. Cornwall), the Minister of Labour (Hon. Frank Blevins), and the Minister of Tourism (Hon. Barbara Wiese), members of the Legislative Council, to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

The Hon. BARBARA WIESE: On behalf of the Attorney-General, I move:

That the Attorney-General, the Minister of Health, the Minister of Labour and the Minister of Tourism have leave to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

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

SUPERANNUATION ACT AMENDMENT BILL

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

PLANNING ACT AMENDMENT BILL (No. 4)

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

Dr GEORGE DUNCAN

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

That this Council calls on the government to table, in this Parliament, the report made by the two Scotland Yard detectives on the drowning of Dr George Duncan in 1972, with the names of individuals deleted if necessary, where, in the opinion of the Attorney-General, the release of those names would not be relevant to the significance of the report and would not interfere with the principle of full disclosure to the people of South Australia.

(Continued from 18 September. Page 989.)

The Hon. K.L. MILNE: On 28 August 1985, I went to the offices of the Crown Solicitor by arrangement and with the permission of the Attorney-General to read, in Mr Michael Bowering's office, the report on the Duncan case by the Scotland Yard detectives. My impression of the report is that it is quite inconclusive and that its publication would be of no value, while being damaging to some innocent people. I agree completely with the decision of the three Attorneys-General not to release the report for publication up to now. These were Mr Len King (now Chief Justice), the Hon. Mr Griffin and the Hon. Mr Sumner. The last named has not categorically said that he will never release it.

It is quite wrong morally and legally to deliberately publish a document of this kind knowing that it would not bring about convictions but would merely publicise certain names for no purpose. I agree entirely with the remarks of Mr Sumner in this Parliament, delivered as a ministerial statement, in which he said, among other things, that the assertion in the *Advertiser* on 3 August 1985, implying that a man prominent in legal affairs in South Australia is involved, is quite wrong. I might add, by way of explanation, that the only lawyer involved in any way at all in the case was a member of the University staff who was asked to identify Mr Duncan's body at the request of the Coroner.

Secondly, Mr Sumner dealt with the claim by the *News* on 8 August that the names of dozens of South Australians—some of them prominent people—are in the report. That is quite wrong. I agree with the Attorney-General that no legal identity, no politician past or present, and no other prominent South Australian of that kind is mentioned in the report or should be mentioned in the report.

I agree that the reasons for not releasing the report have nothing to do whatsoever with a cover-up or a shielding of prominent people. The release of the report, in my view, as the view of others mentioned in this speech, would not help in any way whatsoever with furthering the case and would be against all the ethics and justice of our legal and judiciary system. In view of this, the Australian Democrats do not intend to take any further action on publication of the report in question. I would like to thank the Hon. Mr Gilfillan for raising this matter and insisting that the report be made available to parliamentary leaders.

I thank the Attorney-General for readily acceding to our request. I am speaking now because of the motion but, if no other honourable members wish to speak to it, I will move that it be discharged.

The Hon. I. GILFILLAN: I agree with the Hon. Lance Milne and his intention concerning the motion, but I would like to reassure Parliament and the people of South Australia who were concerned about the release of the Duncan report that I am fully satisfied with the opinions given to me by my parliamentary Leader (Hon. Lance Milne) and the Attorney-General that there is no purpose to be served by pressing for the public release of the report. Therefore, I am convinced that there is no harm done if the report remains a confidential document. I will support a motion that the Order of the Day be discharged.

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

That Order of the Day: Private Business No. 8 be discharged.

Order of the Day discharged.

ADJOURNMENT

At 4.37 p.m. the Council adjourned until Tuesday 8 October at 2.15 p.m.