LEGISLATIVE COUNCIL

Wednesday 23 October 1985

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

PETITION: OMBUDSMAN

A petition signed by 42 residents of South Australia praying that the Council will take no action to remove Ms Beasley from the office of Ombudsman was presented by the Hon. Anne Levy.

Petition received.

OMBUDSMAN

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a brief ministerial statement on the subject of the Ombudsman.

Leave granted.

The Hon. C.J. SUMNER: I wish to report to the Council the situation relating to the position of Ombudsman following the discussion of this matter in the Parliament yesterday and the ministerial statement I gave at that time. Following that ministerial statement yesterday, I had discussions with the Hon. Mr Griffin, shadow Attorney-General, and we canvassed the issues that had been canvassed in the Parliament relating to the future progress of any inquiry into the actions of the Ombudsman with respect to her position on the Qantas Board.

Following those discussions with the Hon. Mr Griffin, I met with Ms Beasley's solicitors last night at 7.30 and, in accordance with the discussions with the honourable member, I put to Ms Beasley's solicitors that the Ombudsman should voluntarily stand aside while the inquiry was proceeding. I put that as a formal request on behalf of the major Parties following the discussion that I had with the Hon. Mr Griffin. I have not yet received a response to that formal request, and I understand that the Ombudsman is currently considering it.

With respect to the other matters that were discussed, I can indicate that I am giving further consideration to the form of any future inquiry and will, as agreed, have further discussions with the Hon. Mr Griffin on that matter as soon as I am able.

The Hon. K.T. GRIFFIN: I seek leave to make a brief statement on the same subject.

Leave granted.

The Hon. K.T. GRIFFIN: I do not want to embark upon a review of the matters which have been discussed with the Attorney-General on the basis that, generally speaking, they are of a confidential nature at this stage. It appears, however, that there has been some disagreement with respect to one matter in terms of the context in which it was discussed. It may well be a misunderstanding, and I think it appropriate that I merely refer to the fact that it has been the Opposition's position that Ms Beasley should be requested to stand aside voluntarily while inquiries have been made. That position was affirmed again yesterday. At the discussions which took place later in the day yesterday, it was agreed that, if the Government was prepared to also put to Ms Beasley that she should stand aside voluntarily, it would be put by the Attorney-General to her solicitors on the basis that both the Government and the Opposition agreed that that was an appropriate course to follow.

QUESTIONS

LIQUOR LICENSING FEES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about liquor licensing fees.

Leave granted.

The Hon. J.C. BURDETT: I understand that prior to 1 July 1985 army messes were not charged liquor licensing fees in regard to wines and spirits and beers (other than from the Adelaide Brewing Company). Since 1 July 1985 the 11 per cent fee has been charged. I have addressed myself to the document 'Review of South Australian Liquor Licensing Laws', and I can find nowhere in that document where this question was raised or canvassed at all; and this issue was not directly addressed in the Bill, which became the Liquor Licensing Act Amendment Act. As there has been no legislative change and no change was recommended in the review, why were army messes not charged the liquor licensing fee of 11 per cent on the sale at retail of wines and spirits and certain beers prior to 1 July 1985, and why are the messes now charged the fee?

The Hon. C.J. SUMNER: I will make some inquiries and bring down a reply.

EQUAL OPPORTUNITY LEGISLATION

The Hon. K.T. GRIFFIN: Does the Attorney-General have a reply to the question I asked on 12 September about equal opportunity legislation?

The Hon. C.J. SUMNER: Two additional positions will be created and filled immediately in anticipation of the expanded role of the Office of the Commissioner for Equal Opportunity:

(1) a community education officer (AO-3) to develop and implement community education programs;

(2) a clerical officer (CO-1) to assist in the processing of complaints.

The creation of additional staff positions may be recommended by the Public Service Board: as and when such recommendations are made, the Government will consider them.

The Commonwealth Government funds four professional staff and provided 90 per cent of their salaries for 'overheads'. These overheads include clerical and keyboard support. The office has employed two clerical support staff, that is, an inquiries officer and a typist/clerk. The four professional staff are made up of a senior project officer, community educator, senior legal officer and a senior conciliator.

OLYMPIC SPORTS FIELD

The Hon. K.T. GRIFFIN: Does the Attorney-General have a reply to the question I asked on 9 October about the Olympic sports field?

The Hon. C.J. SUMNER: I do not agree that the letter from the Minister of Recreation and Sport to the Mayor of Burnside of 27 September 1985 exposes the Minister to a charge of maintenance and champerty. There is no champerty, because there was no suggestion that the Government is to benefit from any money or property recovered by the council in any proceedings. In 1962, the High Court left open the question whether maintenance, as a common law misdemeanour, still exists at all. In any event, maintenance is constituted by the officious assistance provided by a third

party to a party to a law suit in which the third party has no legitimate interest.

In my view, had the Government expended money in providing the proposed new athletics track, it would have had a legitimate interest in ensuring that the new track would be managed for the benefit of the members of the public using the track in the future. I therefore do not agree that the Minister's letter exposed him to a charge of maintenance, even if the criminal offence of maintenance still exists. Similarly, I do not agree that the Minister and the Government are exposed to a civil liability for an inducement to the council to break its contract.

THE TOUCH OF SILK

The Hon. C.M. HILL: I seek leave to make a short statement before asking the Attorney-General, representing the Minister for the Arts, a question about the play *The Touch of Silk.*

Leave granted.

The Hon. C.M. HILL: The Australian play *The Touch of Silk* by Betty Roland is at the moment, as honourable members would know, being staged at the Playhouse and is being presented by the State Theatre Company. I was privileged to see the play last Saturday night and congratulate the director, players and technicians associated with the production, which was an excellent one. On Saturday night the author, Betty Roland, was present. It has been pleasing to see very supportive reviews of the play since that opening night.

In today's *Advertiser* there appears an article by Tim Lloyd about this Australian playwright and her life, some of which has been spent in South Australia although the play was written when she was a young woman living in the Goulburn Valley in Victoria. I was so impressed by the play (as were others) that I put forward the suggestion that the South Australian Film Corporation should investigate the possibility of a television mini-series film being made of the play.

Indeed, this suggestion was discussed by patrons during the interval last Saturday night. I am sure that honourable members would agree that we should do all that we possibly can to optimise the amount of work in film making done here by the South Australian Film Corporation. Will the Minister for the Arts discuss this proposal with the South Australian Film Corporation with a view to the decision makers at the corporation viewing the play and investigating the possibility of the corporation developing such a film based on this remarkable Australian play *The Touch of Silk*?

The Hon. J.R. CORNWALL: On behalf of the Attorney-General, I shall be pleased to refer that question to the Minister for the Arts and bring back a reply.

MINISTERIAL STATEMENT: OMBUDSMAN

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: There are certain matters that I wish to draw to the attention of the Parliament and the public of South Australia in my capacity as Attorney-General and Chief Law Officer of the Crown. I first address the question of why it would have been improper for the Parliament to have acted to dismiss the Ombudsman yesterday. Many in the community might ask why the Parliament did not act to dismiss the Ombudsman yesterday. This was reflected in the media, including the *Advertiser* today both in a column by journalist Des Colquhoun and in the *Advertiser* editorial. Both argued that the Ombudsman should have been removed yesterday. They then suggested that the reasons why this did not happen were political.

While I do not deny that there are political implications in a parliamentary decision to dismiss an Ombudsman, I am disappointed that some base political motive has been attributed to the decision not to move yesterday for the removal of the Ombudsman. As an aside, I should say that it could equally be argued that the most convenient political decision was to dismiss her yesterday and remove the issue from the political agenda. As Attorney-General I can only say that the course of instant dismissal is simply not open to the Parliament.

I have been responsible for advising the Government on this issue and have insisted from the outset that the Government and the Parliament had no alternative but to deal with this matter calmly, dispassionately and in accordance with the law and principles of natural justice. Parliament cannot constitute itself as a kangaroo court to charge, try to convict a public official such as the Ombudsman without following proper procedures, without ascertaining all the facts, and without providing the Ombudsman with a chance to comment on the issues of fact or address the complex legal questions involved.

Parliament has very heavy responsibilities with respect to the dismissal of high public officials such as judges, the Ombudsman, and the Auditor-General. Parliament would be doing itself and the community a grave disservice if it responded to the political whim of the moment and moved for instant dismissal. This is particularly true in the light of the fact that the Parliament has before it the advice of the Solicitor-General, Mr M.F. Gray, Q.C., which indicates that on the information available to him that course was not open to the Parliament.

One only has to consider the procedures that are required to dismiss a public servant or other employee of public authorities. The law is clear that the courts require the procedures of natural justice to be followed. Allegations must be properly investigated, charges must be laid, and the employee given notice of them at an early stage of the proceedings and the opportunity to comment. Ultimately the matter is determined usually by a tribunal before which the charged person has the opportunity to argue and to defend their position. I refer to the basic requirements of natural justice in the case of *Leeson v General Council of Medical Education* in the House of Lords. Lord Justice Bowen said:

> (The statute imports) that the substantial elements of natural justice must be found to have been present at the inquiry. The accused person must have notice of what he is accused. He must have an opportunity of being heard and the decision must be honestly arrived at after he has had a full opportunity of being heard.

It is worth recalling also that even in the private sector rights exist to seek reinstatement on the grounds that a dismissal was harsh, unjust, or unconscionable. Furthermore, any other employee has redress to the courts if the employer has acted improperly and may seek damages if an employer has wrongfully dismissed the employee.

It would be reprehensible for the Parliament to act with no regard for the principles of natural justice that are so firmly entrenched in our society. In this particular case of the Ombudsman, the Solicitor-General, Mr Gray, indicated that there was no basis for action on the facts known to him. If this was a case divorced from the media attention which it has received, then any investigation would have taken longer and involved more detailed inquiries. Following that, the allegations would have been put to the person concerned for an opportunity to comment. However, in this case, because of the media attention and because of the

requirements of Parliament, some report was needed by Tuesday—yesterday. Upon consideration of that report it became clear that further investigation was required and that a mechanism should be established to enable that to happen. This was agreed to by both parties.

The Parliament is the supreme legislative body in this State, invested with certain privileges, and in general its procedures are not justiciable in the courts. Nevertheless, there is a heavy responsibility on Parliament to ensure that the correct procedures are followed and that Parliament takes action based on all the facts. This issue, furthermore, has the potential to raise constitutional issues of the highest importance, including the extent to which courts would find a decision of the Parliament in this matter justiciable. The Solicitor-General's view is that the matter could be determined by the courts. I will take a more restrictive view of justiciability, as I will indicate shortly.

Nevertheless, however the legal opinions on this topic are ultimately resolved, if the matter does go before a court, Parliament must be seen to have behaved impeccably in terms of its procedures. Commentators have suggested that the following course should be adopted in determining whether the Parliament should make an address under the similar provisions of section 75 of the Constitution Act concerning the removal of Supreme Court judges:

(1) The joint address should originate in the Lower House.

(2) The charges should be definite and clear and should be such as would be sufficient, if proved, to justify removal.

(3) No address should be made without the fullest and fairest inquiry, including a right to be heard.

(4) The address itself should clearly state the circumstances upon which the address is based and the findings of the Houses.

These procedures would seem to be appropriate in the case of the Ombudsman no less than in the case of a Supreme Court judge. The Ombudsman is also entitled to a fair hearing. The Ombudsman is entitled to know the allegations against her and is entitled to attempt to meet them. The Parliament must collect such information as will enable it to properly consider the allegations that have been made, that is, to enable the Parliament to determine whether charges should be laid and whether the Parliament should proceed to consider those charges.

I return to the second issue which I feel compelled to draw to the attention of the Council, that is, that there is room for argument in relation to some aspects of the Solicitor-General's opinion tabled yesterday. In particular I take the view that:

(1) With respect to the powers of the Parliament under section 10 (2) of the Ombudsman Act that these powers are not restricted to cases of misbehaviour or incompetence but that the Parliament is unfettered in its power to make an address to remove the Ombudsman. Section 10 (2) provides for a separate means of dismissal from section 10 (3);

(2) Even if the Solicitor-General's view is accepted that misbehaviour must also be shown in order for the Parliament to act under section 10 (2) of the Ombudsman Act, questions arise as to whether a court would impugn Parliament's decision on the facts as known at present. There must be some doubt that a court would interfere in Parliament's decision in this regard, especially if there were some reasonably factual basis for Parliament's decision. Before Parliament starts to consider any of the allegations, I will table a formal opinion on these topics. However, as Attorney-General, I felt obliged to draw my views on these issues to Parliament's attention at this stage. I assure the Council that I intend to continue to deal with this matter in a proper manner in accordance with the law.

QUESTIONS RESUMED

OMBUDSMAN

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the Ombudsman in respect of that opinion.

Leave granted.

The Hon. K.T. GRIFFIN: The ministerial statement that the Attorney-General has just made seems to suggest that he does not agree with the Solicitor-General's limited interpretation of the bases on which Parliament may be able to dismiss an Ombudsman. It may also follow from that, if that is correct, that the power of the Governor to suspend may also be wider than the Solicitor-General's opinion would indicate.

First, is it correct that, with respect to the powers of the Parliament to dismiss the Ombudsman, the Attorney-General is of the view that Parliament has unlimited power and, secondly, in the light of the ministerial statement is he also of the view that the power of the Governor to suspend is also much broader than the constraints the Solicitor-General suggested in his opinion were applicable to the Governor's authority?

The Hon. C.J. SUMNER: I indicated to the Parliament that before the matter is considered further by the Parliament I would table a formal opinion addressing the matters that I have addressed this afternoon. I repeat that I felt obliged to draw both the matters that I raised this afternoon to Parliament's attention, namely, the question of the procedures that may need to be followed with respect to an address by the Parliament for the removal of the Ombudsman or a judge in the light of the suggestions in the media today that somehow or other the Parliament could have acted yesterday to dismiss the Ombudsman immediately.

I also felt obliged to point out that the issue of the powers of the Parliament with respect to the dismissal of the Ombudsman is subject to some difference of opinion and argument. Anyone who had studied yesterday the full documentation that I tabled, including the three opinions that were attached to the Solicitor-General's opinion, would know that there are differences of opinion amongst lawyers about this issue. That is not surprising because it is not an issue that is dealt with daily before the courts or on which there are firm court decisions.

I felt that those differences of view should be put to the Parliament at the earliest opportunity. If honourable members study the opinion of Mr Pincus, QC, that was tabled yesterday they will see that his views are more in accord with the views that I expressed this afternoon, albeit views that will need to be put down into some formal opinion if detailed consideration is to be given to them by the Parliament. That formal opinion is not something that I have yet prepared. It seemed to me wrong to await a formal opinion when I thought that these matters should be drawn to the attention of the Parliament, at least in general terms, and that is what I have done.

With respect to the honourable member's question, I believe, subject to my preparing a formal opinion on the matter and anything else that my researchers might uncover, that the Ombudsman Act (section 10 (2)) provides an unfettered power on the Parliament to remove the Ombudsman. My belief for that opinion is that in the Ombudsman Act procedures are set down in section 10 (2), which is for an address of the Parliament to the Governor to remove the Ombudsman; procedures are set down in section 10 (3), which is a procedure for the Governor to suspend the Ombudsman on the grounds of incompetence or misbehaviour, and then a certain procedure follows to put the matter before the Parliament; and, in that same section, a provision

that the Ombudsman shall not be removed in certain circumstances, one of which is except as provided for in subsection (2) or subsection (3) of that section.

So, section 10, in itself, indicates that there are two means whereby the Ombudsman may be removed: by procedures in subsections (2) and (3). The critical question is whether or not misbehaviour would be imported into the general power to remove the Ombudsman by an address (section 10 (2)). The Solicitor-General is of the view that it would be, and that view is based on procedures with respect to judges. However, I believe that the Ombudsman Act is worded differently, and that the power does exist for the Parliament, if it wishes, to proceed with an address without necessarily having grounds of misbehaviour.

I believe that that would be a very serious step for any Parliament to take, and I do not believe that a Parliament would take that step; certainly, if it did, it would have to give some reasons to the Ombudsman as to why removal was being contemplated. I take the view that section 10 (2) of the Ombudsman Act does give a broader power of removal than just on the grounds of misbehaviour.

With respect to the second question, that is much more difficult and it is not something that I can or will express a considered view on at this stage. As I indicated, what I had to say today was an alerting of the Parliament to some differences of opinion, which would have been obvious to those who read the documents yesterday. If the matter proceeds in terms of the Parliamentary arena, and allegations are considered by the Parliament, then I will certainly give further consideration to the issue raised by the honourable member.

GOVERNMENT WASTE

The Hon. L.H. DAVIS: Has the Minister of Tourism a reply to a question I asked on 12 September about Government waste?

The Hon. BARBARA WIESE: On 2 March 1984 the Engineering and Water Supply Department received an application from Aztec Plumbing Pty Ltd on behalf of Western Hauliers for a 150 mm water connection to supply two fire hydrants in the transport terminal. The matter was fully investigated by inspectors of that department, who prepared a proposal for the installation of a 150 mm fire service as requested.

As the property concerned did not abut an existing water main, before a fire service could be provided it was necessary to extend the existing 150 mm water main in Waldanee Street a distance of 157 metres to the boundary of the property. The Government policy on extensions of water mains requires that a 15 per cent return on the estimated construction cost of the main must be achieved from normal water rates that would be charged on all properties served by the extension. Where the 15 per cent return is not achieved the applicant is given the opportunity to meet it by entering into an agreement to pay a surcharge over and above normal rates for a period of between five and six years. In this particular case the estimated cost of the extension of main (157 metres of 150 mm AC) was $14 550, and the cost of the 150 mm fire connection was $2 650.

As the required 15 per cent return was not achieved, on 12 June 1984 the applicants were advised of the E&WS Department's requirements for the proposal to proceed, which were for the payment of the sum of $2 182.50 annually for a period between five and six years for the extension of main, plus the sum of $2 650 for the installatioan of the fire service. On 25 February 1985, after receiving responses to approaches made to the Minister of Water Resources and the Ombudsman in the intervening period, the company eventually requested the Engineering and Water Supply Department to proceed with the proposal.

However, as the original proposal had lapsed, a revised estimate was prepared for the extension of main and the company was advised on 29 March 1985 that the amount to be paid annually for a period of between five and six years was now $2 302.50. The quote for the fire service remained at $2 650. The company returned the signed agreement on 3 April 1985, together with payment of $2 302.50, but was requested to forward the balance of $347.50 to cover the cost of $2 650 for the fire service. This it did on 9 April 1985.

Work commenced on 17 May 1985 and was carried out by a gang of six men, which comprised a supervisor, truck-driver, machine operator and three labourers—a normal small construction gang used by the Engineering and Water Supply Department. The work was completed on 22 May 1985. However, this period included the Adelaide Cup long weekend so, in effect, the gang spent only three working days on the site. This is considered very reasonable. It should be noted that there was never any intention on the part of the Engineering and Water Supply Department to lay other than 150 mm pipe in Waldanee Street, Gepps Cross.

Following completion of the department's work, the plumbers, Aztec Plumbing Pty Ltd, installed the internal pipework in 100 mm AC pipe. However, prior to backfilling the trench, they replaced the pipe with 150 mm AC. It is thought that this was done following discussions with the South Australian Metropolitan Fire Service. Certainly, at no stage did inspectors from the Engineering and Water Supply Department advise the plumbers on what size the internal pipework should be, or instruct them to replace the 100 mm pipe with a larger size. It is understood that the Metropolitan Fire Service advised the plumbers that a flow of 1 400 L/m at 330 kPa was required to protect the property. However, they did not advise a pipe size for the installation. The pipes used by the Engineering and Water Supply Department for the 150 mm main and fire service are AC class F and are capable of handling the flows without shattering.

The time taken between the receipt of the initial inquiry, 2 March 1984, and the initial reply, 12 June 1984, is considered reasonable, taking into account that an extension of main was required, which involved design estimation and an assessment of the revenue return. As well, all applications for fire services are treated individually, requiring on-site inspections and discussions to confirm locations of the actual service and fittings to be provided. The subsequent delay before agreement by the applicant was reached on 9 April 1985 and was the result of the company's actions, not those of the Engineering and Water Supply Department.

ROYAL FLYING DOCTOR SERVICE

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health a question about funding for the Royal Flying Doctor Service.

Leave granted.

The Hon. PETER DUNN: A report in the *Weekend Australian* stated that in Western Australia the Royal Flying Doctor Service was having great difficulty in meeting its budget. Subsequently this morning on 5CK, the Port Pirie radio station, a similar problem appears to have arisen in South Australia. I will quote some of the information that came from Western Australia that is applicable to this State. I refer to the central section of the Royal Flying Doctor Service which deals with the Northern Territory and South

Australia. An extract from the report written by Danielle Robinson, states:

> The Royal Flying Doctor Service yesterday warned that it would be forced to eliminate some remote West Australian areas from its emergency services if the Commonwealth did not provide more funding. The president of the Flying Doctor Service's West Australian branch, Mr Harry Morgan, said financial problems were now so drastic that cost-cutting measures would have to be taken before Christmas.

It goes on:

> All State branches of the service, except Tasmania, had received less than they had expected from the Commonwealth for the 1985-86 year. The West Australian branch provided the only form of medical care—

and this also applies in South Australia—

> for thousands of people in areas so remote that without it they would have no link with the rest of the country.
>
> Apart from the emergency evacuation service and medical clinic, the branch also provided people on remote stations with a radio communication system and educational material for their children.

The fact is that the South Australian branch is some $200 000 short of its budget and although—

The Hon. J.R. Cornwall: That's completely inaccurate.

The Hon. PETER DUNN: Well, it was on 5CK radio this morning.

The Hon. J.R. Cornwall: Then it must be right! Who was it sourced to? A hospital watcher?

The PRESIDENT: Let us hear the question.

The Hon. J.R. Cornwall: Let us hear the facts. I need to know, Mr President.

The Hon. PETER DUNN: There is a recent report that the central section would be approximately $200 000 short of its budget in recurrent expenditure.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: This is a report on 5CK this morning, and I have no doubt that it has come from the Royal Flying Doctor Service. The fact is there has been a $2 million capital expenditure from the Federal Government for replacement of new aircraft. The new aircraft naturally are upgraded because, in today's circumstances, they are required to be turbo prop aircraft or such sophisticated aircraft as require considerable recurrent expenditure. The breakdown of the funding for South Australia is approximately $2.5 million in total. There is about $867 000 from the Federal Government, approximately $1.3 million from the State Government, and that deals with six aircraft, three of which are in Port Augusta and three in Alice Springs.

The money is gathered from that section as well as from public donation, which amounts to about $100 000 per year, and there is also windfall income. Windfall income is from bequests and the like, and that is over and above what the service would reasonably expect to get on an annual basis. The cost of running these aircraft has risen dramatically in the past couple of years—first, because the service has changed to a new type of aircraft and, secondly, because the Federal Government in its wisdom decided to remove the 4c to help offset the carting of fuel to the outback. The CPI and other increases have meant that there has also been an increase of approximately 10c a litre in the cost of aviation fuel. The federal budget has only risen from about $5.6 million to $5.9 million to cover this fairly large increase in recurrent expenditure. My questions are:

1. Will the State Government further assist the Royal Flying Doctor Service to meet its recurrent budget?

2. If not, will the State Government ask the Federal Government to increase its contribution to the Royal Flying Doctor Service budget for the recurrent expenditure?

The Hon. J.R. CORNWALL: This information seems to come from an unidentified flying doctor watcher. Last week we had a—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: Well, why do you not deal in facts and not peddle—

The PRESIDENT: Order!

The Hon. Peter Dunn: It came from 5CK.

The Hon. J.R. CORNWALL: Well, it must be right, if it came from 5CK. We had a quote at great length about what is happening in Western Australia. Now, there were times in my earlier career when I had pretentions to being a statesman, but let me make very clear—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL:—that I am happier to be a first class parochial politician pushing South Australia's barrow—not knocking it like the Opposition—than I am to read secondhand reports out of newspapers concerning the situation of the flying doctor in Western Australia. Only a few months ago we had the story of the Royal Flying Doctor Service being in grave difficulty replacing its aircraft, and that was a brilliant national public relations coup. That story was put out to coincide with the launching of the Flying Doctor mini-series, and it applied specifically to New South Wales and to a lesser extent Queensland. It did not apply to South Australia.

The Hon. Mr Dunn, who is a pilot apparently of some ability and knows a deal about these matters, knows very well that in South Australia turbo prop aircraft are not used. The Royal Flying Doctor Service in South Australia does not use turbo prop aircraft.

The Hon. Peter Dunn: You didn't listen to the question.

The Hon. J.R. CORNWALL: He did say that. He said that the capital cost of replacing aircraft was burgeoning because they had to use turbo prop aircraft. Now, he knows very well—

An honourable member interjecting:

The Hon. J.R. CORNWALL: Check *Hansard* tomorrow; I heard what he said all right. He knows very well that because of the sophistication of some of those aircraft they will be quite unsuitable for use by the Royal Flying Doctor Service in South Australia. I imagine that he has been on enough outback strips, as I have, to know that they would not be the sort of strips on which aircraft of that sophistication would be used. I am getting a little bit sick of the Opposition flying kites, and in this case—

An honourable member interjecting:

The Hon. J.R. CORNWALL: It is not a question of 'come off it' at all. We had a question based on a Western Australian situation that was extrapolated through New South Wales that somehow came back to an unsourced report on 5CK. When I challenged the honourable member to tell us where that report was sourced from, he did not know.

He thought that it might have been the South Australian Flying Doctor Service—the SA and NT service. Let me make this very clear. He says: would the State Government assist? If the South Australian and NT Flying Doctor Service were to approach my office (which they have not done) and if they were to say to me that they had financial difficulties (which they have not done), then I would be very pleased to consider it. However, in the meantime let us have a little bit of responsibility. Let us not try to beat up imaginary stories, unsourced stories based on reports in the *Australian* concerning the Western Australian Flying Doctor Service. The simple fact is that my office has not been approached by the Royal Flying Doctor Service. I know the President of the Royal Flying Doctor Service personally.

I know the Director of the Flying Doctor Service personally. Both gentlemen have open access to my office: they can telephone me personally on a first name basis any time they wish. If they approach me, I will be very pleased to

consider the matter. In the meantime, let us not have this sort of beat-up nonsense in a pre-election atmosphere, because it may raise unnecessary alarm among the Hon. Mr Dunn's constituents in outback areas.

Members interjecting:

The PRESIDENT: Order!

SALISBURY SHOPFRONT ADOLESCENT HEALTH SERVICE

The Hon. R.I. LUCAS: My question is directed to the Minister of Health and relates to the Salisbury Shopfront Adolescent Health Service, as follows:

1. Have any officers of the Central Sector of the Health Commission expressed any concern to the Director of the Central Sector of the Health Commission, to the Minister or to a member of his staff about the terms of the contract between the Health Commission and the Salisbury council and, if so, what are those concerns?

2. Has any legal advice been provided recently to the Health Commission about the interpretation of provisions in the contract and, in particular, those relating to an agreement by the Health Commission to pay two-thirds of the salaries of the Salisbury council's community health coordinator and the neighbourhood development coordinator and, if so, what is that advice?

The Hon. J.R. CORNWALL: No advice has been tendered to me about the terms of the contract that the Health Commission has with the Salisbury council as to any difficulties or otherwise. In my recollection, no-one has discussed the Salisbury shopfront operation with me in recent times. I have certainly not asked for and have not been provided with any legal advice in relation to the Salisbury shopfront. I understand that the person who advised the Hon. Mr Lucas on this matter is no longer employed by the Salisbury Shopfront Adolescent Health Centre. There was some concern about the conduct of one individual, but that individual no longer works for the Salisbury council in the shopfront or anywhere else.

LETTER TO MEMBERS OF PARLIAMENT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about a letter to members of Parliament.

Leave granted.

The Hon. ANNE LEVY: The other day I received a copy of an open letter sent to members of the South Australian Parliament from the Parents and Friends Association of St Peters Collegiate Girls School. I presume that all other members of Parliament received a similar open letter, although I must admit that I have not checked that fact with all members. It is a long letter and I certainly have no intention of doing a 'Mr Davis' and reading it into the record. I think a few sentences from the letter deserve to be quoted, as follows:

> Developments at federal and State level in recent years pose an increasingly strong threat to the viability of non-government schools. Indications are that fees will have to rise . . .

There is no indication of whether 'fees will have to rise' means that they will rise in real terms or whether it is a question of merely keeping up with inflation. The letter also states:

> Of the State Government expenditure on schools, 93.3 per cent went to Government schools and 6.2 per cent to non-government schools.

Again, there is no statement to the effect that far more than 50 per cent of Federal Government schools financing goes to non-government schools. The letter also states:

> It has often been quoted that Australia's youth is the country's greatest asset. It is therefore of concern to all Australians that those sections of education which seem to be most concerned with quality are being repeatedly threatened by shortsighted Government policy on funding of non-government schools, which is not only unfair and regressive but also aims to see that all education is grey and that quality education is penalised.

That seems to presuppose that all Government school education is inferior. I am sure that that proposition would be roundly rejected by all members of this Council. When talking about parents, the letter also states:

> In most cases they are the middle classes of our community who have borne for many years the increasingly regressive effects of the PAYE taxation system and who are now being threatened even more by the regressiveness of the school funding proposals currently being introduced gradually.

I am not sure why a needs based policy should be classed as regressive, but there is no further explanation of that extraordinary statement from the Parents and Friends Association.

I raise this matter in Parliament because I am sure that all members will have received a copy of this letter, and I feel that inherent in it are truths and half truths and probably misunderstandings. Has the Minister received a copy of the letter and will he comment on some of the statements which I feel are inaccurate and perhaps mischievous, so that all members of Parliament may have their attention drawn to what I feel are inaccurate and biased statements?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring down a reply.

SIGNPOSTING

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

Leave granted.

The Hon. L.H. DAVIS: On more than one occasion I have expressed concern both in Parliament and in the media about inadequate signposting in the Adelaide hills. Over the past three years I have made particular reference to the signposting to Cleland Conservation Park, which is an outstanding vista attraction featuring Australian wildlife in a bushland setting. The Government has done nothing about this matter.

On Greenhill Road at Parkside and Glenside there is a sign (white lettering on a brown background) indicating the route and distance to the Cleland wildlife zone, via Greenhill Road. I have yet to meet anyone who can confidently explain to me exactly what one can expect to see or do in a wildlife zone. On the South-Eastern Freeway, on the routes both into and out of Adelaide, there is a large exit sign which states simply 'Cleland' (again, white lettering on a brown background). Again, a visitor could hardly be expected to know whether Cleland is a suburb, park or historic house.

The Hon. R.J. Ritson: Or a drink.

The Hon. L.H. DAVIS: Or a drink—brandy perhaps. I have spoken to many people who have businesses in the Adelaide hills and to visitors from interstate and there is common agreement that Cleland is suffering from a severe identity crisis. I have repeatedly called on the Government to standardise signposting and advertising for Cleland—and it is still referred to as Cleland Conservation Park. Is that a place where visitors can expect to see wildlife? It is also called Cleland Fauna Reserve, Cleland Wildlife Zone and simply Cleland. Does the Minister agree that this splendid

indifference by the Government to accurate signposting is frustrating to visitors and is counterproductive to tourism? In view of the expected influx of visitors to South Australia—

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS:—during the 1986 sesquicentenary year, will the Minister move to correct the misleading signposting to Cleland (for example, to Cleland Wildlife Park) so that what visitors see on a sign they get?

The Hon. BARBARA WIESE: I do not agree with the honourable member with respect to the confusion he says exists about signposting for the Cleland Conservation Park because I think that it is very clear from the number of visitors who pass through that park every year that people know exactly what it is, where it is and what they are going there for when they visit it. However, if it is true that there are differing signposts at various points in the Adelaide hills, then I agree it is probably undesirable and that they should be standardised.

I am not sure whether this is right or not, but I will confer with my department and with the Department for Environment and Planning to ascertain what can be done about the matter if this is true. I must say that whilst I think it is desirable for signposting to be standardised and for tourist spots around the State to be clearly accessible and defined, in this instance the objections or problems that the honourable member has raised are rather groundless. However, I will confer with my officers about this matter and ascertain what we can do about standardising the signposting for Cleland.

VOTERS ROLLS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about voters rolls.

Leave granted.

The Hon. DIANA LAIDLAW: My question is prompted by an article I have read this afternoon in a copy of the *City News* of November 1985, which is published by the Adelaide City Council. The article is headed, 'Living in fear' and states:

> Twenty South Australians living in fear of their personal safety have had their addresses removed from the electoral roll. Recent amendments to federal and State legislation allow voters to apply for the removal of their addresses if they believe they or their families would be at risk from having their location readily available as public information.
>
> Applicants have to complete a form and a statutory declaration setting out in detail what they consider the risk to be. The Divisional Returning Officer of the federal electorate in which the applicant lives then makes a decision as to whether or not the reasons given are good enough to justify deletion of the address. No such provision has been made for local government voters rolls, the bulk of which are in fact a copy of the State House of Assembly roll.

Does the Attorney-General agree that unless changes are made to the Local Government Act to allow the removal of addresses from the roll the recently introduced secrecy provisions of the South Australian Electoral Act will be meaningless in helping people at risk and, if so, will he ask the Minister of Local Government to expedite amendments to the Local Government Act to provide for removal, in certain circumstances, of the addresses of residential owner/occupiers appearing on council voter rolls?

The Hon. C.J. SUMNER: It seems that the honourable member has raised a point worth examining so I will certainly do that and bring down a reply.

NATIONAL AIDS CONFERENCE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about the National AIDS Conference.

Leave granted.

The Hon. R.I. LUCAS: A weekend press advertisement advertised a forthcoming National AIDS Conference to be conducted in Melbourne, I think on 12 and 13 November. The organiser of that conference has advised me that the plenary sessions of that conference will be open to all members of the public and anyone interested in the topic to attend. However, a significant proportion of the conference will be workshop sessions and those sessions will not be open to delegates to generally register, or for members of the public to attend.

In fact, the workshops will be attended by nominees of the respective States. Is the Minister able to indicate whether he has nominated persons to represent South Australia at the conference and, if so, who are those persons? If it is not the Minister who has nominated representatives from the State of South Australia, who has responsibility for nominating South Australian representatives to this conference and, if they have been nominated, who are those persons?

The Hon. J.R. CORNWALL: I have always made it clear to this Council that I do not interfere or intervene in any way in the question of AIDS control. It is very much a matter for competent professionals. We are fortunate, as I have told the Council on many occasions, to have in South Australia some of the most competent professionals in this field, both in the sense of disease control and epidemiology available in Australia. The question of who will attend and who will nominate those to attend will be very much a matter for the Chairman of the State's AIDS Advisory Council, Dr Scott Cameron, who is also, of course, the Director of the Communicable Diseases Unit. The other principal player in terms of nominations, if there are to be such nominations, would be Dr Chris Baker, Acting Director of the Public Health Division of the South Australian Health Commission.

I have certainly not taken any active part in nominating anyone. At this time I do not know who the South Australian representatives will be. Clearly, we will be very well represented and if it is a matter of such moment that the Hon. Mr Lucas wants to know about it, then I undertake to find out specifically what individuals will be attending and I will bring back a reply to the Parliament as expeditiously as I can.

DOMESTIC VIOLENCE

The Hon. M.B. CAMERON: Has the Minister of Health a reply to the question about domestic violence asked by the Hon. Mr Griffin on 29 October 1985?

The Hon. J.R. CORNWALL: The replies are as follows:

1. The Government has released the report publicly as a document for policy consideration and discussion. Decisions on the recommendations will be made once these have been examined.

2. See answer to 1.

3. The Domestic Violence Council will begin its task in mid-October, when an executive officer suitable to the task has been appointed. The council will have four task forces to draw up blueprints for action in the areas of service delivery, community education and prevention, legal issues and education/awareness of professionals. The Domestic Violence Council itself, and its task forces, will consider the

appropriate recommendations from the report, *Domestic Violence and the Law.*

ARTS GRANTS

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for the Arts, a question about grants for the arts.

Leave granted.

The Hon. C.M. HILL: There is some confusion amongst the arts community as to the means by which the Government decides which applicants for grants in the arts are successful and about who actually recommends to the Minister the amounts of money that fortunate applicants obtain. There has been an understanding that the long established Arts Grants Advisory Committee was to be abolished and replaced by a more high powered committee or council of some kind, and I am being asked questions about whether or not this change has taken place. So that the arts community can be quite clear on this point, which is very important to it, I ask the following questions:

1. What machinery applies now in the Government's deciding who shall and who shall not receive arts grants?

2. Who advises the Minister for the Arts as to the actual amounts of money each recipient shall be allocated?

The Hon. C.J. SUMNER: I will obtain that information and bring back a reply.

IDENTITY CARDS

The Hon. DIANNA LAIDLAW: I move:

That this Council conveys to the Federal Government its strong opposition to the introduction of a national identification system, incorporating the Australia Card, because the proposal—

1. Was a simplistic response to the need to combat tax avoidance and social security fraud.
2. Represented an unwarranted intrusion into personal liberties and basic rights.
3. Had the potential to legitimise false identities.
4. Ignored overseas experience which confirmed it was virtually impossible to confine their use.
5. Could not guarantee that personal information would be secure.
6. Did not address how the system would be enforced.
7. Was questionable in terms of the cost benefit estimates.

I welcome the opportunity to speak on this topic. The proposal to introduce a national identification system was hastily launched on to the political agenda by the Federal Government with the release of the white paper on reform of the Australian taxation system, prepared by the Treasurer, Mr Keating, for discussion at the tax summit in Canberra in July this year. While the issue attracted little comment at the summit, the Prime Minister, in his closing remarks, expressed the view that there had been 'virtual unanimous agreement on the proposition of the establishment of a national identification card'. Based on this assessment, the Treasurer announced on 19 September that a national identification system, incorporating the Australia Card, will be the subject of legislation in the autumn session next year, with the cards being issued in March 1987 and the scheme being fully operational from July 1989.

It is proposed that the card will be plastic, green and gold in colour, and will contain a unique number, the cardholder's name, signature and other limited personal details as requested by the individual, and a specific holographic three dimensional design in the right hand corner. However, following pressure from Caucus, it will not now incorporate a colour photograph of the holder, as forecast in the white paper. The Health Insurance Commission, with the aid of its Medicare computer, is to be charged with the responsibility to issue and administer the system.

Last week in the House of Representatives, during debate on the Health Legislation Amendment Bill (No. 2) 1985, the Liberal and National Parties objected to an allocation of $3.5 million, retrospective to 1 May to allow for planning and development of the Australia Card proposal to proceed. Opposition members expressed concern that the Federal Government had failed to date to provide the Australian public with convincing arguments that the card will save more than it costs, that it will be effective in combating fraud and tax avoidance and that there will be adequate protection of privacy.

On the strength of these arguments and with the help of the Australian Democrats in the Senate, the Federal Government was persuaded to establish a joint committee of the House of Representatives and the Senate to hear evidence on these questions and others. The committee will report by 31 March 1986 during which time the Federal Government has agreed that the $3.5 million should not be expended on further planning and development work. This interval to 31 March provides the Australian public with the first real opportunity to express reservations and/or objections to the ID card proposal, for until now the Government has been singlemindedly headstrong in its determination to implement a national identification system.

The resolution I have moved seeks to take advantage of this stay in implementation. It calls on the Council to register its strong opposition to the Federal Government's current proposal to introduce a national identification system, incorporating the Australia Card. For the record, I feel obliged to note, however, that my opposition to a national identification system is not confined to this proposal but to the introduction of any national system. It is this matter that I wish to address initially.

To me, the notion of a national identification system, incorporating a card, is an affront to personal liberty and is entirely alien to the respect for individual integrity that we are supposed to treasure so highly in this country. As Des Colquhoun commented recently:

> It is not the human that will matter in future, but the number on his or her card.

I agree with this assessment and believe the card to be a further example of the escalating demand by State and Commonwealth authorities for more powers in the fight against crime. These demands are intruding into what have been valued as our basic rights. The encroachments have been subtle, the consequences not always appreciated, the common element not always seen and the fact that they are part of a wider pattern not always understood. Yet today the insidious encroachments on personal liberties and rights are being portrayed as absolutely necessary for the common good of society.

It is central to the notion of a national ID system that every citizen be issued with an identification card and number. I am aware, however, that Dr Blewett, the federal Minister responsible for the implementation of the system, has indicated from time to time that the Australian system may apply to all citizens 12 years and over, 15 years and over or 18 years and over, and recently in an article in the *Age* on 29 August 1985 he said that 'people would not have to have an ID card if they did not wish to'. Nevertheless, if the card is to have any integrity, it will have to be compulsory.

It is true, of course, that we regularly accept drivers licences as a means of identification when making purchases and that there is an abundance of plastic credit-type cards in existence now. But in each instance their use is our own

personal choice. The proposed Australia Card, if it is to be credible, must be compulsory and will become our pass key not only to obtain a job and benefits (for which it is designed) but also goods and services which today are seen as our basic right as citizens. In such circumstances, it is not difficult to imagine the inconvenience or distress that could be caused by loss or theft of the card, nor is it improbable that a person will be denied goods or services for failure to disclose his or her identification number. Equally, it is not difficult to imagine that any person without a card will automatically come under suspicion. Conversely, the dealings of those able to produce a card will be considered to be above reproach, whether or not the card has been obtained legally.

Many times I have heard the argument that those who oppose the ID card have something they wish to hide. The real issue, however, is not what an individual has to hide, but what an individual will have to reveal. Moreover, the argument is frightening in its implications, for it supports the creation of an atmosphere in which the absence of the presumption of innocence is viewed as acceptable in the fight against crime.

This atmosphere challenges the whole basis of our justice system, which operates on the ground that one is innocent until proven guilty. This notion in part distinguishes our democratic system from totalitarian systems of the right or left. Yet now, with the introduction of an ID card, it is suggested that we condone the reversal of this long-standing, valued tradition, and henceforth, without a card at hand, an individual is presumed guilty until proven innocent.

I believe that the insidious nature of the ID card is reinforced by the proposal that it be called the Australia Card and will carry our national colours, green and gold. By these moves, the promoters are suggesting that it should be carried at all times with pride and are implying that not to do so, or to object to the very imposition of the card, will be unpatriotic, even traitorous.

Whilst I find the whole concept of an ID system, accompanied by a card, to be abhorrent, I also share the strong reservations expressed by the federal Liberal, National and Australian Democrat members in Parliament last week that the system in its present form, that is, without a photograph or fingerprint, will be effective in addressing the problems it is designed to remedy, that it will be cost effective, that its use can be confined to specific uses, that it can be enforced and that it will provide adequate protection of privacy.

We are told that the proposed ID system and card are designed to stop Department of Social Security fraud. It is ironical, indeed farcical, therefore, that the Department of Social Security itself has expressed skepticism that the card will combat welfare fraud. It is the department's view that, unless the card is foolproof, in practice it will aid those wanting to establish a false identity. Such evidence was given to the House of Representatives Standing Committee on Expenditure in Canberra on 23 May 1985. In the transcript of evidence, the member for Calare, Mr Simmons, asked:

> Identity cards are an interest of mine at the present time. In your opinion, would it assist the Department of Social Security if any applicants for benefits payable by your department had to produce positive means of identification such as some sort of national identity card?

In response, Mr Cunliffe, Acting First Assistant Secretary, Benefits Delivery Division, Department of Social Security, stated:

> In general terms, we have concern, based on the overseas experience that we have read of, that a system of identity cards is not a total saviour in such situations. The overseas experience tends to suggest that systems of identity cards themselves in many instances build in fraud or means of fraud, whether it is by creation of similar cards, theft of cards or whatever.

Later, in response, Mr Cunliffe also stated:

> One of the difficulties that we do see is that, if you move to a system where identity cards are the be-all and end-all and the only form of identification which is satisfactory, you place a lot of your eggs in one basket. There is a great risk, if that system is not foolproof, that all you are doing is building in an easy avenue for fraud.

Mr Cunliffe's reference to overseas experience in relation to ID cards and fraud is well founded, for no less than the US Department of Justice, in a November 1976 report entitled 'The Criminal Use of False Identification', noted:

> The criminal use of false identification is a multi-million dollar national problem. A growing army of criminals and fugitives is using a screen of false credentials in welfare fraud, illegal immigration, drug trafficking, passing bad cheques and phony credit cards and in hundreds of other crimes . . . The use of false IDs is costing American business well over $1 billion each year . . . Organised crime would take advantage of any national ID system because of the presumption of validity surrounding such a large system . . .

A further US Report by the General Accounting Office entitled 'Reissuing Tamper Resistant Cards will not Eliminate Misuse of Social Security Numbers', December 1980, estimated that 4.2 million Americans have more than one social security number. As an aside, members may have noticed a report a couple of weeks ago that a parachutist in Florida, who died on landing, was discovered to have in his possession not only a large amount of cannibis resin but also no fewer than six SSN cards. It is relevant to note also that some years ago Britain rejected the idea of an ID card in the social security area and that France has moved away from its use in this area.

In Australia, the Department of Social Security is not alone in expressing skepticism about the value of ID cards, for their effectiveness in combating fraud has been challenged by such diverse sources as Mr Frank Costigan (*Age*, 8 August 1985), the Federal Police (12 September 1985), the SA Chamber of Commerce and Industry (paper, June 1985), the Director of Wollongong University Centre for Technology and Social Change (*Australian*, 29 July 1985) and Mr Roger Clarke, Reader in Information Systems, Department of Commerce, ANU (paper, July 1985).

In each of these instances, I believe their concerns are well founded, for in future an identity card will be taken as a guilt edge—proof of identity. The temptation, therefore, to forge the card will be great and the means by which to do it is available. I understand, for instance, that holograms, which are intended to make the cards 'tamper proof', are at present available cheaply in Hong Kong.

Even if a card can be produced which cannot be counterfeited—and this, as I have said above, is open to question—the card itself will have to be issued on the basis of some form of identification. For this purpose, birth certificates have been suggested. It is well known, however, that such documents can be forged with ease or obtained illegally. Indeed, only yesterday the member for Mitcham in the other place outlined to me the experiences of one of his constituents who was the victim of a person who illegally obtained the consituent's birth certificate through the South Australian Registrar of Births, Deaths and Marriages. I am advised, also, that in New South Wales birth certificates do not indicate whether the subject of the certificate has died, making it quite a simple matter to obtain the birth certificate of a deceased person. Meanwhile, Mr Justice Stewart, in his Royal Commission on Drug Trafficking, interim report number 2, highlighted that the forgery of proof of identity papers is not a matter to be dismissed lightly, for 'it is known to be common throughout Australia and has been used extensively in such areas as passport fraud'.

To compound the problems inherent in establishing a credible and foolproof national identification system based on the birth certificate, the Premier of Queensland has made it clear that the Registrar of Births, Deaths and Marriages in that State will not cooperate in the Federal Government's grand Australia Card plan. There is no doubt in my mind that, unless the identity of a person can be established beyond doubt at the point of issue of the Australia Card, the national identification system proposed will be a boon to the cheat or the criminal and will confirm the concerns expressed by the Department of Social Security among others, and will reflect the experience overseas, that the card is a means to aid, and abet, not thwart, those wanting to establish a false identity in order to defraud the system.

We are told also that the card will be a weapon to prevent tax avoidance and possibly tax evasion. This is open to challenge, for to begin with tax avoidance is by definition legal and, thus, will not be affected by ID cards; nor will an ID card affect the major processes of evasion. It will not inhibit bottom of the harbor schemes, tax havens, dividend stripping or other quasi-legal rackets that flourish from time to time; nor will the card make taxable 'cash economy' payments; nor, I suggest, will it stop money being laundered through false bank accounts as company bank accounts will not have to produce an ID number.

While my negative assessment of the effectiveness of the Australia Card in combating tax avoidance and evasion may be misplaced, I doubt it, when one looks again at overseas experience. In Sweden, for example, where population registration dates back some 300 years, where the central authority for such registration is the National Tax Board and where a national ID system was introduced in 1947, the Tax Board estimated recently that up to 20 per cent of Swedish revenue is lost each year through tax evasion.

To add to my concerns that the Australia Card system as proposed will not work, I have reservations that, despite all the will in the world, it will be virtually impossible to confine its use in society. According to Dr Blewett, people will need their card only in three situations—in connection with employment; when claiming Commonwealth benefits; and when conducting specified financial dealings and other matters with tax implications. It has been mooted at various times since, however, that the card will be helpful in terms of identifying illegal migrants, under-age drinkers, and be of some assistance to law enforcement agencies.

With little effort, one can imagine a whole host of other applications which, while they may not be legally enforceable, will be difficult to resist if identification is sought. Indeed, while the federal bureaucracy is not generally renowned for creative imagination, it is illuminating and highly disturbing to note the extent to which the Interdepartmental Committee on a National Identity System, chaired by the Health Insurance Commission, August 1985, envisaged the card could be used if the bureaucracy had its way. The report states:

313 Proposed areas of use are as follows:

(i) Commonwealth Government pension and income support systems (progressively from the date card issue):
as a means of identification for Medicare benefits;
to aid in identification for pension and income support payments; and
to aid in identification for educational allowances.

(ii) Financial transactions for taxation purposes (from 1 July 1989), to aid in identification for:
payment of interest on invested funds;
payment of dividends;
distributions by unit, cash management or property trusts;
disbursement of rent collected by estate agents;
dealings with central marketing boards; and
obtaining of employment.

314 (i) Further financial transactions for taxation purposes may be considered on individual merit for implementation in the shorter term:
cash transactions in excess of a specified amount;
dealings in gold, silver or precious stones;
transfer or acquisition of shares or debentures in a public company;
investments through solicitors' trust accounts;
transfer or acquisition of Government or semi-government securities;
transfer of real estate;
transfer of luxury items such as planes, yachts or vehicles over a specified value;
dealings on futures exchanges;
commissions paid by direct selling organisations;
applications for professional registration or with other registration boards (e.g. builders, bookmakers, motor vehicle dealers, hawkers or real estate agents);
applications for building permits;
payment of fees or royalties;
payment of prizes and awards which may constitute assessable income in the hands of the recipient; and
tip income where paid via credit cards.

(ii) Other transactions may be considered on individual merit for implementation in the longer term:
applications for business name registration; and
transactions covered by the Prescribed Payments System.

Certainly, overseas experience has shown that it has been almost impossible to limit the all-embracing use of an ID card. For the purposes of this debate, I cite only the experience of the USA, which implemented a social security numbering system in 1936. The system was not even designed as a national identification system but with time has assumed a *de facto* identification basis far beyond its original purpose.

I seek leave to incorporate in *Hansard* a table of a purely statistical nature coming from a 1980 report of the Controller-General of the United States General Accounting Office showing the chronology of uses to which the United States Governments have seen fit to expand the use of the SSN system between 1963 and 1976.

Leave granted.

Year	Responsible Authority	New use for SSN
1963	Treasury	To register U.S. securities (other than U.S. savings bonds.)
1964	Treasury	Buyers of series H savings bonds required to provide their SSNs.
1964	SSA	Approved issuance of SSNs to ninth grade pupils if requested by a school.
1965	SSA	To administer State old-age assistance programs.
1965	The Congress	Passed Medicare legislation, requiring recipients to provide SSNs.
1965	Civil Service Commission	To administer civil service annuitant program.
1966	Veterans Administration	As hospital admissions number and for patient recordkeeping.
1967	Department of Defense	As the service number of all military personnel.
1972	Treasury	Banks, savings and loan associations, credit unions, and brokers/dealers in securities required to obtain SSNs of all their customers.
1972	The Congress (Social Security Amendments of 1972)	All recipients of benefits funded wholly or partially by the Federal Government were encouraged to provide their SSNs.

Year	Responsible Authority	New use for SSN
1973	Treasury	Buyers of series E savings bonds required to provide their SSNs.
1974	The Congress (Social Services Amendments of 1974)	SSN became an entitlement requirement in the Aid to Families with Dependent Children program.
1976	The Congress (Tax Reform Act of 1976)	Authorised States to use SSNs to administer tax, welfare, driver's licenses, and motor vehicle registration laws.

The Hon. DIANA LAIDLAW: When honourable members have the time to look at the table they will notice that it is confined to the years 1963 to 1976, and therefore does not take account of the numerous extensions of the use of the social security number since its introduction in 1936—extensions which began the year following its introduction.

A further report from the United States prepared in 1981 by the Office of the Inspector-General, United States Department of Health and Human Services, entitled 'A Review of the Social Security Administration, Social Security Numbering System', outlines a range of uses by public and private entities in contrast to government encouraged uses, as outlined a moment ago in the table I inserted in *Hansard*. This report highlights the uses to which public and private entities in the United States have applied the SSN cards, as follows:

SSN USES BY PUBLIC AND PRIVATE ENTITIES

1. Several States use the SSN as one of the identifiers or authenticators in a cooperative, data-sharing network which is linked with the Federal Bureau at Investigation National Crime Information Centre.
2. The National Driver's Register of the U.S. Department of Transportation uses the SSN to match records and inquiries for participating States.
3. About 70 per cent of the States use the SSN for driver's licensing purposes.
4. Two States—Florida and Utah—use the SSN for statewide, educational recordkeeping systems for high school students.
5. One State requires an SSN to obtain a hunting or fishing license.
6. The SSN is also used in such State systems as vendor identification, capitalised property, project management, and budgeting and tracking.
7. Students may have to furnish SSNs when applying to take 'college board' admission tests.
8. Many colleges and universities use the SSN for student admission and record keeping.
9. Many credit bureaus use the SSN in their data banks as an identifier or authenticator.
10. Many employers use the SSN for employee record keeping.

In addition, the SSN may be required to:

attend a meeting or social function at the White House, join the Chamber of Commmerce or Jaycees, take out an insurance policy, file an insurance claim, obtain benefits from an estate or trust, obtain a home mortgage or loan, check into a hospital, purchase and obtain title to an automobile, register to vote, install a telephone, argue a case before the Supreme Court, contribute to charitable organisation through payroll deductions, register a motor vehicle, obtain a library card, or give blood.

From the above two examples, it can be seen that in the United States the SSN has in practice become a form of internal passport. Supporters of a national ID card for this country have argued strongly that the Australia Card will not share the same fate, but their protestations are founded on naive hope rather than sound realism.

To add to my alarm about the uses to which the Australia Card may be applied in both the short and long terms, I believe there is reason to be concerned that the Federal Government has been unable or unwilling to provide a guarantee that personal information will be secure. In fact, Dr Blewett has acknowledged that he expects one of the side benefits of a national identification system will be admininstrative savings by eliminating duplication of information used by various Government agencies, namely, Health Insurance Commission, Australian Taxation Office, Department of Social Security, Department of Immigration and Ethnic Affairs, Australian Electoral Commission, Department of Foreign Affairs, Department of Veteran Affairs and Department of Education.

While Dr Blewett's stated wish to engender savings by eliminating duplication sounds refreshingly attractive, in essence the proposal will mean that, increasingly, personal information is centralised or freely available through several interconnected computers. To date, in this country, it has been a fundamental principle of privacy that data gathered for one purpose ought not to be used for another without the consent of the individual in question. The concept of a national identification system as proposed offends this principle.

Data linkage on the scale proposed also increases the potential for matched information to be read out of context, because it is taken from different sources. The results can be disastrous to the individual subject, and again the experience of the United States should serve as a warning. In this context it should also be noted that in Canada major fears about the threats to personal privacy in any expanded national ID system were expressed by the Canadian Privacy Commissioner in his report 'The Use of the Social Insurance Number', January 1981.

In Australia, the Federal Government appears to have presumed that security of personal information will not be a problem on the basis that it hopes that both privacy legislation and a Bill of Rights will be in place before an ID system is fully operational. This assumption, however, ignores the fact that it is one thing for the Government to declare illegal the unauthorised access to personal information but it is quite another matter to stop such access. Already in this country we have encountered difficulties in guarding a computer data bank against illicit access. A move to centralise personal information will increase the temptation for people to use a false identity to gain easier and unquestioned access in the future.

I also question the merits of the Australia Card plan, on the basis that to date the Federal Government has failed to answer questions on how the introduction of the system will be enforced. Will people be prosecuted if they refuse to carry the card and produce it when required? Will they be penalised by the application of a high rate of withholding tax or the loss of eligibility for a tax deduction or social security benefit? Or in instances where such penalties may be inappropriate, will non-production of the card prevent the transaction from proceeding? None of these matters have been fully explained or explored.

In addition to all the loopholes and unanswered questions that I believe plague and undermine the validity of imposing the proposed Australia Card national identification system, it is increasingly questionable whether the card will save more than it costs to implement. A perusal of the three principal Government reports on the subject do not enlighten us on this score, for it is apparent that there is considerable confusion between each on the revenue question. I seek leave to incorporate in *Hansard* a paper which summarises the proposed costs and savings as assessed by, first, the report of the Interdepartmental Committee on a National Identification System, June 1985; secondly, the national identification system: report of the interdepartmental committee, 29 August 1985; and, thirdly, the reform of the Australian taxation system, a statement by the Treasurer, September 1985. It is statistical.

Leave granted.

Summary of Proposed Costs—Savings: ID cards

Report of the Interdepartmental Committee on a National Identification System (June 1985 at paras 8, 22, A35)

(a) Establishment Costs $38 million

(b) Annual Operating Costs $49 million

(c) Revenue Gains

(i) second year $450 million

(ii) third year $750 million

(iii) thereafter $800-980 million

The National Identity System: Report of the IDC established to develop Legislative Requirements and Other Aspects necessary to complete the detailed implementation of the National Identity System (NIS) (29 August 1985 at para 212) (Base Year 1985-86).

Year	Costs ($m) HIC	ATO	Others	Savings ($m) HIC	ATO	Others	Gain ($m) Tax Revenue	Net $m
1	3.5	—	3.95	—	—	—	—	7.45−
2	88.5	—	3.55	—	—	—	—	92.05−
3	80.0	—	3.15	—	—	—	—	83.15−
4	80.0	1.00	3.25	2	—	10.5	—	71.75−
5	80.0	10.20	3.20	2	—	10.5	150	69.10+
6	80.0	28.43	3.20	2	—	10.5	447	347.87+
7	80.0	28.60	3.20	2	—	10.5	674	574.70+
8	80.0	16.40	3.20	2	—	10.5	801	713.90+

Reform of the Australian Taxation System: Statement by Treasurer (September 1985, pages 25-31).

(a) Establishment Costs $297 million.

(b) Annual Operating Costs $100 million (approx.)

(c) Revenue Gains:

	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93
Revenue	—	—	—	105	310	455	540
Costs	128	83	86	86	86	86	86
Net	−128	−83	−86	19	224	369	454

The Hon. DIANA LAIDLAW: The tables highlight that the assessment of establishment costs before there is any revenue gained vary in each instance between $38 million from the report of the IDC Committee, $266.9 million from the report on the national identity system and $297 million from the Treasurer's statement. The annual operating costs, once the scheme is fully operational, also vary accordingly in each instance from $39 million in the IDC report, $111.8 million in the national identity system report and $100 million in the Treasurer's report. The variation between the estimated revenue gains by year 7 are even more alarming. The gains are estimated to be up to $980 million in the IDC report, $740.7 million in the NIS report and $454 million in the Treasurer's report of September, that latter figure being just under half the revenue gains that were estimated just six months ago.

It should be noted also that the report by the IDC on a national identity system found that social security fraud in Australia is not a major issue and the use of identity cards to cut out multiple or false identity claims would be unlikely to save any more than $10 million annually. That figure should be compared with the figures I gave on establishment and annual operating costs. For this debate, however, the principal issue is that all the uncertainty surrounding the cost of the system and the amount to be recouped begs the question: does the Federal Government know what it is doing, where it is going and for what ultimate gain?

There are a host of other key questions that I have not addressed in the motion or my supporting remarks, where I believe that the Federal Government has a responsibility to provide full answers before it is encouraged to proceed with the implementation of a national identity system. I name simply a few of these key issues. They are:

1. The impact on the business community, which the National Identity Security Committee report has suggested 'may be substantial'—and certainly that has proven to be the case in the U.S.A.
2. The areas where people maintain more than one name for business purposes. I am acutely aware that this is a common practice among women in business, for example, Carla Zampatti *verses* Mrs John Spender—the same person, but two different names.
3. The issue of corporate cards.
4. The issue of cards from birth.
5. The issue of cards to minors, for example, where they may work in casual employment.
6. The issue of cards to Australians resident overseas.
7. The failure to date of the Health Insurance Commission to maintain confidentiality of its existing records, for example, disclosures of doctors' incomes. If it cannot do that, one wonders how it can possibly maintain confidential records in an expanded identification system.
8. The data upgrading procedures.
9. The reissuing arrangements.
10. The penalties for offences such as theft and fraud.

While honourable members will appreciate that I rarely share views in common with Senator Bolkus, an outspoken member of the left wing of the ALP, on the subject of a national identification system I share both his abhorrence of such a system and his scorn for the Federal Government's compromise and simplistic endorsement of the Australia Card. In this regard, I acknowledge the fact that the Liberal Party Federal Council meeting in July and the Liberal Party Divisions in South Australia and New South Wales, at their respective State Council AGMs in the past few months, have registered their opposition to a national ID system. I stress that in no respect should such opposition from any of these quarters be viewed as a willingness to allow social security fraud or tax evasion and avoidance to run rampant or remain unchecked.

Indeed, those who oppose the current ID system have asked repeatedly, but to no avail, why the Federal Government has not seen fit to pursue the recommendations in the Auditor-General's Efficiency Report on the Australian Taxation Office which identified an effective, simple and cost effective means of stamping out the practices of fraud, tax avoidance and tax evasion. The Federal Government has not only elected to ignore the Auditor-General's report but, in choosing to embrace the Australia Card without a photograph, has ignored the advice of its own Interdepartmental Committee, June 1985, chaired by the Department of Prime Minister and Cabinet, which stressed that a key to the integrity of the whole ID system was the provision of a photograph on the cards.

The subsequent IDC report, which was called for by Dr Blewett following reservations about cost and revenue figures in the first IDC report, reached the same conclusion that a photograph was necessary for the integrity of an effective identification system. While I understand the Australian Electoral Office does not share the view of the need for the card and has damned the whole idea of a photograph

as 'entirely unworkable', many suggestions have been made in the meantime that the only way to ensure a foolproof national identification system is to provide for the inclusion of a fingerprint of the subject on the card or a tattooed number on, say, the subject's wrist. My own opinion is that, if the Federal Government is not going to be serious about developing a foolproof identification system to combat fraud and tax avoidance and evasion, it should not proceed with plans to issue them at all.

In conclusion, while I am totally against the imposition of any form of national identification system in this country, the motion I have moved is confined to the Federal Government's current proposal to introduce a national identification system, incorporating the Australia Card but without a photograph or fingerprint. The proposal undermines the whole integrity of a national identification system and on this count and the others that are noted in the motion I believe this Council, on behalf of all South Australians, should register with the Federal Government its strong opposition to the introduction of such a system. I thank honourable members for their indulgence in listening to my remarks and I urge them to support the motion.

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

ENERGY RESOURCES

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

1. That a Select Committee be appointed to inquire into and report upon—
   - *(a)* The pricing and supply of natural gas in South Australia including reserves, prospectivity, cost of exploration for and production of gas and the need for any change in current and future contractual arrangements.
   - *(b)* The role of the South Australian Oil and Gas Corporation and the extent to which this organisation should be subject to public scrutiny and control.
   - *(c)* Present energy decisions regarding future power needs in South Australia.
   - *(d)* The most economical means of providing South Australia's future power needs with due consideration of environmental factors and local employment and in particular the relative advantages of—
     - (i) an interstate connection
     - (ii) importing black coal
     - (iii) development of local coal fields
     - (iv) Northern Power Station unit 3 and further development at Leigh Creek.
   - *(e)* Possible technologies for the development of South Australian coal resources.
   - *(f)* The 'Future Energy Action Committee, Coal-Field Selection Steering Committee, Final Report'.
   - *(g)* Alternative sources of energy.
   - *(h)* Methods of conserving energy.
   - *(i)* The advantages and disadvantages of having the portfolios of both Mines and Energy in one Government department and under the control of one Minister.
   - *(j)* Any other related matters.
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 No. 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.

Honourable members may wonder just why I am moving this motion when the Hon. Ian Gilfillan and I already have motions under debate which add up to something similar. The answer is that as we proceeded in this matter we became aware of the very real total problem of future energy resources for South Australia, and that some of the problems are already urgent.

Not that the Government has neglected the subject: indeed, it has been active with it. The Stewart committee and the Future Energy Action Committee are two examples of that. We felt that, good as those committees are, they comprise selected specialist public servants and they report direct to the Minister.

We considered, therefore, that it would be preferable for Parliament itself to be in a position to take direct responsibility in what could turn out to be South Australia's greatest worry in the future. I am happy to say that we understand that the Government intends to support a select committee for reasons similar to those which I have outlined. That being so, it will eventually be necessary for the Hon. Ian Gilfillan's motion and mine for the appointment of select committees to be discharged (and that can be dealt with later). With that brief explanation, I commend this motion to the Council.

The Hon. B.A. CHATTERTON: This motion seeks to establish a select committee with terms of reference which are a sensible amalgamation of the terms of reference for a select committee proposed to be established by the Hon. Lance Milne in respect of South Australian gas supplies and a select committee proposed to be established by the Hon. Ian Gilfillan in respect of matters relating to the State's future power generation needs. The terms of reference effectively address a range of matters which have already been the subject of detailed consideration by the Government's advisory committee on future electricity generation options—the Stewart committee—which was established by the Minister of Mines and Energy in 1983, and which reported in about May 1984. The report of the Stewart committee was immediately released and has been in the public domain since that time.

The Government, at that time, accepted the recommendations of the Stewart committee as a general strategy for the future development of South Australia's electricity generation system. As such, it is a critical document and the cornerstone of the Government's energy policy. The mover of this motion obviously has a vital interest in these matters, as is appropriate, and I understand that the Minister of Mines and Energy has assisted him in the pursuit of his interest in this area by making available officers to provide him with briefings on the issues that he has raised.

Given the importance of these matters to the economic development of this State, it seems appropriate that he should seek to establish a select committee so that members in this Council may give close examination to the issues and report to the Parliament. The terms of reference proposed for this select committee extend further than those of the Stewart committee. The second term of reference refers to the role of the South Australian Oil and Gas Corporation and the extent to which it should be subject to public scrutiny and control.

South Australian Oil and Gas Corporation is an unlisted public company with in excess of 99 per cent of its equity being held by the South Australian Government through the Pipelines Authority of South Australia, with the remainder being held by the South Australian Gas Company. That SAOG be a taxpaying entity was a stipulation of the Commonwealth when it sold the South Australian Government that part of its Cooper Basin holdings in the last half of the 1970s.

SAOG is operating in a commercial environment and it seems appropriate that in that industry it should have the flexibility of a commercial organisation. However, it is a company which is owned by the people of South Australia and it does not seem unreasonable that its role should be considered in this way. The terms of reference also refer to the successor to the Stewart committee, the Future Energy

Action Committee and in particular the final report of its coalfield selection steering committee.

After detailed technical and economic evaluation that committee recommended Sedan and Lochiel as the preferred deposits for further study, leading to a final commitment in about two years for the development of a 500 megawatt baseload power station. The terms of reference also refer to methods for conserving energy. While the Stewart committee considered load growth and the potential impact upon it which conservation might reasonably achieve, it did not consider the methods of conservation by which energy might be saved in any detail.

The ninth term of reference, the advantages and disadvantages of mines and energy being within the same department and portfolio, is a matter which has been considered within government in some detail over the past three years, and it has generally been concluded that resource evaluation and management are an integral part of any comprehensive energy policy and extraction, and use should therefore not be separated, but a select committee might produce further insight either supporting or contradicting his approach. The matters raised are quite extensive. I have touched on them only briefly, so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TOBACCO SMOKING

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

That this Council, being aware of the harmful effects of sidestream tobacco smoke on non-smokers in the community, requests the Minister of Health to introduce legislation that would—

1. prohibit tobacco smoking in confined working and public places;
2. enforce the provision of non-smoking areas in all recreational, retail, restaurant and working areas not covered by 1 above;
3. prohibit the advertising or sale of all tobacco and tobacco smoking products on Government premises.

(Continued from 18 September. Page 987.)

The Hon. J.R. CORNWALL (Minister of Health): The Hon. Lance Milne has once again brought to the attention of this Council the harmful effects of smoking on the health of the community. He has obviously undertaken a good deal of research into this subject and has brought forward this motion, I believe, out of a genuine concern for the health of the community. That is a concern which I as Minister of Health share with him. I think one could say that Mr Milne and I are as one in terms of the goal towards which we are both heading on this issue—the protection of the health and well-being of South Australians. What it then comes down to is a question of practical means to achieve a highly desirable end.

I take this opportunity to canvass a number of issues and general principles which I as Minister of Health espouse and which I would intend putting together as a package for adoption by the Bannon Government early in its second term of office. We are, of course, already involved in various stop smoking campaigns and measures. We already have warning labels on cigarette packets and Cabinet has approved in principle the adoption of rotating warning labels proposed by the Australian Health Ministers' Conference. We are presently consulting with the other States as to a uniform approach to the wording format. We are also developing legislation to prohibit the sale of confectionary 'look alike' cigarettes.

I would intend building on to that to come up with a comprehensive package. It would be a package which would be based on education, consultation and administrative action. There would be one or two areas where I would propose legislative action (and these would generally be areas where the Australian Health Ministers' Conference recommended such action, or where industry groups, for example, the Bus Proprietors Association) requested it. However, I do not believe that the legislative solution is always the right way, the best way or the only way to go, and I shall have more to say about that later.

To go back to the basis for action to decrease tobacco consumption in the community, we have well documented medical evidence linking smoking to ill health. It is worth reiterating some of that evidence. Tobacco smoking is the major cause of lung cancer; it is estimated that about 90 per cent of lung cancers are caused by smoking. (Source: U.S. Department of Health and Human Services Surgeon-General's Report on the Health Consequences of Smoking, 1982.) Cigarette smoking is the major cause of bronchitis; 95 per cent of bronchitis sufferers are smokers. The death rate from chronic bronchitis in people smoking 25 cigarettes a day is 20 times that of non-smokers.

Ninety-five per cent of patients with diseases of leg arteries are smokers. Smoking related conditions are the major causes of leg amputations. Coronary heart disease in Australia accounted for 31.3 per cent of male deaths and 26.2 per cent of female deaths in 1979. Smoking tobacco causes about one-quarter of these deaths. (National Heart Foundation information 'Heart Facts—Australia 1979'.) Smokers have five to 10 times greater chance of cancer of the mouth, throat and oesophagus than non-smokers. (Dr Peter Dupont, of Flinders Medical Centre.)

Cigarette smoking during pregnancy is associated with retarded foetal growth, increased risk for spontaneous abortion, and pre-natal death, as well as slight impairment of growth and development in childhood. The World Health Organisation has concluded that control of smoking 'could do more to improve health and prolong life . . . than any other single action in the whole field of preventive medicine'. As the Hon. Mr Milne has noted, there is also increasing evidence of adverse health effects on non-smokers of passive (involuntary or sidestream) smoking.

In Australia the National Health and Medical Research Council has made public statements on the links between lung cancer and other diseases and passive smoking. Overseas health authorities, such as the United States Surgeon-General, have stated that the adverse health effect of passive smoking is a serious public health problem.

Not only do we have learned medical evidence but I believe we have increasing public awareness of the adverse health effects of both smoking and passive smoking. We are approaching the situation where non-smokers are becoming a major voice; they are increasingly seeking to have their rights to smoke-free environments recognised. Smokers and promoters of tobacco products on the other hand argue along the civil liberties line.

The issue of passive smoking, unpleasant though it is for individuals upon whom it is inflicted, goes beyond aesthetics, as increasing medical evidence indicates that it involves health risks. That is evidence which I, as Minister of Health, cannot ignore. A policy on passive smoking should reflect these risks, particularly in confined environments, but it should also reflect the ability of non-smokers to choose to avoid that environment.

If we adopt that approach, what we need to get into is an assessment of the various categories of environment to see what action is appropriate, and what action is likely to be most effective in the practical sense. The blanket legislative approach is not the solution. Different approaches may be warranted in relation to workplaces, transport, public areas in Government premises, recreational areas, retail premises, restaurants and hotels. Overseas, particularly in the United States, there has been an increasing amount of legislation prohibiting smoking in a wide range of public

places. In the United States, legislation has been generally developed at the local level and includes exemptions, quite often based on the size of the premises or the provision of separate smoking or non-smoking areas, or meeting specified ventilation standards.

One major problem with declaring non-smoking areas where it has long been socially acceptable is enforcement. First, it requires regular inspections, quite often outside normal hours. Secondly, if the proprietor of the premises is to avoid prosecution for offences, he is placed in the position of enforcing the requirement, even in the face of a recalcitrant customer.

Legislation can prove counterproductive, polarising smokers and non-smokers unnecessarily and it can exacerbate 'victim blaming'. Alternative strategies, such as Government support for consultative approaches for voluntary action and education, may well be more effective in many instances. It is my strong personal belief that they are more effective.

The Hon. I. Gilfillan interjecting:

The Hon. J.R. CORNWALL: That is a matter for the Commonwealth. I would not care to comment on that as any sort of expert, but I suspect that it is probably voluntary. Education can encourage smokers to stop smoking (and indeed is doing so) and establish non-smoking as the norm for all environments. That is certainly a desirable goal, to which we in the Health Commission are working. It can show to employers and proprietors of premises the financial benefits of non-smoking policies through reduced employee absenteeism, workers compensation and fire insurance.

With your indulgence, Mr President, I would like to explore some of the areas I have mentioned in a little more detail. I refer first to the workplace. While legislation requiring separate smoking and non-smoking areas in workplaces does exist at the local level in some States in the USA, I do not believe this to be the best approach at this stage in South Australia. Action is being taken by some employers already, and of course non-smoking is enforced at some work sites for safety reasons. The Commonwealth Public Service Board, with the support of the ACOA has developed a policy restricting smoking in Commonwealth Government offices. It is based largely around a consultative approach and administrative action.

I am advised that the South Australian Public Service Board is developing a similar policy for South Australian Government offices. The PSA in this State also recognises the need to improve the environment for non-smokers. The South Australian Health Commission policy has for some time recognised the necessity for its offices, hospitals and health centres to be generally non-smoking areas, particularly in meeting rooms, canteens and treatment areas. I believe that a consultative approach involving management, staff and unions, is the best approach in this area, drawing on the health evidence and also the financial considerations.

Secondly, I refer to transport. The public generally has little choice in relation to the use of transport facilities, such as buses. By administrative action, smoking on public transport run by the STA has been prohibited for many years. This has been effective, and I believe it has considerable community support. Smoking in country intrastate buses has been the cause of continuing complaint by non-smoking commuters. During the past three years there has possibly been more correspondence to me as Minister of Health complaining about smoking on intrastate, long distance buses than any other topic. Bus and coach companies have previously supported the banning of smoking on buses, provided it is a statutory requirement. This makes the ban apply to all companies and, of course, removes the primary onus to enforce bans from the driver.

As a matter of particular interest, I can say that I will have further consultation with the industry in the near future on this matter with a view to developing appropriate legislation, possibly through the existing transport legislation. I believe it may well be more appropriate for my colleague, the Minister of Transport, to ultimately have carriage of that measure rather than me, but I certainly intend to engage actively in further consultation with the Bus Proprietors Association. The association has made quite clear that it would actively support that legislation, provided the primary onus for enforcement rested with Government authorities. In other words, it does not believe it is practical for the association or the drivers to be the policing and enforcing agencies. Therefore, if and when the provision is taken on board, it will be necessary for Government authorities to provide some sort of enforcement and inspection system so that the legislation works adequately.

Thirdly, there is the question of lifts. Some other States already prohibit smoking in lifts. Indeed, overseas it is uncommon, both in the US and Europe, to find oneself in a situation were smoking is not prohibited by law. I am happy to inform the Council that Cabinet has approved the development of legislative proposals in this area and action is in hand. I believe that we will run out of time before I can do that in the current session of this Parliament, but it is certainly my intention as Minister of Health to introduce it very early in my second term.

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: I admire the optimism of some members opposite, but I have little respect for their judgment. Fourthly, I refer to Government offices, public hospitals and health centres. Designation of non-smoking areas in Government offices, public hospitals and health centres again appears readily amenable to implementation by administrative policy decision rather than by legislation. Of course, this is already being done in some of our major hospitals. I would certainly support such a policy decision and I intend to put it to my colleagues forcefully in the near future. I believe an extension of this policy should also include the advertising and sale of tobacco or tobacco products at Government offices, public hospitals and health centres.

The Hon. K.L. Milne: Is this part of the program at the Royal Adelaide Hospital, for example?

The Hon. J.R. CORNWALL: Yes, and it works very well by administrative action. Fifthly, there is the question of recreational areas and retail premises. At this stage, I do not believe that legislation should apply generally to public places. Most of the complaints I have received in this area are related to halls used for bingo sessions, interestingly enough. In theatres, the Places of Public Entertainment Act already enforces smoking bans, and that has applied for a very long time, although this originally reflected safety considerations rather than concern for the health of patrons. In many instances, choice can be exercised by non-smokers through knowledge that generally such a facility is or is not likely to be smoke filled. Proprietors of recreational facilities need to weigh the effect that allowing smoking will have on patronage. Retail premises often ban smoking or eating because of the detrimental effect on merchandise.

Sixthly, there is the question of restaurants and hotels. Increasingly, restaurants provide separate smoking and non-smoking areas. On a quick count of restaurants appearing in the publication *Guide to Dining,* some 38 city, metropolitan and country restaurants are counted as having a non-smoking section. This is not the commercial break, but I commend that small booklet to all of those people who, like me, find that smoke is an irritant, although, like me, they do not wish to get into blaming victims. As a reformed smoker, I have great compassion for those who continue to

smoke. I know that probably three-quarters of them would very much like to give it up.

From memory, I think that the Hon. Mr Milne is a reformed smoker. We both saw the light somewhat in our mature years, but it puts us in a unique position to feel compassion for those who are unable to give up the habit rather than to get into victim blaming, as some of the purists do. That is very much a negative attitude and can be counterproductive. It is interesting that, such is the public pressure for and appreciation of non-smoking areas, already 38 restaurants listed in that guide specifically set aside non-smoking areas. There is a simple guide in code form that easily enables people to select those restaurants, if required.

In relation to hotels—here again I speak with a reasonable degree of experience—customers generally enter these premises knowing that they are likely to be smoke-filled. I do not believe that there is sufficient community support to prohibit smoking in hotels. Obviously, if one does not want to get into that sort of atmosphere one should not go into some of my favourite hostelries on a Friday night because one will be well aware in those circumstances that they will be smoke-filled. At this stage, I do not believe that public opinion is anywhere near a point where it would accept banning of smoking in hotels.

The Hon. I. Gilfillan: What about sections for non-smokers in hotels?

The Hon. J.R. CORNWALL: That would be difficult but, again, it would be a question of public demand and consumer appreciation. Clearly, those restaurants that set aside well ventilated smoke-free areas do so because they believe that it increases patronage, not simply because they are into healthy lifestyle or health promotion. It may be that particular hotels could have a smoking and a non-smoking bar, but I do not believe that it is desirable at this stage to try to do that by legislation. Indeed, that would cause a great deal of resistance and may be counterproductive.

In summary, whilst supporting the goal that I believe the Hon. Mr Milne seeks to achieve—and that is the very laudable goal of the protection of the health and well-being of South Australians—I cannot at this stage support the blanket legislative approach that he proposes. I believe, as I have outlined, that a far more appropriate way to go is with a comprehensive package of strategies that include education, consultation, administrative action and some legislation where, as I have indicated, it is appropriate. There needs to be a very considerable amount of flexibility so that we can adopt one or a combination of strategies, depending on the circumstances.

As Minister of Health, I believe that a policy along the following lines has much to commend it: that is, a policy that supports action to decrease tobacco consumption as a major preventable cause of ill health. That is an ongoing strategy and it is a matter of record that, although there is a distressing amount of smoking among teenagers in 1985, the overall consumption of tobacco and tobacco products is steadily decreasing.

Secondly, it is important that that policy recognises the increasing evidence of the possible adverse health effects on non-smokers of passive smoking. Thirdly, it is important that the policy recognises that non-smokers are by far the majority of the population: around three people out of four in the population are non-smokers. Fourthly, it is important that the policy supports action to reduce the health risks to non-smokers by limiting smoking in public places through the adoption of appropriate strategies that reflect the nature of the environment, the ability of non-smokers to choose to avoid that environment, and community attitudes, which are increasingly influenced by the health education campaigns that are actively promoted in this State. Strategies may include prohibition or restriction, by legislation, or by administrative policy decision. They include the development of voluntary codes. Perhaps as importantly as anything else, they must include educational programs.

Specifically in relation to the workplace in this comprehensive strategy, we should give active support for consultative processes in relation to the designation of non-smoking areas involving management, staff and unions. There should be provision of education on the health risks and the financial considerations of the harmful effects of smoking.

With regard to Government offices, public hospitals and health centres, we should designate non-smoking areas by administrative policy decision. We are already moving, and will expand the move, to prohibition of the sale and advertising of tobacco and tobacco products in those offices, hospitals and health centres by policy decision.

With regard to transport, we will reaffirm the STA policy, prohibiting smoking on its vehicles. We will support in principle legislation prohibiting smoking in intrastate buses, subject to consultation with the industry. As I said, that will be actively pursued and we can anticipate that legislation will be available in the first session of the new Parliament. We will support legislation prohibiting smoking in lifts.

To recap, on the policy with regard to recreational areas and retail premises, at this stage we would not support legislation applying generally to public places. We will certainly keep under review the situation interstate and overseas of legislation prohibiting smoking in public places generally.

Specifically to recap with regard to restaurants and hotels, as Minister of Health I will actively support the development of separate smoking and non-smoking restaurants in areas and other eating places by education of customers and consultation with the industry; in other words, we will take a very positive approach rather than a narrow, punitive, legislative approach.

The Hon. I. Gilfillan: Do you think that employers should be compelled to respond to requests from employees if they require a smoke-free zone?

The Hon. J.R. CORNWALL: That is one consideration. You are talking about restaurants?

The Hon. I. Gilfillan: In general?

The Hon. J.R. CORNWALL: Yes, but I have gone through that on two occasions. That is very much a matter for consultation between employers, employees and the appropriate unions representing the employees.

The Hon. I. Gilfillan: Supportable by law?

The Hon. J.R. CORNWALL: I do not believe that it needs to be supportable by law at this stage: it is a matter for consultation. I repeat that to go in in a heavy-handed sort of way and attempt to legislate in all of these areas would be counterproductive. Nobody knows better than I do—I know perhaps even better than the Hon. Mr Milne does because I have been in a position of having to round up numbers on occasions—that at this stage it is not a proposition to put forward legislation, for a number of reasons. First, it does not have the majority support of the Parliament: that is just a plain fact of life. Secondly, at this stage, because our education programs are not sufficiently advanced, I do not believe that it has the majority support of the population at large. I know that all sorts of statistics are produced, depending on whether the tobacco industry is producing them, or ACOSS or ASH, the anti-smoking lobbies, on the other hand, to show that there is overwhelming support for their policies at any given time.

I think that that only proves that there are lies, damned lies, and statistics. Certainly, I am not able to judge precisely where public opinion is at, but I believe that we are slowly winning the battle. We are facing a formidable foe. As I have said on occasions before, the tobacco industry is somewhat less than ethical, to put it mildly, in the techniques it

applies, and it applies these techniques particularly in marginal electorates, and it certainly applies them to political Parties.

For that reason, the practical reality presently is that we will have to advance at an achievable pace. That is why I have taken some time to go through a fairly comprehensive strategy. Some of these measures are already adopted and some will be adopted as a package, one would hope, next year. I believe that by moving in that way we can achieve a great deal more than we can by confrontation, whether in the Parliament or in the community.

It is for that reason also, being a realist, that at this stage I do not intend to recommend to my colleagues that we should introduce legislation either prohibiting smoking in restaurants and other eating places or requiring separate smoking and non-smoking areas: rather we will keep this matter under review in consultation with the industry. We most certainly will continue to encourage restaurants—encourage I say, not by administrative action—to set aside non-smoking areas.

Finally, I reiterate, at this stage it is not my intention that we should recommend the prohibition of smoking in hotel bars. I do not believe that there would be widespread public support for such a prohibition, but again, through the processes of education, I believe that we will ultimately arrive at a position where there may well be—and ultimately I believe there certainly will be—majority support for a number of those actions. When that time comes it will be that support which causes proprietors to change their attitudes.

We will certainly support them. At this stage in many of those areas, as I have said, legislation will be counter productive. In conclusion, obviously our policies, and particularly the package I intend to develop next year, will be based primarily on education, on administration and, where appropriate—and I have mentioned those areas—regulation and legislation. More particularly, it will be an ongoing campaign of education to do two things: first, to encourage and support those who wish to give up the habit that they have already adopted; and, secondly, and I believe most importantly, to actively discourage by reverse peer group pressure our young people from taking up smoking in the first instance.

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

ENERGY NEEDS

Adjourned debate on motion of Hon. I. Gilfillan:

That a select committee be appointed to inquire into and report upon—

1. Present energy decisions regarding future power needs in South Australia.
2. The most economical means of providing South Australia's long-term power needs with due consideration of environmental factors and local employment.
3. The relative advantages of—
   (a) an interstate connection;
   (b) importing interstate black coal;
   (c) development of local coalfields, e.g., Kingston, Lochiel, Sedan, Wintinna;
   (d) Northern Power Station No. 3 and further development at Leigh Creek.
4. The 'Future Energy Action Committee, Coal-field Selection Steering Committee, Final Report' (known as the 'FEAC' Final Report).
5. The advisability of having the portfolios of both Mines and Energy in the one Government department and under the control of one Minister.

(Continued from 9 October. Page 1160.)

The Hon. I. GILFILLAN: I move:

That this Order of the Day be discharged.

Members will recall earlier proceedings where the Hon. Mr Milne moved a motion to appoint a select committee which embraced the terms of reference of this Order of the Day No. 3, and also Order of the Day No. 8, which was supported on behalf of the Government by the Hon. Brian Chatterton. Therefore, Order of the Day No. 3 is no longer relevant, bearing in mind that its responsibility will be taken up by the earlier motion for a comprehensive select committee.

Order of the Day discharged.

DENTISTS ACT REGULATIONS

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

That the general regulations under the Dentists Act 1984, made on 22 August 1985 and laid on the table of this Council on 27 August 1985, be disallowed.

(Continued from 16 October. Page 1320.)

The Hon. J.R. CORNWALL: I rise to speak at some length on this matter because it is very important. I believe that the Hon. Mr Burdett has once again shown that he is quite desperate to find an issue that he hopes will convince his Leader that he knows something about the health portfolio. I can understand that, in view of the fact that there are at least five other putative shadow Ministers at this time. Unfortunately, he has failed yet again. I would have thought that the motion shows little understanding of what the Dentists Act is about. The honourable member has been nobbled by some of his mates in the Australian Dental Association.

I would have to conclude that either the Hon. Mr Burdett does not understand what it is all about, or that he is so desperate to out-do the pretenders who sit behind him that he will go to any extraordinary lengths to waste our time on a motion such as we have before us—a motion, I remind members, to disallow the regulations under the Dentists Act 1984.

Members will no doubt recall the fiasco that occurred when the Dentists Bill was before this Council. Clause after clause was opposed by the Hon. Mr Burdett even though they were the same or similar to clauses in the Medical Practitioners Act, which had been accepted by the Tonkin Government and the then Opposition as some sort of model legislation, and that was precisely the sort of format we were following in the Dentists Bill, which subsequently became the Dentists Act.

Again, at that time, the Hon. Mr Burdett was apparently taking his marching orders from the ADA. This time he seems to be up to those old tricks again. The real motive, it seems, was to stop the extension at that time of the school dental service to secondary schoolchildren. I am pleased that those tactics failed at that time. I believe that when the Democrats in this place have had a chance to make a considered judgment on the motion before them those tactics will fail again.

The School Dental Service—and this should be on the record because it is very important—is currently treating secondary school students in years 8 and 9, as well as the Government assisted students on the free book list, under the conditions that were suggested by the Hon. Mr Milne and supported by the Hon. Mr Gilfillan. The extension has been highly successful, and the dire consequences that were proposed to us at that time by the Hon. Mr Burdett have certainly not occurred.

What I would like to know, in view of the position that the Hon. Mr Burdett and the Opposition appear to be taking on this motion, is precisely what they would do in govern-

ment with the 26 000 or so secondary school students who are currently enrolled in the School Dental Service. I wonder if, in government, he would bow to the pressures of that small group, which seems to be his adviser in these matters, and deny these 26 000 children and those to follow continued access to school dental care; or perhaps, according to the comments that the Hon. Mr Burdett was on record as making in Whyalla at least, he would make the School Dental Service a target for privatisation.

That seems to be what he is about in saying that private practitioners would be used wherever possible to provide the service. That would be, of course, preposterously expensive and it would fly in the face of all the favourable findings of Dr David Barmes and the Public Accounts Committee. I do not intend to pursue those matters any further at this time. I have spoken about that to give an adequate background so that members would have some idea of what this motion is all about.

Some members of the ADA have never been able to accept this Government's decision to extend the School Dental Service to secondary students, nor the fact that we now have 24 clinical dental technicians registered under the Dentists Act 1984 to deal directly with the public in the supply of full dentures. These members appear to be determined to oppose progress at all costs. They oppose anything which they do not understand, and they cannot cope with change.

Honourable members I am sure will be interested to learn that the ADA, or those minority of members of it who advise the Hon. Mr Burdett, are so hell bent on its tactics of opposition that they threaten the very existence of the pensioner denture scheme through which patients on the waiting list at public dental clinics can have dentures made by a private dentist of their choice. The pensioner denture scheme, which was introduced I might say by my predecessor the member for Coles when the Liberal Party was in Government, has blossomed very considerably under a Labor Government. Nearly 9 000 people were offered care under the pensioner denture scheme in 1984-85 and the expenditure in that year rose to $2.2 million, a 66 per cent increase on the previous year. Despite the fact that some $2.5 million was spent in the private dental sector last financial year, taking into account the patient contribution, the ADA's approach to fee negotiations has been, I regret to say, in recent months consistently negative, to say the least.

Members may also be very surprised to learn that after some 2½ years of negotiations the ADA is blocking the introduction of a dental scheme for low income earners in country areas of the State using private practitioners. Under the proposal, which is based on the same principles as the proven pensioner denture scheme, low income earners would have been given the opportunity to have general dental care from local private dental practitioners. These are the same members of the ADA who are now opposing the regulations under the Dentists Act—the same members from whom the Hon. Mr Burdett as I say takes his advice on dental matters.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: Let me now look at the specific regulations, and I can understand the Hon. Mr Burdett becoming a little irritated and harassed, because he is supporting something here on which he stands with a very small number of people, something—

The Hon. J.C. Burdett: With the whole of the ADA.

The Hon. J.R. CORNWALL: I would sooner have the 98 per cent of the population who support me than the whole of the ADA.

The Hon. J.C. Burdett: Let's talk about the regulations.

The Hon. J.R. CORNWALL: Let us look at the specific regulations which the Dickensian lawyer has moved to disallow along with his minority of friends in the association. The ADA in its evidence to the Joint Committee on Subordinate Legislation objected to five of the regulations, namely, regulations 10, 13, 14, 16 and 19. Taking them in order, regulation 10 lists the qualifications and experience necessary for registration as a clinical dental technician as (and I quote directly from the Act): 'Satisfactory completion of an assessment program for clinical dental technicians conducted by the South Australian Department of Technical and Further Education.' That, of course, is in agreement with the recommendations of the select committee of the Legislative Council on the Dentists Act Amendment Bill 1983 and has permitted the 24 clinical dental technicians who have completed the assessment program to be registered under the Dentists Act.

The Australian Dental Association (and in this matter the Hon. Mr Burdett is apparently acting as its bag man) has suggested that the prescribed qualifications should be a diploma in clinical dental technology awarded by the South Australian Institute of Technology. No such qualification exists. It comes as a complete surprise to me, and I am sure that it comes equally as a complete surprise to the South Australian Institute of Technology, that the ADA and the Hon. Mr Burdett would now like to see the Institute of Technology enter the field of dental education. There is no such course. The Hon. Mr Burdett should know, because he was a member of the 1983 select committee which at that time made a unanimous series of recommendations to the Parliament, that the training courses for dental technicians are conducted by the Department of Technical and Further Education at the Gilles Plains School of Paradental Studies. The Institute of Technology does not have any courses in dentistry and never has had.

The Hon. Mr Burdett should also know that the select committee recommended that there be only two assessment programs for clinical dental technicians, after which the Health Commission's Dental Policy Committee, which is now termed the Dental Policy and Implementation Review Committee, should study the effectiveness of the program. This seems to be a remarkable leap forward. We are going to have some new course created at vast expense, presumably to the taxpayer, and funded one presumes by the State Government—a new course which the Parliament has never had any chance to consider and about which we know nothing. However, that is the import of what Mr Burdett is on about.

The Dental Policy and Implementation Review Committee, on which I might say the Australian Dental Association has four representatives, has recommended that there be no further assessment courses at this stage and that the matter be reviewed in September 1987.

The Hon. Mr Burdett says that all of the ADA support what he is about. What about the four senior members of the ADA who are on the Dental Policy and Implementation Review Committee? They have recommended to the South Australian Dental Service, to the Health Commission, to me as Minister, and to the Government at the highest level, that there should not be any more courses—even the original course conducted by the Department of Technical and Further Education which was recommended by Mr Burdett as a member of the select committee in 1983. So, this really is a very strange business, very strange indeed. It makes no sense—a course that does not exist, a course that has never been designed, a course that has never been costed and a course on which the Dental Policy and Implementation Review Committee has never made any recommendations at all. That is a very extraordinary way of doing business. The poor man really is led by the nose in these matters. He has no idea what he is talking about.

I am very pleased to say that Cabinet has accepted the committee's recommendations that there should be no fur-

ther courses for the moment, now that we have 24 registered qualified clinical dental technicians; that we should see how that system operates; and that it should be a matter for review and recommendation by September 1987. Obviously I oppose the suggestion of the Australian Dental Association or at least that portion of the Australian Dental Association which advises the Hon. Mr Burdett. As I said before, and I repeat, there is no such qualification and there are no plans or recommendations to begin such a course. That is the fact of the matter.

I suspect that it was merely a ploy by Mr Burdett's friends, and presumably at least by some honourable members opposite, to try and prevent the continued registration of the existing 24 clinical dental technicians despite the fact that it was a recommendation of the select committee accepted by this Parliament.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Burdett will get his chance to reply, and he can tell us about this non-existent course and about how he proposes to finance this non-existent course from non-existent funds. I am sure it will be a matter of very considerable interest to the whole of the Council to find out about this non-existent course and the manner in which the Hon. Mr Burdett, if he were Minister, would propose to fund it from non-existent funds. That would be a matter of considerable interest to all of us.

I turn now to regulation 13, which lists the prescribed qualifications for dental hygienists, as follows:

(a) a Certificate in Dental Hygiene awarded by the South Australian Department of Technical and Further Education; or

(b) satisfactory completion of an examination in relation to dental hygiene conducted by the South Australian Department of Technical and Further Education.

Part *(a)* of this regulation covers locally trained dental hygienists and part *(b)* has been included to allow persons who hold overseas qualifications in dental hygiene to undergo an examination accepted by the Dental Board before being registered in South Australia.

As pointed out by Dr Day, the President of the Dental Board of South Australia—a very well respected member of the profession, and a person for whom I have the very highest regard—in his evidence to the Joint Committee on Subordinate Legislation, it is similar to the provisions which apply to overseas trained dentists through the Australian Dental Examining Council. The Australian Dental Association's suggestion that regulation 13 *(b)* should also state that a person wishing to be registered under this section should hold a Certificate in Dental Hygiene or a similar qualification from another source is far too vague. The regulation making powers of the Dentists Act 1984 provide that qualifications must be prescribed in the regulations themselves.

The Dental Board does not have the power to decide what is 'a similar qualification', as suggested by the Australian Dental Association, through its mouthpiece—the Hon. Mr Burdett. It would, of course, have been possible to include a schedule of all qualifications for dental hygienists around the world, some several hundred or so, in the regulations. That is not particularly practical, but that is what this motion for disallowance is on about. Of course, the Dental Board, which is a body of very qualified men and women, rejected this option as not being feasible.

The Australian Dental Association has also opposed regulation 14, which sets out the conditions and restrictions under which dental hygienists shall provide dental treatment. Briefly, these conditions and restrictions are that dental hygienists can only provide such treatment as is specified in a written treatment plan prepared, signed and dated by a dentist after a personal examination of the patient. With the exception of the Julia Farr Centre, treatment provided by a dental hygienist must also be under the supervision and direction of a dentist who is on the same premises at the time the treatment is performed. The Australian Dental Association has objected to the provisions relating to the Julia Farr Centre—the largest nursing home in Australia—and has proposed that three additional conditions and restrictions also apply.

First, the Australian Dental Association has recommended that a schedule of treatment which may be performed by dental hygienists should be included in the regulations. I am informed that this is not possible under the regulation making powers of the Dentists Act 1984. 'Dental treatment' is defined under section 4 of the Act and section 42 (2) provides that a dental hygienist may provide such treatment 'subject to any restrictions or conditions prescribed by regulation'. It was for this reason that regulation 14 *(c)* was included to place the onus for any treatment provided by a dental hygienist on the supervising dentist ('such dental treatment consists only of such advice, attendances, services or procedures as are specified by the dentist in such treatment plan').

Secondly, the Australian Dental Association has suggested, through its mouthpiece, that two additional conditions and restrictions should be included in regulation 14, namely, that the treatment plan should be valid for a period of six months only and that patients should be re-examined by a dentist on completion of treatment by a dental hygienist.

As mentioned by the Hon. Mr Burdett in moving this motion of disallowance, Dr Blaikie, the Director of the South Australian Dental Service, has already informed the Joint Committee on Subordinate Legislation that he had spoken to my office and that I have indicated that I would be quite happy to accept an amendment to the regulations along the lines suggested. The President of the Dental Board of South Australia, Dr Day, has also indicated his willingness to recommend amendments to regulation 14 to provide that patients be re-examined by a dentist on completion of treatment by a dental hygienist and to provide that a treatment plan is valid for only six months from the date of examination.

These are matters of fine tuning and certainly not something which should jeopardise the existence of the entire regulations under the Dentists Act 1984. I think the Hon. Mr Burdett is being mischievous. If he cannot take my word on trust, as a gentleman, as he said when moving this motion, is he also saying—and this is very important—that he cannot take the word of Dr Blaikie and Dr Day on trust? That is what it amounts to. The Hon. Mr Burdett should reflect on what he is about with this motion for disallowance.

The Hon. Mr Burdett also seems terribly concerned at the situation which currently applies to dental hygienists working at the Julia Farr Centre. Let me tell honourable members what the situation actually is at the Julia Farr Centre. It is amazing that the Hon. Mr Burdett should move for total disallowance and mean it. It is one of the most extraordinary things I have seen in my 10 years in this place. However, I should no longer be amazed at anything the Dickensian lawyer opposite does. The Hon. Mr Burdett fails to grasp the edges of his shadow portfolio. I will now tell honourable members about the situation at the Julia Farr Centre without being distracted by the mumbling of the member opposite.

Regulation 14 *(a)* (2) states:

Where a dental hygienist provides dental treatment on premises known as the Julia Farr Centre, such dental treatment shall be provided by the dental hygienist where:

(i) a medical practitioner is at close call; or

(ii) a general nurse is at close call.

The requirement that a dentist be on the same premises as the dental hygienist does not apply at Julia Farr. All other provisions do apply, however—the hygienist must work to a written treatment plan which has been prepared, signed and dated by a registered dentist following a personal examination of the patient. The provision was introduced to allow the South Australian Dental Service to provide much needed educational and preventive care for patients at the Julia Farr Centre—I repeat, Australia's largest nursing home.

The centre requested the service for its residents and the regulation in question was supported by the new Dental Board, meeting administratively, before the introduction of the Dentists Act and regulations. I think that point is very important and should be noted. Many patients at the Julia Farr Centre need oral hygiene instruction on and assistance with the care of natural teeth or dentures. These procedures can be expertly provided by a dental hygienist and do not require the presence of a dentist.

The potential problems for the residents of an institution such as Julia Farr relate far more to their medical conditions and it is for this very reason that regulation 14 *(a)* (2) has provision for a medical practitioner or general nurse to be at 'close call'. The Medical Director of the Julia Farr Centre has advised staff of this requirement and I submit to honourable members that the provisions are both safe and sensible. The Government has no intention of withdrawing the regulation, and thereby denying care for Julia Farr residents.

The fourth regulation to which the Australian Dental Association objects is regulation 16, which exempts a person or class of person from the obligation to pay a registration fee. The regulation is almost identical to regulation 23 under the Medical Practitioners Act and exempts a dentist from paying a registration fee and an annual practice fee if:

(a) he is employed as a full-time dental officer of the Australian Government; or

(b) he is employed as a full-time dentist by the Royal Flying Doctor Service (S.A. Branch) Inc.:

and provided that he is registered as a dentist in a State or Territory of the Commonwealth, other than the State, and a current registration fee has been paid for such registration in the State or Territory in which he is registered.

The Australian Dental Association seems to consider that the mere exemption from paying a fee somehow or other fails to provide protection for the public. The dentist is still registered and, as such, is subject to the provisions of the Dentists Act 1984.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Burdett interjects *sotto voce* 'I didn't raise it'. Nevertheless, the Hon. Mr Burdett has moved for the regulations to be disallowed *in toto*—a remarkable proposition. The final—

The Hon. J.C. Burdett: We can't amend them.

The Hon. J.R. CORNWALL: But I have given the honourable member my word that they will be amended.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Young Mr Lucas scoffs and laughs; young Mr Desperatesville himself—a desperate young man, if ever there was one, with a limited future, indeed; a shadow of the shadow. John Burdett sits there with a well padded back, I think—and well he might!

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: The parrot has neither a sense of humour nor much intelligence, so I will not respond to that.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: He parrots away. He has parroted the same line since I have been in this place. It is like a broken record! The final regulation to which the Australian Dental Association objects, and to which the Hon. Mr Burdett devoted considerable time when moving the extraordinary motion for disallowance, is regulation 19. I was about to say, when I was rudely interrupted by young Mr Lucas, that you have not only my word (and let him scoff at this), but also the word specifically of Dr Day, President of the South Australian Dental Board and Dr Blaikie, Director of the South Australian Dental Service. Scoff at that if you will—I have given the Medical Practitioners Act, again the model Act on which these things have been based, that undertaking and they have given that undertaking. I have been asked to give that undertaking to this Chamber again, specifically by them.

The Hon. J.C. Burdett: In regard to appointments?

The Hon. J.R. CORNWALL: Be quiet you foolish old man.

The Hon. J.C. Burdett: It is only one; not the whole of them.

The Hon. J.R. CORNWALL: I think the honourable member truly has advanced brain failure. Regulation 19—

The Hon. J.C. Burdett: One regulation.

The Hon. J.R. CORNWALL: Be quiet! Go and take some medication: keep yourself down a bit.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Regulation 19 is similar to regulation 12.

Members interjecting:

The PRESIDENT: Order! Members will cease interjecting.

The Hon. J.R. CORNWALL: Thank you, Mr President. This regulation is similar to regulation 12 of the Medical Practitioners Act, again the model Act on which these things have been based. It lists prescribed information which must be provided to the Dental Board by a registered person who has been ordered by a court to pay damages in respect of an alleged negligence committed in the course of dental practice or who agrees to pay a sum of money in settlement of such a claim, whether with or without denial of liability.

I am not quite sure what the Australian Dental Association or its bagman, the Hon. Mr Burdett, are objecting to under this regulation. It appears that they consider it to be, in some way, a denial of natural justice, particularly if the judgment of the court or the settlement out of court contains a non-disclosure clause. Regulation 19 and section 80 of the Dentists Act 1984 do not overturn any presumption of innocence. They merely provide the Dental Board with information which allows it to identify where problems exist in the practice of the profession.

I am sure that at least intelligent members will agree (and there are not many on the other side, but they do comprise the majority of this Chamber, fortunately) that none of the objections raised are of such earth shattering importance that they warrant the drastic step of disallowing the general regulations under the Dentists Act 1984. In this matter I suspect that poor Mr Burdett knows not what he does.

As I have indicated, I am prepared to accept two of the Australian Dental Association's proposed amendments to regulation 14 dealing with the conditions and restrictions under which dental hygienists are permitted to provide dental treatment. I repeat that both Dr Blaikie and the President of the Dental Board of South Australia, Dr Day, support these amendments. They are matters of fine tuning, which can be resolved between the Australian Dental Association and the Dental Board, without any interference from enthusiastic amateur politicians, particularly enthusiastic amateur politicians who do not know what they are about. They are certainly not matters which require that the general regulations under the Dentists Act be disallowed, and I urge honourable members to oppose the motion.

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

NATURAL GAS PRICES

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

1. That a select committee be appointed to inquire into and report upon—
   (a) the current contractual agreements for the pricing of Cooper Basin gas sold to South Australia and New South Wales;
   (b) the desirability of establishing a single price formula giving rise to the same well-head price for gas sold ex-Moomba to South Australia and New South Wales;
   (c) the role for Government action in the event of large price increases which are relevant to economic stability and growth in the State;
   (d) the determination of a price formula that adequately protects the Electricity Trust of South Australia, the South Australian Gas Company and other major gas consuming industries, present and future;
   (e) the Cooper Basin (Ratification) Act 1975, which covers the endorsement of the rights of the producers to enter into sales contracts and to report on the continuing obligations of the Government to preserve the agreements for the sale of natural gas endorsed by the Act;
   (f) the impact of Commonwealth powers over gas supplies and sales, natural gas being a petroleum product;
   (g) alternative sources of energy and methods of conserving energy; and
   (h) any other related matters.
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 No. 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.

(Continued from 16 October. Page 1323.)

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

That this Order of the Day be discharged.

This move for a select committee has been on the Notice Paper for some time along with other questions I have raised on the matter of gas prices. As I explained earlier in the afternoon concerning the select committee it is hoped to obtain on the whole question of energy, if we left this motion on the Notice Paper we would have to discuss two items of a similar nature, and I understand that is not proper.

Also, there is no need for these questions at the moment, and I think it would be tidier if we got this motion off the Notice Paper so that all the questions in regard to energy, including natural gas prices, are contained in the one motion and come under the one committee. That is my reason for seeking to have this matter discharged. I have received undertakings and agreement from the Minister that the whole matter be discussed under one select committee. We concur in that.

Order of the Day discharged.

IONIZING RADIATION REGULATIONS

Order of the Day, Private Business, No. 9: Hon. J.C. Burdett to move:

That regulations under the Radiation Protection and Control Act 1982, concerning ionizing radiation, made on 4 April 1985 and laid on the Table of this Council on 7 May 1985, be disallowed.

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

That this Order of the Day be discharged.

I move this motion because, unlike the regulations under the Dentists Act, the objectors have had most of the matters to which they object acceded to. In this case the Minister and the Health Commission have agreed to most of the matters found to be objectionable.

Order of the Day discharged.

The Hon. G.L. BRUCE: I move:

That Order of the Day No. 11 be discharged.

This Order of the Day is in precisely the same terms as those of the Hon. Mr Burdett's Order of the Day No. 9, just discharged.

Order of the Day discharged.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 1160.)

The Hon. B.A. CHATTERTON: There have been discussions between the mover of this Bill, the Hon. Ian Gilfillan, and the Minister of Mines and Energy, who has agreed to immediately establish a Government working party to carry out a comprehensive review of the legislation pertaining to ETSA. While there are some difficulties in respect of the detail of the Hon. Ian Gilfillan's Bill, he has achieved his objective of demonstrating the scope for improvements to be made in that area. There are a number of positive initiatives in the Bill that the Hon. Ian Gilfillan has prepared which deserve mention.

First is the desirability of consolidating, as far as possible, all the legislation under which ETSA operates, not only the legislation dating back to the last century, to which his Bill refers, but also the Electricity Act 1943-1973; Electricity Supplies (Country Areas) Act 1950; Local Electricity Undertakings (Securities for Loans) Act 1950; Electricity (Country Areas) Subsidy Act 1952-1965; the Electricity Trust of South Australia (Torrens Island Power Station) Act 1962; the Electricity Supply (Industries) Act 1963-1975; and the Electricity Trust of South Australia (Penola Undertaking) Act 1967.

Secondly, he has proposed a rejuvenation of ETSA's functions and the authorities under which it operates, in particular in respect of the use of naturally occurring and renewable energy sources, and encouraging the efficient use of energy by its consumers. Thirdly, he has identified the need to permit ETSA to explore for and mine naturally occurring hydrocarbons. This is a necessary amendment to the ETSA Act because it is legally contentious at present whether the trust has the necessary authority to proceed with coal development past the exploration and research stage anywhere except Leigh Creek. This is particularly important given ETSA's likely participation in new mining elsewhere in South Australia.

Fourthly, the Hon. Ian Gilfillan has proposed a two part tariff incorporating a rent component based on the capacity of the service and a consumption charge, as an incentive to reduce peak load. That is an appropriate structure for some industries using a large wattage continuously and is consistent with the tariff options presently available to those users, and justifies further study. There are, however, other tariff structures which may better encourage the efficient use of energy and provide advantages in terms of reducing costs with better load management, if applied to other classes of consumer. These matters are currently being assessed by the working party to review energy prices and tariff structures, the interim report of which was released by the Government yesterday.

Fifthly, the Hon. Ian Gilfillan raised the question of the retiring ages and terms of office of board members of the trust. This matter is presently the subject of general Government guidelines which suggest a maximum age of 70

years, although in some special circumstances that is not rigidly adhered to. This matter may well bear further consideration. The working party will ensure that ETSA's functions are updated to properly reflect the role of a modern energy utility. It will incorporate any changes to the legislation made necessary by the final decisions made on both the Lewis report on electricity distribution and bushfire prevention and the working party to review energy prices and tariff structures. The review will have as an objective achieving a single piece of legislation covering all aspects of ETSA's operation which will enhance the trust's efficiency.

The Hon. Ian Gilfillan's Bill, the Electricity Trust of South Australia Act Amendment Bill 1985, will be referred to the working party for consideration and he will be invited to make submissions relating to it. All members will have appropriate access to the working party as it proceeds with the review, as will the Association of Professional Engineers of Australia, which has made representations to all political Parties in respect of amendments to the ETSA Act.

The Hon. I. GILFILLAN: I move:

That this Order of the Day be discharged.

It is obvious once again from the remarks of the Hon. Brian Chatterton that the Government's establishment of the working party is a very constructive step embracing virtually all the areas in my Bill, and therefore there is no further purpose in this Bill's remaining on the Notice Paper.

Order of the Day discharged.

The Hon. I. GILFILLAN: With the leave of the Council, I move:

That this Bill be withdrawn.

Bill withdrawn.

VETERINARY SURGEONS BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to provide for the registration of veterinary surgeons; to regulate the practice of veterinary surgery for the purpose of maintaining high standards of competence and conduct by veterinary surgeons in South Australia; to repeal the Veterinary Surgeons Act 1935; and for other purposes. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to provide for the registration of veterinary surgeons, to regulate the practice of veterinary surgery for the purpose of maintaining high standards of competence and conduct by veterinary surgeons in South Australia and to repeal the Veterinary Surgeons Act 1935.

In 1981, the Veterinary Surgeons Board completed a detailed study of proposals to amend the Veterinary Surgeons Act 1935. This study indicated that the required amendments were so extensive that they could most effectively be implemented by the drafting of a new Bill. The amendments included in the Bill have been discussed over the past four years with the Australian Veterinary Association (AVA) South Australian Division; the Minister of Health; the United Farmers and Stockowners; and the South Eastern Dairymen's Association.

The Bill provides for the membership of the Veterinary Surgeons Board to be increased from five to six members appointed by the Governor. Five of the members are to be nominated by the Minister of Agriculture and one, who shall be a veterinary surgeon, is to be nominated by the Australian Veterinary Association, South Australian Division.

Of the members appointed on the nomination of the Minister one, who is to be the presiding officer of the board, will be a special magistrate or legal practitioner of not less than ten years standing, three shall be veterinary surgeons and one shall be a person who is neither a veterinary surgeon nor a legal practitioner. Members are to be appointed for terms not exceeding three years upon such conditions as the Governor determines and on the expiration of a term of office will be eligible for re-appointment.

The provisions of the Bill make it illegal for persons to make a living from veterinary science if they are not qualified to do so and empowers the Veterinary Surgeons Board to conduct hearings and impose penalties in relation to the practice of veterinary surgery.

In the past, the Veterinary Surgeons Board has from time to time received complaints relating to persons who have no veterinary qualifications who, for renumeration, treat and surgically operate on animals. Instances of highly incompetent treatment have been reported, but the board has been powerless to act in such cases if the person concerned has not claimed that he or she is a qualified veterinary surgeon. A qualified person under the provisions of this Bill will be a veterinary surgeon, a veterinary practitioner or a permit holder.

It is recognised, however, that there are many procedures within the definition of veterinary science which need not, or should not, be the exclusive preserve of the veterinary surgeon. Accordingly, the Bill is framed in a way that does not restrict the owner of an animal, or an employee of the owner, from treating the animal. It also includes provisions, through regulation, for other exclusions, such as the rendering of emergency first aid.

The Bill provides for the registration of veterinary surgeons in South Australia to be brought into line with other States and in accordance with Commonwealth policy. It gives effect to the recommendations of the Council on Overseas Professional Qualifications (COPQ) to establish within Australia a uniform standard of qualification and uniform procedures for the registration of persons with overseas veterinary qualifications.

The veterinary profession considers it desirable to provide for the registration of veterinary specialists and accordingly provisions have been made for veterinary surgeons or veterinary practitioners who have prescribed qualifications and experience and who fulfil all other requirements, to be registered on the register of specialists. The Governor may, on the recommendation of the board, prescribe the branches of veterinary surgery in relation to which a person may be registered on the register of specialists.

Additional new provisions provide for the practise of veterinary surgery by companies. A company may be registered on the register of veterinary surgeons if it satisfies the requirements prescribed in the Bill.

In summary, the Bill recognises the need to maintain a high standard of competence and conduct in order to preserve the integrity of the veterinary profession in South Australia. It also recognises the importance of making registration procedures in this State consistent with those in other States and in accordance with Commonwealth policy.

Clauses 1 and 2 are formal.

Clause 3 repeals the Veterinary Surgeons Act 1935.

Clause 4 provides definitions of terms used in the Bill. Subclause (2) provides that the Act will apply to unprofessional conduct committed before its enactment. This is in the nature of a transitional provision. A veterinary surgeon or veterinary practitioner who is guilty of such conduct

cannot be penalised under the old Act after it has been repealed. This provision will ensure that he can be disciplined under the new Act. Paragraph *(b)* of the subclause ensures that he can be disciplined for unprofessional conduct committed outside South Australia.

Clause 5 establishes the Veterinary Surgeons Board.

Clause 6 provides for the membership of the board and related matters.

Clause 7 provides for procedures at meetings of the board.

Clause 8 ensures the validity of acts of the board in certain circumstances and gives members immunity from liability in the exercise of their powers and functions under the Act.

Clause 9 disqualifies a member who has a personal or pecuniary interest in a matter under consideration by the board from participating in the board's decisions on that matter.

Clause 10 provides for remuneration and other payments to members of the board.

Clause 11 sets out the functions and powers of the board.

Clause 12 will enable the board to establish committees.

Clause 13 provides for delegation by the board of its functions and powers.

Clause 14 sets out powers of the board when conducting hearings under Part IV or considering an application for registration of re-instatement of registration.

Clause 15 frees the board from the strictures of the rules of evidence and gives it power to decide its own procedure.

Clause 16 provides for representation of parties at hearings before the board.

Clause 17 provides for costs in proceedings before the board.

Clause 18 provides for the appointment of the Registrar and employees of the board.

Clause 19 requires the board to keep proper accounts and provides for the auditing of those accounts.

Clause 20 requires the board to make an annual report on the administration of the Act. The Minister must cause a copy of the report to be laid before each House of Parliament.

Clauses 21, 22 and 23 make it illegal for an unqualified person to hold himself out, or to be held out by another, as a veterinary surgeon, veterinary practitioner or a specialist.

Clause 24 makes it an offence for any person other than a veterinary surgeon, veterinary practitioner or permit holder to provide treatment to an animal for fee or reward.

Clauses 25, 26 and 27 provide for the registration of persons under the Act. The qualifications, experience and other requirements for registration will be prescribed by regulations.

Clause 28 provides for re-instatement of persons on the register.

Clause 29 provides for limited registration. Registration under this clause may be made subject to conditions specified in subclause (3). Subclause (1) will allow graduates, persons seeking re-instatement, other persons requiring experience for full registration and persons wishing to teach or carry out research or study in South Australia to be registered so that they may acquire that experience or undertake those other activities. Subclause (2) gives the board the option of registering a person who is not fit and proper for full registration. He may be registered subject to conditions that cater for the deficiency.

Clause 30 provides for provisional registration.

Clause 31 provides for registration of companies and provides detailed requirements as to the memorandum and articles of such a company.

Clause 32 provides for annual returns by registered companies and the provision of details relating to directors and members of the company.

Clause 33 prohibits registered companies from practising in partnership.

Clause 34 restricts the number of registered persons who can be employed by a registered company.

Clause 35 makes directors of a registered company criminally liable for offences committed by the company.

Clause 36 makes the directors of a registered company liable for the civil liability of the company.

Clause 37 requires that any alterations in the memorandum or articles of a registered company must be approved by the board.

Clause 38 provides for the issue of permits to provide veterinary treatment in areas not properly served by veterinary surgeons or veterinary practitioners.

Clause 39 provides for the keeping and the publication of the registers and other related matters.

Clause 40 provides for the payment of fees by registered persons.

Clauses 41 to 43 make provisions relating to the register that are self-explanatory.

Clause 44 is a provision which will allow the board to consider whether a practitioner who is the subject of a complaint under the clause has the necessary knowledge, experience and skill to practise in the branch of veterinary surgery that he has chosen. This important provision will help to ensure that registered persons keep up to date with latest developments in their practice of veterinary surgery. If the matters alleged in the complaint are established the board will be able to impose conditions on the person's registration.

Clause 45 is designed to protect the public where a practitioner is suffering a mental or physical incapacity but refuses to abandon or curtail his practice. In such circumstances the board may suspend his registration or impose conditions on it.

Clause 46 empowers the board to require a registered person whose mental or physical capacity is in doubt to submit to an examination by a medical practitioner appointed by the board.

Clause 47 gives the board the power to inquire into allegations of unprofessional conduct.

Clause 48 gives the board power to vary or revoke a condition it has imposed on registration or that is imposed by the transitional provisions set out in the schedule.

Clause 49 makes machinery provisions as to the conduct of inquiries.

Clause 50 provides for a problem that can occur where a practitioner who is registered here and interstate and has been struck off in the other State continues to practise here during the hearing of proceedings to have him removed from the South Australian register. Experience has shown that these proceedings can be protracted. This provision will enable the board to suspend him during this process.

Clause 51 provides for appeals to the Supreme Court from decisions of the board.

Clause 52 allows orders of the board to be suspended pending an appeal to the Supreme Court.

Clause 53 empowers the Supreme Court to vary or revoke a condition that it has imposed on appeal.

Clause 54 requires registered persons to be properly indemnified against negligence claims before practising.

Clause 55 makes it an offence to contravene or fail to comply with a condition imposed by or under the Act.

Clause 56 requires a practitioner to inform the board of claims for professional negligence made against him.

Clause 57 provides for the service of notices on registered persons.

Clause 58 provides a penalty for the procurement of registration by fraud.

Clause 59 provides that where a practitioner is guilty of unprofessional conduct by reason of the commission of an offence he may be punished for the offence as well as being disciplined under Part IV.

Clause 60 provides for the summary disposal of offences under the Bill.

Clause 61 provides for the making of regulations.

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

PARKS COMMUNITY CENTRE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1378.)

The Hon. BARBARA WIESE (Minister of Local Government): I thank the Hon. Mr Hill for his contribution to this debate and I am very pleased to note that the Opposition intends to support the Bill. However, although I note that the Opposition has no intention of opposing any clause, the Hon. Mr Hill had a lot to say about the clause that seeks to increase the membership of the Parks board by one to enable the appointment of a representative of the ethnic communities in South Australia. The Hon. Mr Hill said that he opposes, in principle, the idea of including provision for ethnic community representation in legislation because he says that such representation should be forthcoming as a matter of Government policy.

I must say that in theory I agree with that point of view and I certainly wish that all Ministers were aware of that when appointments are made to appropriate boards. But unfortunately that is not the way things work in the real world, and I point out to the Hon. Mr Hill that, when he was Minister of Local Government, he failed to appoint a member of the migrant communities to the Parks Community Centre Board.

Because there has not been representation for ethnic communities prior to this, this measure is now necessary. I am very keen to give representation to the ethnic communities in the Parks area as quickly as possible. Unfortunately, that will be very difficult to achieve for some time in the natural course of things, the reason being that the majority of members of the board have now been appointed until 1988. Some positions, however, will expire before that, one of which is currently held by a representative of the Department of Local Government: it is desirable to retain representation from the department on the board and therefore I will not have an opportunity to appoint a representative of the ethnic communities when that vacancy becomes available.

The other positions that will come up prior to 1988 will be those held by community representatives, which expire in March 1986. Those positions are filled by local election, over which I as Minister have no control: therefore, I cannot guarantee that one or any of those positions will be given to representatives from the ethnic community. It may happen; it may not. So, to ensure that we have representation as quickly as possible, this measure is necessary, and that is why I am now putting it forward.

The Hon Mr Hill confuses two concepts when he refers to the need to treat migrants equally and not to separate them from society. I fully agree with that point of view, as does the Government, and it is particularly necessary when we are talking about the delivery of services in the community to ensure that the migrant community is part of the mainstream in the delivery of those services. Their needs and interests need to be integrated into Government programs and into delivery of all services. This is the way that many of the services are delivered at the Parks Community Centre itself.

However, there can be an argument in some cases for special representation for representatives from the ethnic communities to ensure that their interests and needs are catered for and that their wishes are heard and acted on. This is one of those cases where we need to be sure that there will be adequate representation. Therefore, it is appropriate to make direct provision in the legislation to ensure that that representation takes place.

With respect to increasing the number on the board from 12 to 13 people, it will make very little difference to the workability of the board. I do not agree that a committee of 13 is unwield. In fact, I am a member of a committee of 13, called the Cabinet, which seems to work adequately, so I do not accept the objection that the Hon. Mr Hill has made in that regard. The amendments that are contained in this Bill overall will improve the efficiency and functioning of the Parks Community Centre Board. I know that the amendments have the support of the current members of the board. I thank the Opposition for its support of this legislation.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'The board.'

The Hon. C.M. HILL: In view of the Minister's reply and her reference therein to the point that I had appointed the original board and did not take this matter of ethnic representation into account, I explain that at that time a board of management had been operating without legislation. As the board had served the people down there and the centre generally exceptionally well and had helped considerably in the drafting and the preparation of the legislation, out of loyalty to those people who were deeply involved in the institution I thought at the time that it was right and proper that they should have the advantage and the prestige of being members of the first legally constituted board.

That was the reason why they almost, in effect, picked themselves for appointments to that board. I intended when their terms expired, if the Liberal Party had been in Government, to make some changes, and most certainly the question of ethnic representation would then have been taken into account.

Clause passed.

Clauses 5 to 8 passed.

The CHAIRMAN: I point out that clause 9, being a money clause, is in erased type because it deals with taxation. Standing Order 298 provides that no question shall be put in Committee on such a clause. A message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Title passed.

Bill read a third time and passed.

BLOOD CONTAMINANTS BILL

In Committee.

(Continued from 22 October. Page 1380.)

Clause 4—'Steps to be taken in relation to donation of blood.'

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

Page 2, line 9—Leave out 'a form approved by the Commission' and insert 'the prescribed form'.

I canvassed this amendment during the second reading stage. Clause 4 sets out the requirements that have to be carried out by a supplier of blood (in most cases the Red Cross) if the indemnity is to be obtained. Clause 4 (1) *(a)*

provides that the blood shall not be taken unless the donor has signed a declaration in a form approved by the commission. I suggest that it would be more appropriate for the form to be a prescribed form so that it would have to be prescribed by regulation and would be under the scrutiny of Parliament.

I suggest this for some of the reasons that the Minister espoused, particularly in his reply, that it is an important matter to take away from an individual the right to sue and to be compensated. Therefore, all the conditions that the Red Cross or other authorities supplying blood are required to comply with are important. While I acknowledge that this is not a serious matter, it seems to me that it would be better, instead of the form being approved by the commission, that it be in the prescribed form so that Parliament has scrutiny of it.

What is in the form can be somewhat controversial. It is necessary, I believe, to see that everything is in it that will provide the necessary protections to the recipient of blood who is having the right to sue taken away. For those reasons I have moved the amendment.

The Hon. J.R. CORNWALL: The Government strongly opposes this amendment. We do so on the recommendations of the Red Cross Society, which runs the blood transfusion service, professional officers involved in the Communicable Diseases Unit, and the State AIDS Advisory Committee. I cannot imagine what has happened during the past five months to change the Hon. Mr Burdett's mind. I would have to say, incidentally, that if he persists with this amendment then there is no question but that we will have to divide.

Members interjecting:

The Hon. J.R. CORNWALL: I do not really care if you do sit all night, but I will be going home before 10 p.m. On 8 May 1985 I introduced a very important amendment to the Transplantation and Anatomy Bill. During the second reading debate on 8 May 1985 at page 3959 of *Hansard*, I said:

> I should mention that it is not intended to enshrine the declaration form in regulations. The blood transfusion service in South Australia expressed a strong preference for the form to be adopted administratively, which provides the flexibility to make changes as any further information comes from the task force. The task force, in fact, recommended that the form should be kept under review.

The very good reason why the senior medical officers of the South Australian blood transfusion service wanted that to be done administratively is that things change rapidly with regard to AIDS. As more knowledge becomes available it may be important at any particular time to amend the form that is being used.

The current form has proved to be very satisfactory, on all the advice I have been given. However, I repeat that the question of being able to amend the form administratively is a specific request by senior medical officers in the Red Cross Society who are specifically concerned with the blood transfusion service. It is not a matter of principle or ideology as far as the Government is concerned. We are doing it at the request and on the recommendation of senior medical personnel involved in the blood transfusion service.

I ask, in the strongest possible way, that we have a bipartisan and sensible approach to this, and I beseech the Hon. Mr Burdett and his colleagues not to proceed with this amendment at this time.

The Hon. J.C. BURDETT: I certainly hear what the Minister has said, but he seems to have forgotten what he has said on previous occasions—that this is a very important matter and that what one is doing is taking away the right of a person who is damaged to sue. The situation is that, if we do not pass this Bill and if a person contracts AIDS or some of the other diseases transmittable by blood, then that person is able to sue the provider of the blood if they can establish negligence.

What has happened, as was explained during the second reading of the Bill, is that across Australia the Red Cross and other authorised providers of blood have not been able to obtain indemnity cover. As I have agreed and said when I spoke during the second reading of the Bill, the general strategy of the Bill is quite proper. It sets out what should be stringent conditions that the provider of blood has to comply with. It then says that, if the provider of blood complies with those provisions, the provider cannot be sued. I have agreed that that is a serious matter, because it takes away the right to sue from a person who may contract AIDS through blood received in a blood transfusion. It means that, if any of us contract AIDS through blood we have received by a blood transfusion from the Red Cross or other authorised provider of blood and if these provisions have been complied with, then we have no remedy. Although it may completely destroy our lives, there is nothing we can do about it. Therefore, it seems that this is an important matter.

I agree that, broadly speaking—and I said this during the second reading debate—this is the right way to go, but it is important that there be protections for the person who receives blood. In this kind of situation I suggest that it is reasonable that the declaration be in a prescribed form—a form prescribed by regulation and subject to the scrutiny of Parliament. That is not necessarily terribly inflexible. Regulations can be changed at any time, come back before Parliament and, unless Parliament has some reason to oppose them, then that is the end of it. The amendment I have moved is eminently reasonable when one looks at the situation that this Bill does take away—the rights of people who contract AIDS or other similar diseases through blood that they have received. Therefore, we should be sure that the conditions are right. This, I believe, is one of the things that makes the conditions right.

Amendment negatived; clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1386.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill. I do not intend to go through the detailed debate that occurred in another place. The Bill covers three situations, as we all know. The first is the question of a commutation of superannuation where a member shifts to another Parliament, and we all know the background to that and why this provision has been made necessary. I do not wish to canvass that situation in great detail again except to say that I think it is unfortunate that we have to go through this process when in fact there was a right and proper thing for the member, who was responsible for this clause being brought in, to have done.

The Hon. Frank Blevins interjecting:

The Hon. M.B. CAMERON: He did not shift to another Parliament; he shifted out of the Parliament altogether, as the Minister well knows. I have a very strong view about this. In fact, there would not be many members in this place who would not have considered retrospective legislation. The Council does not do that, so we have to put up with this situation that occurred. However, I am sure that the person concerned has to live with his own conscience in this matter and some day he will get his comeuppance

for taking that course of action. It is a great pity that it has occurred and it cost the taxpayers of this State a lot of money. The other two situations are situations that I agree should be covered—

The Hon. Frank Blevins: Minor anomalies.

The Hon. M.B. CAMERON: Yes, minor anomalies, particularly in relation to the court of disputed returns. It is wrong that a member should lose part of his entitlement because his position is put in doubt for a period of time by a by-election or a court of disputed returns. While I was not in a situation to benefit from one of those, I was involved in a court of disputed returns and I know the problems that occur for sitting members in that area. With that short explanation, the Opposition supports the Bill.

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

AUSTRALIA ACTS (REQUEST) BILL

Returned from the House of Assembly without amendment.

LIQUOR LICENSING ACT AMENDMENT BILL (No.2)

Returned from the House of Assembly with the following amendments:

No. 1. Clause 2, page 1—After line 20 insert the following definition: 'commissioned officer' means the Commissioner of Police, the Deputy Commissioner of Police and any commissioned officer within the meaning of the Police Regulation Act, 1952.

No. 2. Clause 2, page 1, line 26—Leave out 'The following provisions' and insert 'Subject to subsection (2), the following provisions'.

No. 3. Clause 2, page 1, after line 35—Insert the following subsection: Notwithstanding subsection (1), any terms and conditions of:

(a) a hotel licence; or

(b) the general facility licence constituted by clause 13 (1) *(k)* of the schedule,

imposed by the licensing authority or by clause 16 of the schedule and that restrict the days on which or the hours during which liquor may be sold and consumed pursuant to the licence, remain in force.

No. 4. Clause 2, page 2, lines 8 and 9—Leave out 'the Commissioner of Police or of a member of the Police Force authorised by the Commissioner' and insert 'a commissioned officer'.

No. 5. Clause 2, lines 11 and 12—Leave out 'the Commissioner or the member of the Police Force' and insert 'the commissioned officer'.

The Hon. FRANK BLEVINS: I move:

That the House of Assembly's amendments be agreed to.

The Hon. J.C. BURDETT: I support the motion. Amendments 1, 4 and 5 relate to a better definition of 'a commissioned officer', a member of the Police Force. Amendment No. 3 was in response to a query that I raised to make sure that any terms and conditions of a hotel licence would still be in force. For example, some beer gardens are open only until 11 p.m. and not midnight because of the extra noise which emanates from them compared to inside the hotel, and those sorts of conditions will remain. Overall, that covers the amendments moved by the House of Assembly, and I agree that we accept those amendments.

Motion carried.

ADJOURNMENT

At 6.6 p.m. the Council adjourned until Thursday 24 October at 2.15 p.m.