LEGISLATIVE COUNCIL

Tuesday 31 March 1987

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL (1987)

His Excellency the Governor's Deputy, by message, intimated his assent to the Bill.

POLICE COMPLAINTS AUTHORITY

The PRESIDENT laid on the table the first annual report of the Police Complaints Authority.

PAPERS TABLED

The following papers were laid on the table:

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

National Crime Authority, Annual Report, 1985-86.

Pursuant to Statute—

Lotteries Commission of South Australian—Report 1985-86

Rules of Court—Supreme Court—Supreme Court Act 1935.

Companies Rules.

Various.

Acts Republication Act 1967—Reprints—Schedules of Alterations.

Commercial Tribunal Act 1982;

Government Financing Authority Act 1982;

Ombudsman Act 1972;

Local Government Finance Authority Act 1983.

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

Pursuant to Statute—

Regulations under the following Acts—

Builders Licensing Act 1986—General Regulations.

Commercial Tribunal Act 1982—Powers of Chairman and Registrar.

Trade Standards Act 1979—Disposable Gas Lighters.

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

Pursuant to Statute—

Regulations under the following Acts:

Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981—Australian Stock Exchange.

Securities Industry (Application of Laws) Act 1981—Australian Stock Exchange.

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

Pursuant to Statute—

Coast Protection Board—Report, 1983-84.

Vertebrate Pests Control Authority—Report, 1985-86.

Regulations under the following Acts—

Fisheries Act 1982—Tuna Fishery—Salmon.

Metropolitan Taxi-Cab Act 1956—Special Purpose Vehicles and No-Smoking Signs.

Motor Vehicles Act 1959—Driving Test Fees.

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

Pursuant to Statute—

History Trust of South Australia—Report, 1985-86.

QUESTIONS

MINIMUM RATES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about minimum rates.

Leave granted.

The Hon. L. H. DAVIS: At the Local Government Association annual meeting held on 25 October 1985, the Minister of Local Government (Hon. Ms Wiese) in addressing that meeting said:

> Two issues seem to have arisen that I believe should be settled—issues, that is, of particular concern to local government. First, there is no suggestion whatsoever that the ability to levy a minimum rate should be removed.

On 26 November 1986, I asked the Minister why she had changed her mind on the matter of minimum rating. In her answer she stated:

> Since that meeting . . . no organisation—the Local Government Association included—has been able to provide adequate information to me which supports the case for maintaining a minimum rate.

Again, on 19 February this year, in response to my interjection on that point, she said:

> The Local Government Association assured me prior to that point that it was possible to provide figures that would make up a reasonable composition upon which to base a minimum rate. However, the Local Government Association was unable to provide that information which led to my decision which I announced last year.

The Minister has made similar statements in responding to questions on minimum rating from my colleagues, Hon. Diana Laidlaw on 4 December 1986, Hon. Peter Dunn on 19 February and Hon. Murray Hill on 26 February 1987.

On 20 March, being concerned about the adverse financial consequences for many councils if minimum rates were abolished, I wrote to the Secretary-General of the Local Government Association, Mr Hullick. I asked him the following four questions in that letter:

1. What assurances and/or information on the matter of minimum rating were sought from your association by the Minister of Local Government prior to 25 October 1985?
2. What assurances and/or information on minimum rating were given by your association to the Minister in response to her request?
3. What information was provided by your association to the Minister after 25 October 1985 which may have caused her to change her mind?
4. Does your association have any estimate of the financial benefit to the South Australian Government if minimum rating was abolished because of the saving of money which would occur in relation to the pensioner concession scheme and any other concessional schemes?

I received a reply signed by the Secretary-General of the association, Mr J.M. Hullick, dated 23 March 1987, which reads as follows:

> Dear Mr Davis,
>
> Thank you for your letter of March 20 and for your interest in the minimum rating issue. This association strongly believes minimum rating to be a local issue to be decided within local communities and views with grave concern the State Government's proposals to interfere with such local matters.
>
> With regard to your specific questions, I am afraid I can be of little assistance. To my knowledge there has been no written or verbal request from the Minister for any assurance or information from this association as suggested. Further, I know of no written or verbal assurance or information subsequently provided by this association to the Minister. I have caused a search of the minutes of our executive committee and the association's correspondence files to be undertaken and no record of any request from the Minister or response by the association on this specific matter in relation to minimum rating could be located.
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> Therefore, in response to your specific questions:
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> 1. To my knowledge no assurances or information on the matter of minimum rating were sought by the Minister of Local

Government from the Local Government Association prior to October 1985.

2. To my knowledge no assurances or information on minimum rating have been supplied to the Minister apart from our submission to the Local Government Act Review Committee which reflected our members' support for the retention of minimum rating.

3. The only information supplied by the association to the Minister has been our position that minimum rating is a local issue which should be decided within local communities and not by central government. In addition, the association has issued verbal requests for the Government to present its case for abolishing minimum rating. To date, no Government case for the abolition of minimum rating has been presented to the association or, to my knowledge, publicly.

4. It would appear that, if the Government were to proceed with the withdrawal of minimum rating, it could receive windfall gains in the order of $10M to $20M. These windfall gains would be made to the Government's pensioner concessions program and to the South Australian Housing Trust.

I share your concerns about the adverse financial consequences for councils if minimum rating were interfered with, but view with greater concern the likely effects on the community.

It would appear to me that either abolishing minimum rating or introducing the Government's latest option would have severe effects in many areas on middle income groups including many pensioners, 'mortgage belt' families, small businesses and farmers.

As this move appears to have come from within the Government and not from the community, I believe this to be yet another attempt by central government to control local communities—something which local government and I have fought against for many years.

It is clear that the Local Government Association totally rejects the argument the Minister has put to this Chamber on four separate occasions in recent months. My questions to the Minister are:

1. Does the Minister accept the association's claim that no verbal or written assurance was sought by or provided to the Minister on the subject of minimum rating?

2. Will the Minister apologise for misleading the Council?

3. Will the Minister apologise to the Local Goverment Association for so shamefully misrepresenting its role in the matter of minimum rates?

4. Will the Minister explain the real reason why she changed her mind on minimum rates?

The Hon. BARBARA WIESE: This is one of the most outrageous examples of the sort of thing that the Hon. Mr Davis has been doing in this place now for quite a long time—attempting to misrepresent the facts relating to very important issues affecting the people of this State, such as the issue of minimum rates. The Hon. Mr Davis knows as well as every other member of this Chamber that long and extensive discussions have taken place between me, members of the Local Government Association and officers of my department in an attempt to reach an agreement on all clauses of a Bill which was designed to reform the rating and finance provisions of the Local Government Act. The minimum rate provisions were amongst the issues which were to be discussed and which have now been discussed over a long period. Prior to the final arrangements being made for the drafting of the Bill, I had discussions with members of the Local Government Association, as did members of my department.

The Hon. L.H. Davis: Before 25 October 1985?

The Hon. BARBARA WIESE: Before 25 October 1985.

The PRESIDENT: Order! I point out to the Hon. Mr Davis that there were no interjections when he asked his question.

The Hon. BARBARA WIESE: Discussions have been taking place for a very long period about reforming not only this section of the Local Government Act but all sections of the Act dating back to beyond the period during which I have been Minister. If the Hon. Mr Davis knew anything about local government, he would certainly know that that is true but he clearly does not understand much about the issues because—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! Mr Davis.

The Hon. BARBARA WIESE: My predecessor had discussions with the association about all sections of the Act, as did his predecessor (Mr Hemmings), and his predecessor (Hon. Mr Hill). These discussions about reforming the Local Government Act have been taking place now for a very long time. The issue of minimum rates has been on the agenda. I was assured, prior to September 1985, in discussions with my officers and other people, that it would be—

The Hon. L.H. Davis: By the Local Government Association?

The PRESIDENT: Order! Mr Davis.

The Hon. BARBARA WIESE: —possible to produce the sort of information necessary to justify the retention of the minimum rate. As I have stated in this place, that information was not forthcoming when the detailed discussions ensued about this provision of the reform Bill. As a result of that, I took the decision that I did on this question to begin more extensive discussions with the Local Government Association at an appropriate time.

As everybody in this place knows, those discussions have since taken place on numerous occasions. The most recent discussions centred on a particular proposition produced by members of my department based on information they were able to glean from the records of individual councils that were prepared to cooperate in providing information of the sort we need as we try to find a compromise on this issue. As I have said before in this place, it has always been my wish that the Local Government Association and the Government reach a satisfactory compromise on this issue. We do not wish to be at odds with the local government community on any of the issues relating to the reform Bill and, if it is possible to find a compromise, I will do all in my power to bring that about.

As a result of that starting point, we have struck upon a compromise proposal, based on information that we have been able to put together from councils that have been willing to provide us with the information. We are led to believe that it is possible to levy a charge on ratepayers, if that is what councils choose to do, which would be based on administration costs. It would be a levy based on all rateable properties, not just a few as in the case of most of the minimum rate proposals. The rating system would then be built on that minimum charge. That would achieve a situation in which people at the lowest end of the income scale would receive rate relief, which is the Government's objective, while at the same time the majority of councils in this State would be able to maintain their revenue levels—which is their major concern. I believe that this is a very rational and reasonable proposal, and because I have so much faith in it I have—

The Hon. Diana Laidlaw: Does the Local Government Association agree?

The Hon. BARBARA WIESE: No, the Local Government Association has not agreed to this proposal. It was not able to agree because of the nature of the hysterical debate created in the local government area over the past 12 months, fuelled by members of the Opposition, I might say, who were not in the least bit interested in having a fair and equitable rating system for local government. I am interested in introducing a fair and equitable rating system in this State.

In fact, I am committed to it, and because I believe that this compromise proposal will work, even though the talks with the Local Government Association broke down some

weeks ago again, I have decided to refer this proposal to an independent arbitrator—the Centre for Economic Studies—to ensure that it is properly tested and that the effects on all councils can be measured, with that information to be circulated to all councils in South Australia, so that they can look at this matter rationally, aside from the rhetoric and hysteria which has been whipped up around South Australia by various people who have vested interests in preventing a fair and equitable rating system from being introduced into this State.

I believe that, on the basis of this information which we will be able to circulate within the next month or so, a more reasonable discussion can be undertaken in local government circles. I firmly believe that reasonable people in the local government community will consider that this is a sensible proposal, and I certainly hope that support for it will be forthcoming.

The Hon. L.H. DAVIS: By way of supplementary question: does the Minister reject the facts contained in the letter to me from the Secretary-General, the chief executive officer of the Local Government Association, dated 23 March, on the matter of minimum rates—yes or no?

The Hon. BARBARA WIESE: The Hon. Mr Davis does not seem to understand the issues that are involved here. He asks me for confirmation of—

The Hon. L.H. Davis: I just asked a simple question—yes or no.

The Hon. BARBARA WIESE: The honourable member will have to repeat the question, because it does not even make sense.

The PRESIDENT: I think he is asking, 'Have you stopped beating your wife yet?'

The Hon. BARBARA WIESE: Yes, it does sound a bit like that, Ms President.

The Hon. L.H. DAVIS: Madam President, I did not ask that. My question is: 'Does the Minister reject the facts contained in the letter to me from the Local Government Association?' I will give the Minister a copy of it. There you are.

The Hon. BARBARA WIESE: I wanted your questions—how can I judge the reply if I have not seen the question. Most sensible members would ask one question and not a series of questions.

The Hon. Diana Laidlaw: A pathetic performance! Perhaps you're still suffering from jet lag.

The Hon. BARBARA WIESE: This is a very serious issue and I want to make sure that I get the facts right, because it seems that there are people on the other side of this Chamber who have a vested interest.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Prior to September 1985 extensive discussions were held between members of the Department of Local Government and members of the Local Government Association. Following those discussions I was assured that it would be possible to produce suitable information upon which to justify the retention of the minimum rate. As I have indicated in this Chamber, following those discussions that information was not forthcoming and therefore the action taken since then was based on that lack of information.

CRIMINAL CONVICTIONS

The Hon. K.T. GRIFFIN: I seek leave to make a short explanation before asking the Attorney-General a question about wiping off old criminal convictions.

Leave granted

The Hon. K.T. GRIFFIN: In November 1984 the Attorney-General released a discussion paper on expunging criminal records. Apart from a skirmish on the issue prior to the 1985 State election, nothing more was heard until the matter was raised by the ABC program *The Investigators* on which the Attorney-General appeared last week. During the program I understand that the statement was made by the interviewer that the police already expunged old convictions on an administrative basis, although it was not clear whether the police were merely not disclosing certain old convictions in court cases or whether they were going further.

Following that program a newspaper report indicated that legislation could be introduced this year which would allow persons to deny criminal convictions if a certain period of time had elapsed since the last conviction and the sentence had been served along the following lines: where the convicted person was discharged without penalty, two years; for fines of less than $1 000, three years; for fines of more than $1 000, five years; for all periods of imprisonment of less than one year, after five years calculated from the date of expiry of the judicial sentence; for all other fixed terms of imprisonment, 10 years after expiry of the sentence; and for life imprisonment sentences, 40 years after expiry of the sentence

I think that those proposals were similar to the proposals contained in the discussion paper. The reaction of groups like Victims of Crime Service and the Offenders Aid and Rehabilitation Service is that legalising lies is detrimental to the rehabilitation process. The proposals take no account of the variety of circumstances in which convictions for rape, assault, robbery, fraud and other dishonesty crimes may be relevant, such as for certain employment positions or public offices Earlier this month the Minister of Correctional Services wrote to the Hon. Bruce Eastick, MP and stated:

> The Attorney-General's Department received a number of responses to its discussion paper on rehabilitation of offenders dealing with old criminal convictions. Draft legislation was subsequently prepared in two forms—a strict Rehabilitation of Offenders Bill, modelled on the lines of the 1974 English Act and an anti-discrimination model that would bring the relevant matters within the purview of the Equal Opportunity Act 1984.
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> The Government has not determined its final position on the matter, including which Bill is an appropriate vehicle for reform. However, the implementation of either Bill would have significant cost and resource implications—the former Bill for the Police Department and the latter for both the Police Department and the Office of the Commissioner of Equal Opportunity. Those cost implications have been studied and are subject to the ordinary budget process.

The indication in the newspaper article last week was that in fact those issues would be addressed in the 1987-88 budget. My questions to the Attorney-General, as the Minister responsible for this area of the law, are as follows:

1. Will the Government definitely be introducing legislation to provide for expunging criminal records and, if so, when?

2. What form will any legislation take? Is it likely to take the form of the anti-discrimination model?

3. What are the cost implications referred to by the Minister of Correctional Services?

4. What is the mechanism by which the Police Department presently expunges old criminal convictions?

The Hon. C.J. SUMNER: This matter has been addressed in a number of jurisdictions in recent times and is currently on the agenda of the Standing Committee of Attorneys-General. Such progressive Governments as the conservative Government of the United Kingdom preside over a system of expunction of criminal records that has been in existence

since 1974, and within the Australian context such progressive Governments as the Queensland Government, headed by Sir Joh Bjelke-Petersen, have also introduced a system of expunction of criminal records. Of course, there is, to say the least, a degree of confusion about who stands where on the conservative side of politics at a particular time, but the comments of the honourable member today indicate that he stands further to the right than the Queensland Government and Sir Joh Bjelke-Petersen.

This issue has been addressed in common law jurisdictions. I would have thought that the honourable member supported a proposition that enabled people to take responsibility for the crimes that they committed but after which they were rehabilitated in the eyes of the community. The proposition does not involve removing the records completely from police files. If a person appears in court subsequently, the records are still available for quoting in court as previous convictions.

The proposition is in two forms, or alternatives. The first is a system whereby, after a certain period, depending on the seriousness of the offence, people are entitled to have their records expunged for the purposes of obtaining jobs and the like. I point out that, in the case of murder, it was not possible to expunge for 40 years, and that is virtually the whole of a person's working life. That was the proposition put forward in the discussion paper. Further, the honourable member, in his usual way, has misrepresented to the press the situation relating to circumstances where people are convicted of child sexual offences and are being employed in kindergartens or schools.

The Hon. K.T. Griffin: That is not a misrepresentation.

The Hon. C.J. SUMNER: Well, it is. The honourable member came out in opposition to this and asked, 'What about these things?' without even considering the issue, trying to make a little bit of political capital from it.

The Hon. K.T. Griffin: What about them?

The Hon. C.J. SUMNER: Those matters will be addressed in the legislation, and the honourable member would know that if he had bothered to find out. Similar situations will be covered in the legislation if and when it is introduced.

The question whether this legislation will proceed has not been finally determined. There are two broad approaches: one is the expunction of records by legislation and the other is using the Equal Opportunity Act to say that people ought not to be able to discriminate against others because of their criminal records in most circumstances. The legislation which exists in the United Kingdom and Queensland is of the former type. The alternative proposition I think has been floated by the Australian Law Reform Commission.

The Standing Committee of Attorneys-General, through their officers, at this stage are trying to work out some common principles which might be applicable to this issue, so that we do not have different approaches being taken throughout Australia. That may not be possible in the final analysis, but it was considered worthwhile to try to get at least agreement on the principles of the legislation in each of the States if it were to be introduced. As I understand it, there is no objection in the Standing Committee of Attorneys-General, representing eight Governments in Australia, to the principle. The objections to the principle come from the Hon. Mr Griffin—further to the right in the political spectrum than Sir Joh Bjelke-Petersen and Margaret Thatcher.

The Hon. K.T. Griffin: That's nonsense!

The Hon. C.J. SUMNER: That is a fact. We do not know where you stand these days on the conservative side. You are all over the shop! Let us consider the Hon. Mr Griffin and Senator Hill—he would presumably be Minister of Foreign Affairs in a Peacock Government, but at the moment he is a little bit on the outer. One really has no idea where the conservatives stand in the ideological spectrum—except with respect to the Hon. Mr Griffin, who has placed himself well out to the right of such notable radicals as Sir Joh Bjelke-Petersen and, in the international context, Mrs Margaret Thatcher.

A decision on the legislation has not yet been taken. There are draft Bills. They are the two approaches. It is being pursued through the Standing Committee of Attorneys-General. There are cost implications for the police if they have to expunge and, obviously, there are cost implications for the Commissioner for Equal Opportunity if the procedure that is developed is one of anti-discrimination legislation. The police currently operate a system of expunction, which they do administratively, and I will be happy to provide the honourable member with the details of that.

ADELAIDE AQUATIC CENTRE

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking a question relating to the Adelaide Aquatic Centre of the Minister who, I feel quite certain, must be responsible for it, the Minister of Health, covering Water Resources, Housing and Construction and Recreation and Sport.

Leave granted.

The Hon. I. GILFILLAN: Many residents of Adelaide are frustrated and baffled by their failure to have adequate access to the Adelaide Aquatic Centre, and many of them have contacted me. Many have written to the Messenger Press, and there have been articles in the Messenger Press. Local councils—Prospect and Enfield, to name a couple—are concerned about the matter. It appears that there is no consistency in the availability of the Aquatic Centre which, I would remind the Council, is sited on the parklands, and we are in due course to consider the issue that the parklands should be available to the public unhindered and unfettered.

It appears that access to the Aquatic Centre is so restricted that ordinary members of the public feel they are excluded. It is very often filled with training groups. I can cite one example of an interstate visitor, someone who was our guest and responsibility whom we took somewhat naively to the centre for a swim, and we found that she was only able to use the water between 4 p.m. and 5 p.m. and, even then, was ordered about from lane to lane. It certainly has not left a very good impression.

I feel that there is extremely widespread dissatisfaction with this matter of the Aquatic Centre, and I ask the Minister some questions, the answers to which, I hope, will enlighten the public and ensure that the managers of the Aquatic Centre will get their act together and allow people to use what is really a public facility. I ask the following questions:

1. Will the Minister inform the Council of the hours during which the centre is available to the general public?

2. Will the Minister insist that the centre is open and freely available to the public at hours which include those outside normal working hours, including weekends?

3. Will the Government work to make the centre freely available to ordinary, individual members of the public over extended and convenient hours?

The Hon. J.R. CORNWALL: I represent a number of Ministers in this place, but I do not have first-hand knowledge of the Aquatic Centre. If the Hon. Mr Gilfillan had wanted a more immediate answer from someone with a more direct interest, he might have directed his question to

the Attorney-General, who jogs past the place on a regular basis, I understand. However, I will formally refer those questions to my appropriate colleague in another place and bring back a reply.

AIDS EDUCATION MATERIAL

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health a question about a review of AIDS Council of South Australia material.

Leave granted.

The Hon. PETER DUNN: Certain material to be used in the AIDS awareness program starting on 5 April in South Australia has been brought to the attention of the Opposition, and I understand that the Minister has a copy of that material. He will see that it is extremely offensive, particularly to women. It has been produced by the AIDS Council of South Australia. In a statement on 11 March the Minister of Health revealed that the AIDS Council of South Australia would receive $42 000 from the Commonwealth to participate in this national program, and that the South Australian Health Commission resources would be made available to the council. In other words, this material has been produced with the taxpayers' money.

I have been informed that it is to be distributed for the first time at a promotion at the Elizabeth shopping centre later this week. This material comprises a condom and lubricating jelly in a package carrying certain wording which can only be taken as open encouragement of promiscuous behaviour. For example, it encourages the recipients to play the field. One of the packets carries on its front a statement relating to sexual intercourse expressed in the most basic of terms.

In a statement on 15 March the Minister of Health revealed that a Health Commission survey had shown that young people in Adelaide associate condom use with extra-marital sex, prostitution and promiscuity. A concerned parent of four children who has provided this material to the Opposition has said that such attitudes can only become more entrenched with the availability of this sort of material. He has also expressed concern that, if this material is to be distributed in an indiscriminate way in a shopping centre, it could become freely available to schools.

While sensitive advertising of the need to use condoms to assist in the prevention of the spread of AIDS has received public support, an authority with whom the Opposition has discussed this material has said that its production is completely inconsistent with the basic objectives of AIDS awareness and education programs to modify promiscuous behaviour. My questions are as follows:

1. Has the Minister seen the relevant material? (I understand that he has seen it now.)

2. If so, does he believe it to be offensive?

3. Will the Minister cause a review to be undertaken so that the campaign by the AIDS Council of South Australia may change direction?

The Hon. J.R. CORNWALL: I have only seen a photocopy which has been put into widespread circulation in this place today by the Opposition, as I understand it. I have already asked my staff to obtain a report as a matter of considerable urgency, and when I have that report I can comment on the specifics of the allegations. In the meantime, may I say something with respect to so-called sensitive advertising. We were the first Government in Australia to formally devise and sponsor condom advertising. That, of course, is the so-called 'Lifesaver' ad.

The Hon. R.I. Lucas: Terrible!

The Hon. J.R. CORNWALL: The Hon. Mr Lucas, who perhaps knows more about these things than I, says it is terrible. We have had basically two responses. One is that it is not nearly explicit enough, and that until we face up to the reality and explain to people in quite explicit terms using quite explicit graphics we will not get the message across. Then there are those who find it offensive. The grounds for that appear to be at least twofold, the major one being that, somehow or other, the public health authority, in advising the use of condoms to control the spread of AIDS, is encouraging promiscuity.

I have said consistently, as have other responsible people in the field, that there certainly needs to be a rethink of the mores and morality of the 1970s. The sexual revolution is well and truly over. The only two ways in which anybody can be absolutely certain in the wider community of not coming into contact with AIDS is either to be in a stable, one to one, monogamous relationship over a long term or, alternatively, to practise abstinence.

I repeat that the question of the new morality, if you like, is something which everybody has to consider: not just the at risk groups, not just the minority groups, but every adult in the community who has been other than in a long term, stable, monogamous relationship. I cannot say that too often, because it is a very simple but very important statement of fact. However, we know that there are groups who are particularly at risk: one such group are the male homosexuals in the gay community. There are certainly ways in which the message that they must take precautions, if they are to be involved in sexual relationships, can be conveyed. We will do what has to be done to ensure that we get that message through.

Surveys in South Australia have shown—and this has been a matter of public interest and concern in recent weeks—that the message concerning AIDS and its spread has got through to about 96 per cent of the male homosexual community. However, the same survey showed that about one third of male homosexuals were not taking precautions on a regular basis.

In those circumstances, any Government which did not support programs which now have to be targeted, not just to the intellectual capacity of people to understand but in a significantly more emotional way, would be derelict in its duty. We will not shrink from whatever we have to do as a Government to contain the spread of this dreadful disease. It is a disease for which there is no vaccine and for which the prospect of vaccination, I am advised, is still at least some years away. It is a disease for which there is currently no satisfactory treatment and for which the prospect of satisfactory treatment is at this stage probably more remote than the development of an efficient vaccine.

In those circumstances, it is imperative that we take whatever action we need take in order to target the specific at risk groups and, just as importantly based on current knowledge, to target the wider community. No adult, I repeat, who is involved in sexual relationships other than a long term monogamous situation can at this stage be regarded as entirely safe. In those circumstances, there is no question that we will have to become progressively more explicit until that message not only gets through to all of the people to whom we need to get it, but unitl we get the evidence, that, based on that message, they are taking the necessary precautions by whatever means are practical in the circumstances.

My personal view of the matter is that we certainly need to pay due regard to the new morality and we certainly need to completely rethink the sexual mores of the 1970s. At the same time, we have to face the reality that sex has

been going on for a very long time and is not about to stop. The alternative is some sort of barrier sex, so called 'safe sex', to the extent that it can be safe, and we will do whatever is necessary to contain AIDS to stop its spread in the South Australian community.

AIDS HOSPITAL

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about an AIDS hospital.

Leave granted.

The Hon. R.J. RITSON: Any new disease introduced into an animal population usually begins in an epidemic in severe form and attenuates to a less severe form and endemic incidence after several generations. I understand that the projections for the incidence of AIDS in South Australia have been worked out and that there is a figure being mentioned—and I do not know whether it has yet come across the Minister's desk. My information is that we can expect that there will be a requirement for about 150 beds for AIDS sufferers over the next five to 10 years. Of course, they will need to be somewhat specialised beds with particular types of nursing and research and palliative and perhaps heroic attempts at curative treatment.

The Minister's recently announced policy of relocating the obstetric facilities of the Queen Victoria Hospital to the Children's Hospital is a move that many of my professional colleagues applaud, but the Minister announced that the Queen Victoria Hospital would be sold. I understand the budgetary attractions of that proposition, but the Queen Victoria Hospital is about the right size to cope with the expected number of AIDS cases that will require hospital care in the intermediate future. It has been suggested to me that the Government should not sell the Queen Victoria Hospital but should come to some commercial arrangement to lease it or use it for some other Government purpose until it can be used as the AIDS hospital. Otherwise, it could be many times more expensive to face up to the need for such a hospital in future years. I now ask: has the Minister considered that possibility and will he consider very carefully the question of retaining Government ownership of that hospital until its possible future use for this purpose?

The Hon. J.R. CORNWALL: Frankly, that is a bizarre suggestion. My answer is 'No'. As to the nursing of AIDS patients, very many of them can be and will be nursed at home. Those who need to be nursed in hospital will be accommodated in the appropriate wards that will be set aside for the purpose when that becomes necessary in our hospital system. It is difficult to know what numbers of AIDS deaths can be expected over the course of the next decade; suffice it to say that South Australia has recorded four deaths from AIDS. Of those people, three contracted the virus elsewhere. To this point, in only one case have we been able to trace the infection as having occurred in South Australia.

The Hon. C.J. Sumner interjecting:

The Hon. J.R. CORNWALL: The incidence is very much lower here than in the other States, but I do not want to labour that point because we do not want to generate a false sense of security. To date, the authorities in South Australia, because of enlightened, sensible and effective programs, have been able to contain the disease rather better than in many other areas. With regard to the number of AIDS positives in the community, about 150 people have been located, given that the groups most at risk initially in South Australia, we estimate, have been presenting at a rate of possibly anything up to 60 per cent of the gay community. We believe our estimates are reasonably accurate. The other important factor is that, of 150 000 people who have presented for blood donations, not one AIDS positive has been detected to date. Some of these, of course, would be multiple donors, but it means that literally tens of thousands of South Australians have been AIDS tested in a routine manner when they donated blood and anything up to 100 000 of those individuals have been AIDS free. So, we have a fairly reasonable fix on the extent of AIDS in the South Australian community at the moment and we are able to say with considerable confidence that the incidence is low.

If one views AIDS positives as being simply the first step in a continuum to the development of a clinical form of the disease five to eight years later, the current indications are that if we were to contain the spread at this very moment there could be anything up to 100 or 150 deaths during the next decade. If, as is far more likely, the disease continues to spread, that number could be significantly higher and almost certainly will be significantly higher. At this stage, what levels it might reach is a matter for conjecture. If we are able to implement successful programs using these sorts of campaigns (material has come on to my desk), quite clearly we will be relatively well placed to ensure that at no time will there be likely to be more than 10 or 20 clinical cases of AIDS. In those circumstances, the idea of setting aside the Queen Victoria Hospital as some sort of charnel-house for clinical AIDS sufferers is, as I said at the outset, quite bizarre.

AUSTRALIA CARD

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to asking a question of the Attorney-General on the subject of the ID card.

Leave granted.

The Hon. DIANA LAIDLAW: In response to a question on the subject of the ID card, in September 1985, the Premier stated that he had grave reservations about the card. In January 1986, the South Australian Government made a submission to the Federal Joint Parliamentary Select Committee listing 14 major concerns over the proposed card. In June 1986, the Trades and Labor Council voted to oppose its introduction and, on 29 October last year, when the legislation was first before the Federal Parliament, the South Australian Attorney, in response to a question of mine, indicated that the South Australian Government had still not determined its final position.

The introduction of this system would have major implications for the State through the sharing of births, deaths and marriages records, the protection of personal information originally given on a confidential basis to a State Government, and the cost of establishing arrangements to facilitate an exchange of information between the States and the Commonwealth. In view of the continuing uncertainty about the South Australian Government's position and the fact that a crucial Senate vote is imminent, the public is entitled to know whether all States agree with the legislation, because it cannot work without their full cooperation. Can the Attorney-General advise whether the South Australian Government fully supports the ID card legislation currently before the Senate and whether it is able and prepared to cooperate fully in its implementation?

The Hon. C.J. SUMNER: The South Australian Government's position has not changed since I answered a similar question raised by the honourable member some time ago.

The Hon. Diana Laidlaw: You still haven't made up your mind?

The Hon. C.J. SUMNER: That was when the matter was being debated in the Federal Parliament previously. The Federal conference of the Australian Labor Party adopted a resolution supporting the Australia Card and the Federal Government is acting in accordance with that resolution. It is the policy of the Australian Labor Party to support the Australia card. The State Government has always said that it will conduct and cooperate in discussions with the Federal Government on aspects of the Australia Card and such discussions have proceeded, although I do not believe that very much has occurred recently with regard to those discussions because the legislation has not passed the Federal Parliament. As the honourable member knows, the legislation was defeated in the Federal Parliament. As it was defeated, there may have been some further officer-level discussions but I have had no discussions on the Australia card issue in recent times. If the legislation is passed, the South Australian Government will continue the discussions that have already started with the Federal Government about how the State Government may assist and, in particular, what should be done with the State's births, deaths and marriages records. The position is the same as it was.

The Hon. Diana Laidlaw: You are committed to cooperating if it passes?

The Hon. C.J. SUMNER: I think that all the Governments will cooperate if the legislation passes the Federal Parliament. For any State Government, in effect, to refuse to cooperate with the Federal Government once the Federal Parliament has passed legislation to establish such a card would be quite an unprecedented step. The State Government has not yet made any final decision on the matter because the situation has been quite hypothetical to this time. The legislation has not passed and, from what I understand, it will not pass. If it is passed, negotiations will resume.

There have been some discussions, all at the officer level, about costs and the availability of births, deaths and marriages records. If the legislation is passed, those discussions will proceed and, obviously, the Government will need to make a decision about its attitude to the administrative details of the Australia Card, including such things as the cost of making available births, deaths and marriages records, and the like, but those issues have not been resolved at this point of time.

QUESTIONS ON NOTICE

HOSPITAL STAFF

The Hon. L.H. DAVIS (on notice) asked the Attorney-General:

1. What additional staff has been employed in the health interpreting units at both the Royal Adelaide Hospital and the Queen Elizabeth Hospital since 1 July 1986?

2. When did any such new appointments take effect?

3. Which languages are serviced by these additional staff members?

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

1. Two, one at each hospital at a cost of about $50 000 p.a.;

2. 7 July 1987;

3. Vietnamese.

Additionally:

A 3 months appointment (September to December 1986) to service both hospitals was made at a cost of about $6 000. Languages were Spanish and Polish. Actual expenditure for contract interpreters for the financial year 1985-86 was $216 000. Year to date (28 February 1987) expenditure on contract interpreters is $142 000 on an estimated 1986-87 full year budget of $220 000.

Assignments concluded by all interpreters in 1985-86 were 11 474. Year to date (28 February 1987) figures reveal 8 700 assignments concluded, which given current and historical trends of demand for interpreters should mean that full year figures for assignments concluded should exceed 13 000 for financial year 1986-87.

EDUCATION FUNDS

The Hon. R.I. LUCAS (on notice) asked the Minister of Tourism:

1. What has been the level of increased Commonwealth recurrent funds available for education spending this year?

2. Was this Commonwealth money used by the Minister recently to announce a $1.6 million spending program for English as a second language?

3. What will the remaining funds be spent on?

The Hon. BARBARA WIESE: The replies are as follows:

1. As from 1986, the general recurrent grant consists effectively of two parts, a base amount and a betterment amount. Because of the effects of inflation and changes in enrolment numbers from one year to the next, the amount of betterment is not the same as the increase in the total grant. The relevant figures are as follows:

Calendar Year	Recurrent (Base Amount)	Resource Agreement	Total Recurrent including Resource Agreement
	$	$	$
1985	32 317 778	—	32 317 778
1986	33 588 568	2 268 000	35 856 568
1987 (est)	35 157 000	2 582 000	37 739 000

2. Yes, the 1987 resource agreement money will be partly used for this purpose.

3. The 1987 resource agreement also provides funds for:

	$
Professional Development	670 000
Special Education	212 000
Multicultural Education	100 000

WAITE AND URRBRAE LAND

The Hon. M.J. ELLIOTT (on notice) asked the Attorney-General: What plans does the Government have for the land occupied by the Waite Institute and Urrbrae High School, following the recent drawing up of plans by the E.&W.S. for the reticulation of the area, apparently for housing developments?

The Hon. C.J. SUMNER: No reticulation plans have been prepared for a possible housing development for the area.

OLD NOARLUNGA SEWERAGE SYSTEM

The Hon. M.J. ELLIOTT (on notice) asked the Minister of Health:

1. *(a)* Would the Minister indicate the current position in relation to the provision of a deep drainage system for Old Noarlunga?

(b) In view of the fact that pumping of septic tanks in the area has on occasion resulted in effluent running into the street and the river, can the Minister say whether steps are being taken to deal with this potentially disastrous health problem?

2. When does the Minister intend to release the report, prepared by Paul Manning & Associates on water quality in the Onkaparinga River that he has had since early January?

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

1. *(a)* The provision of a sewerage system to serve Old Noarlunga township has received consideration on a number of occasions in the past, but it has not been possible to justify proceedings with the scheme. The scheme is not listed on the Engineering and Water Supply Department's current capital works plan for funding; however, the honourable member is assured that the scheme receives every consideration for funding as part of the budgetary process each year.

(b) Whilst the discharge of septic tank effluent to the streets or river is not a 'potentially dangerous' health problem, it does comprise a nuisance or offensiveness under the Health Act. In the past, the Local Board of Health has caused complaints of this nature to be investigated and remedied. Last year it invited the public to advise of any unsatisfactory conditions and these will be investigated.

2. The draft report on the water quality of the Onkaparinga estuary has been examined by a panel of officers in the Department of Environment and Planning. A number of points which require clarification by the consultant and possibly further work have been identified. Officers of the Department of Environment and Planning will be meeting Mr Manning to discuss these points later in the month. The release of the report will therefore be delayed until after these discussions and appropriate amendments to the report.

COLLEGE APPLICATIONS

The Hon. R.I. LUCAS (on notice) asked the Minister of Tourism:

1. Has there been an overall drop in applications relative to the level that would have been expected for 1987 for places in undergraduate courses at Colleges of Advanced Education in South Australia, and, if so, by what amount?

2. Has there been a corresponding increase in enrolments in vocational courses at TAFE?

3. Is there any evidence the Federal Labor Government's 'Administrative Charge' has caused a relative movement from Colleges of Advanced Education to TAFE Colleges?

4. What will be the additional cost of such a movement to the TAFE sector and the State Government?

The Hon. BARBARA WIESE: The replies are as follows:

1. First preference applications for new places in Colleges of Advanced Education in 1987 were 17 656 as of 12 January 1987 compared with 17 188 in 1986. This indicates that the higher education administration charge has not affected the rate of applications. However information relating to the overall impact upon enrolments is only preliminary as the colleges have not yet completed their registration processes. Indications are that the total student load target will be met at the South Australian Institute of Technology, will be slightly under-attained at Roseworthy Agricultural College, and may be significantly under achieved at the South Australian College of Advanced Education. However it appears that the major shortfall in enrolments at the South Australian College of Advanced Education will be in the areas of part-time enrolments and external enrolments.

2. As many TAFE courses are not conducted on a standard full year basis like higher education courses, definite TAFE enrolment figures cannot be provided at this early stage of the year. However, an indication of trends in four broad categories of vocational courses is given.

(1) Associate Diploma and Advanced Certificate (middle level/paraprofessional). Preliminary indications are that there has been some increase in demand and in enrolments. However, there is no clear evidence that the estimated increase is related to the higher education administration charge.

(2) Basic trade. Total basic trade preliminary enrolment figures at 27 February 1987 show an increase from 8 487 to 8 764 from the corresponding time in 1986. However, it is most unlikely that there is a link between this increase and any diversion of demand from advanced education.

(3) Full-time pre-employment including pre-vocational certificate. The number of enrolments in pre-vocational courses will increase from over 1 000 in 1986 to just over 1 100 in 1987. There have been about 3 500 applications for these places in each year. The increase in enrolments is not related to advanced education but is directly related to the level of tied resources made available by State and Commonwealth Governments for these courses.

(4) Other certificate and non-award vocational courses. These courses tend to be provided for persons in employment. In the main, they are short and intensive, and are provided on a needs basis throughout the year.

3. It does not so appear on the statistics available to date.

4. Since there is no evidence of movement, no estimate of cost can be given.

DEPARTMENT OF FURTHER EDUCATION

The Hon. R.I. LUCAS (on notice) asked the Minister of Tourism: Will the Minister provide for all advisory, consultative and standing committees in the further education portfolio:

1. Names and occupations (or organisation represented) of all members.

2. Date of appointment and date of expiry of appointment.

3. Amount of fee or allowance payable to members.

4. Number of meetings conducted in the last financial year.

5. Terms of reference for operation of each committee.

The Hon. BARBARA WIESE: The reply is a schedule which contains the information that the honourable member has requested. However, due to the cost of printing it in *Hansard*, I seek leave to table it as a document. I also have a copy for the Hon. Mr Lucas.

Leave granted.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

The Hon. R.I. LUCAS (on notice) asked the Minister of Health:

1. *(a)* Did the South Australian College of Advanced Education in 1986 allow financially disadvantaged students to defer payments of compulsory fees for students?

(b) If yes, what were the details of such arrangements?

2. *(a)* Do these arrangements still apply in 1987?

(b) If no, what changes have been made and what were the reasons for the change?

3. Will students who have been unable to pay the compulsory fees on the due date be required to pay any penalty fees?

The Hon. J.R. CORNWALL: I have a fairly comprehensive answer and, in order to save time, I seek the indulgence of my colleagues to have it inserted in *Hansard* without my reading it.

Leave granted.

1. *(a)* Yes.

(b) The various campus student union bodies in appropriate cases granted deferments of the student corporate fees, which was the only compulsory fee collected by the college in 1986. In such cases students were expected to pay the fee by 31 March 1986 or upon receipt of their first TEAS payment. Further extensions were granted when students demonstrated an inability to pay.

2. *(a)* No.

(b) In 1987 students were required to pay the $250 higher education administration charge in addition to the student corporate fee as a condition of enrolment. This was necessary in relation to the charge and, for reasons of administrative efficiency, was extended to include the student corporate fees. The student union was party to the decision. Financially disadvantaged students were, however, able to apply for loans or grants under the Commonwealth Special Assistance to Students Program to assist with either the charge and/or the corporate fee. This facility was not available in 1986 in relation to the corporate fee.

3. Students were required to pay the charge and the corporate fee by 22 February 1987 or, in the case of late offers of places, within two weeks of the offer being made. A late enrolment fee of $20 applied. Some students were able to circumvent collection procedures and to enrol without payment of the charge or with short payment of the charge and/or corporate fee. Such students have until 8 April 1987 to pay the outstanding amounts after which date their enrolments will be cancelled if payment is not made.

REDEPLOYMENT OF STATE PUBLIC SERVANTS

The Hon. DIANA LAIDLAW (on notice) asked the Attorney-General:

1. What procedure applies in relation to the redeployment of State public servants to positions other than their substantive position?

2. Does this procedure reflect the procedure that applies in the Commonwealth Public Service where I understand an officer must be offered six alternative positions to that of their substantive position?

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

1. Consistent with the provisions of the Government Management and Employment Act 1985 the first responsibility in relation to the redeployment of State public servants to positions other than their substantive position rests with their Chief Executive Officer.

Where the Chief Executive Officer is satisfied that the position occupied by an employee has become redundant, or the employee has become under-utilised due to changes in technology or work methods or in the organisation or nature of Government operations, or the employee has lost a qualification, then the Chief Executive Officer is required to make all reasonable efforts within his or her department to arrange for reassignment of the employee to a position of an equivalent level and as much as possible of a like nature.

In those cases where a Chief Executive Officer is unable to make an appropriate reassignment of an excess employee, the matter is referred to the Commissioner of Public Employment. Through the resources of the Redeployment Unit of the Department of Personnel and Industrial Relations, opportunities elsewhere within the public sector are explored, which would provide a suitable alternative placement for the excess employee. The procedures for redeployment are provided not only in the Government Management and Employment Act but also in relevant guidelines and a code of practice relating to redeployment, which has been arrived at in consultation with the Public Service Association.

2. Every effort is made to provide the best available options for an excess employee in securing an alternative position, but the emphasis is on quality of opportunity rather than a prescribed number of alternative positions. Redeployment is managed as a personal process, and takes great account of sensitivity to the needs of a displaced employee.

STATE EMERGENCY HELICOPTER SERVICE

The Hon. R.J. RITSON (on notice) asked the Attorney-General:

1. Does the Minister recall that, when tenders were announced late last year for the upgrading of the State emergency helicopter service, the Minister of Emergency Services was reported as saying that no tender would be accepted?

2. Was the statement correct?

3. On what date did tenders close?

4. How many aviation firms:

(a) expressed interest;

(b) tendered formally?

5. Does the Government intend to accept any of the tenders?

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

1. The Minister of Emergency Services has advised me that he has no record or recollection of having made such a statement.

2. See 1 above.

3. 12 January 1987.

4. Eleven firms were provided with tender specification documents; seven firms formally submitted tenders.

5. Tenders are being evaluated.

PLANNING ACT AMENDMENT BILL (No. 1) (1987)

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Planning Act 1982. Read a first time.

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

That this Bill be now read a second time.

The Government is pleased to introduce a Bill which seeks adoption of recommendations resulting from the report of the select committee into section 56 of the Planning Act. The issue has been a protracted one, and has caused much concern in many sectors of the community. I wish to congratulate the select committee on coming forward with recommendations which set a proper balance between the desires held by operators of existing activities, and the wish

of the community to ensure that development is subject to an appropriate assessment process. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 replaces section 4a of the principal Act. The reason is to build into the section the concept of the continuation of an existing use. This concept is used later in the amendments and as it is the reverse face of the 'change of use' coin it is convenient to incorporate it into this section. The new provision is the same as the existing provision except for the incorporation of the concept of continuation in subsection (2), some setting out changes and some minor drafting changes.

Clause 4 replaces the last four subsections of section 41 with eight new subsections. The substance of the new provisions is the same as the old except for new subsection (14) and the requirement that all supplementary development plans must be referred to the Joint Committee on Subordinate Legislation. The additional subsections are needed to accommodate the new requirements and to set out more clearly a somewhat complicated set of procedures.

Clause 5 replaces subsection (8) of section 47 of the principal Act.

Clause 6 replaces section 56 of the principal Act with two new sections. Subsection (1) of new section 56 underlines the fact that the principal Act does not control the continuation of existing uses but points out that a development undertaken in the course of an existing use is subject to control like any other development. At the moment some developments (such as the replacement of existing buildings) that are undertaken in the course of an existing use are excluded from the definition of development by regulation. The definition of 'development' in section 4 of the principal Act allows this to be done. Subsection (2) of new section 56 by virtue of the reference in that subsection to 'development of a prescribed kind' provides a regulation making power specifically for this purpose. The definition of development in section 4 also provides the Governor with power to declare other acts or activities to be developed. It is possible that a use of land could be declared to be development in which case even owners who had been using their land in a particular way for years may have to obtain consent to continue the use. Subsection (3) of the new provision is designed to protect the rights of owners and occupiers in these circumstances. However, a continued use of land sometimes involves an act or activity that amounts to development in its own right. Excavation for a swimming pool or tennis court on a residential property in the Hills Face Zone is an example. The installation of a swimming pool or tennis court is clearly part of the existing residential use. Subsection (3) also ensures that such developments do not unintentionally obtain the protection provided by the subsection.

New section 56a protects a person who has commenced an act or activity (whether development or not) and finds that because of a change in the definition of development or the development plan that occurs before completion he can not continue with the act or activity. The provision protects a person who has commenced within three years before the change and completes the project within three years after the change.

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

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 17 March. Page 3416.)

The Hon. PETER DUNN: In supporting this Bill I put it that a line will have to be deleted from it in order to shore up some of the rural problems that have occurred throughout this State. They have been highlighted on Eyre Peninsula and, as the year goes by, I believe that they will manifest themselves throughout the rest of the State. What the rural community is now witnessing in South Australia is not something which has occurred only in the past few months, but it has been exacerbated by the very sudden rise in interest rates (about which I will speak in more detail later) and also the falling of commodity prices.

Last month the Federal Government and its task force looked at the problem on Eyre Peninsula, which is more severe there than in any other part of South Australia. That is because of climatic conditions and because Eyre Peninsula is fundamentally a grain growing area. The rest of the State received very good rains, which led to the second biggest grain harvest in the history of South Australia, However, Eyre Peninsula had a very late season and this, combined with the short growing period, gave rise to lower than average yields, particularly on the eastern side of the peninsula. However, there was another factor which was detrimental to farmers in what was originally considered to be a very confined area but it is now known to have covered a much larger area and I refer to the problem of frost.

I firmly believe that we are now witnessing on Eyre Peninsula a situation that will manifest itself in the rest of the State in the next year if we do not have an upturn in the trading ability of this nation and a reduction in interest rates. The people most affected by this crisis are farmers and small business people. These people are in their prime productive years, between the ages of 25 and 45—people who some four or five years ago ran profitable enterprises. They are people who were innovators, who listened to new ideas and strived to make them succeed.

They were risk takers and usually heavy traders in goods, services and machinery. They were honest and respected—and they respected any commitment they made. Until the beginning of this year, they intended to keep those commitments. They were involved in the community through sport and entertainment and served the district in that way constantly. Often they have young families—the farmers of tomorrow. But because of the very low grain prices (and I will consider them in some detail), which have dropped as much as 40 per cent and, in some cases, as much as 50 per cent in the past three years, and because of enormous cost increases, particularly in the price of money, many of these farmers have become totally uneconomic. In fact many of them cannot borrow from any institution at all.

I believe that we are facing the greatest rural crisis since the depression of the 1930s. It is quite evident from the Bureau of Agricultural Economics statistics that next year there will be a lower grain price, particularly as such enormous quantities of grain are stored in the northern hemisphere. This will require very firm and strong decisions being taken by State and Federal Governments.

I can give an example of how costs have increased while commodity prices have not increased. Let us consider the inputs in this equation. Since 1972, the period in which food prices probably began to increase rapidly, and since the recession prior to that time, wheat prices have risen by 30 per cent. During the same period, the price of diesel fuel increased from 22c a gallon to $1.55, a rise of 700 per cent.

The price of superphosphate, the most commonly used fertiliser, increased from $15.43 a tonne to $138 a tonne, an increase of 750 per cent. Wages during that same period increased 400 per cent. That gives some idea of how the inputs have increased. I said that the cost of wheat had increased only 30 per cent during that period and the prices of other cereals, such as barley and oats, have increased by only an equivalent amount.

The only bright spot on the horizon appears to be wool. The price of wool has increased during that period but has not risen anywhere near as much as the price inputs for the production of that commodity. For instance, in 1956 the price of wool was £1 per pound. Converting that to today's prices, we are now reaching £1 per pound or 480c per kilogram. The mid 1950s were certainly heady days for wool prices, but it has taken us 35 years to get back to those prices, whereas all other inputs have increased steadily. What an effect this reversal of profitability has on the community!

The first thing that we notice is that small towns are having a very difficult time in relation to the sale of both new and secondhand plant. New plant is virtually non-existent, while secondhand plant can be bought and sold relatively freely only if its value appears to be less than $2 000. Secondly, this is having an effect on the sporting clubs. Already a number of outlying football clubs (two in particular that I know of on Eyre Peninsula) have folded this year or amalgamated with their nearest neighbour. I am informed by the schools that the teachers are observing behavioural changes in students, and families are feeling this trauma. It appears that the decline in student numbers in some towns will result in some of these schools having to offer less than what might be termed adequate education for years 11 and 12. The young students who now attend these schools will suffer an even greater disadvantage in the future.

Criticism has been levelled at some of these farmers who are in deep trouble: people have said that they are poor managers, but I do not believe that that is entirely the case. Some of them have borrowed large sums of money and, while I know that they have taken their borrowing ability to the limit, in fact the banks have willingly lent that money. I agree that land prices have been very high, but again it was the banks that were keen to lend that money for periods of up to 15 years. There have been examples where they have extended that term to 20 years. During the last four years interest rates have risen by as much as 50 per cent, that is, since the contracts were first entered into. It is worth noting at this point that housing loans for people in cities have, until today at least, been held at 13.5 per cent, and that costs the taxpayers of Australia in subsidy $143 million while farmers, who at this stage are not paying taxation because their incomes are so low, are paying 21 per cent interest with a further 5 per cent penalty rate if their overdraft limits are exceeded.

In addition to interest rate increases, the Bureau of Agricultural Economics forecasts that farmers' production costs this year will decrease by 4 per cent. In fact, the State Government has increased vehicle registration fees, third party insurance and water rates and, in addition, there have been rather dramatic increases in the cost of commodity inputs, such as chemicals. For instance, the cost of trifuralin, a chemical used in the production of wheat, has increased by 40 per cent this year. That chemical is used by almost every wheatgrower in this State. Indeed, it is sad to see that the State is increasing taxes when primary industry can least afford it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3530.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to support the second reading of this Bill. The Dangerous Substances Act deals with a procedure for handling substances that are declared to be dangerous and for the imposition of penalties in the event that the strict requirements of that legislation are not complied with.

This Bill seeks to address only one aspect of the Dangerous Substances Act, and that is in relation to penalties, which it seeks to increase quite substantially from, generally speaking, a $1 000 maximum penalty up to, in some instances, $40 000, but providing more particularly for a graduated set of penalties, taking into account the gravity of the offence that occurs. In some respects, the provisions of the Dangerous Substances Act run in tandem with the provisions of the Occupational Health, Safety and Welfare Act, because the handling of dangerous substances, whether in the workplace or otherwise, is a matter which will impinge upon the wellbeing and welfare of employees. To some extent, therefore, some consistency between the two pieces of legislation in relation to penalties would be appropriate.

The only area of concern in relation to this Bill is that, where the maximum penalty is $40 000, it seems to be unreasonable that the persons who are likely to be subject to prosecution and attract that penalty may not have been adequately informed of the obligations placed upon them by the Act and the regulations made under the Act, yet still be liable for a quite substantial penalty. In another place the member for Mitcham (Mr Stephen Baker), drew attention to the fact that at the Commonwealth level 436 pages of material relate to the description of dangerous substances. Those regulations in one way or another relate to the handling of dangerous substances. In this State, the legislation and regulations are extensive, and there is some valid point in the fact that perhaps the members of the community who deal with dangerous substances, not regularly but perhaps on a casual basis, may not be alert to the penal provisions of this legislation. So, there is in my view and in that of Mr Baker a requirement for a high level of information to be available about the dangerous substances covered by this legislation and the extent of the obligations placed upon those who may handle dangerous substances, and the requirements placed upon those people to ensure that, if there is a spillage of a dangerous substance, certain procedures are complied with.

The only other aspect of the Bill which may warrant attention is the introduction of a maximum period of imprisonment for certain offences. Under these sorts of statutory offences, it is most likely that strict liability applies so that, regardless of the intention of the offender, an offence may be committed and attract up to a maximum penalty of $40 000 and, in some cases, imprisonment for two years and, in other cases, imprisonment for one year. It is correct that they are maximum penalties, but the fact remains that, in the handling of dangerous substances, it would seem to me to be appropriate that the penalty of imprisonment is imposed only in circumstances where the court is satisfied that the offender knew that the act or omission constituting the offence was likely to endanger seriously the health or safety of another or was recklessly indifferent as to whether the health or safety of another was so endangered. That reserves the penalty of imprisonment for the most serious cases. I will be arranging for an amendment along those lines to be prepared, to be debated during

the Committee stage. I hope that members of the Council will see that there is value in providing for that period of imprisonment to apply only in those circumstances.

Apart from that, I understand, from what the Minister of Labour has said in another place, that there will be a more comprehensive Bill dealing with dangerous substances probably in the next session of Parliament. There is currently a review being undertaken and we will be able to address the wider issues upon which that Bill may focus at that time. Suffice it to say that the increase in penalties, generally speaking, is supported by the Opposition. We hope that if the Act is to be enforced in relation to the rural community there will be an intensive educational program over a reasonable time before the penalties are imposed. Those involved in primary industry, particularly the rural area of primary industry, do in fact handle dangerous substances on a daily basis or, at least, regularly. In those circumstances, whilst information about the handling of those substances under the legislation, either through appropriate labelling or otherwise, is limited, it seems appropriate that there be a period of education before enforcement action is taken against those who may be involved in primary industry in relation to the mishandling of dangerous substances.

On the other hand, many people involved in the primary industries appreciate the toxicity and dangers of dangerous substances, particularly chemicals, and take reasonable precautions now, but there are others who do not. Largely, they do not because of ignorance of the obligations the law places upon them. With that reservation and with the intention of moving one amendment, we support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PUBLIC FINANCE AND AUDIT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3527.)

The Hon. L.H. DAVIS: When last addressing this Bill I was making the point that there were matters of concern to the Opposition. In particular, we believe that the definition clause of 'publicly funded body', including any other body corporate that carries out functions that are of public benefit and that has received public money by way of grant or loan, is a rather open ended provision. There is no definition of 'public money'. Furthermore, clause 32 gives the Auditor-General, if requested by the Chief Secretary, the power to examine the accounts of a publicly funded body; in other words, as that clause stands the Auditor-General could examine the books of account of any organisation that has received any funds from Government.

The Opposition finds that an objectionable clause as it is far too wide. No-one denies that there should be accountability for public moneys issued by way of grant or loan, but to give the Auditor-General *carte blanche* to look at those books *in toto* goes far too wide. I indicate that I will be placing an amendment on file which seeks to limit the Auditor-General's power to examining moneys directly related to a grant or loan obtained by an organisation. I believe that that is a sensible and practical measure. It is quite clearly possible for organisations to establish a book which will provide a total disclosure of how moneys provided for that body by way of grant or loans from public funds have been spent.

I accept that the Treasurer should have wide powers of investment. These are set out in clause 11. The investment of public moneys by the Treasurer is covered in similar fashion in existing legislation. I generally accept that the Treasurer should have widespread powers. This provision has undergone fairly dramatic change in the past decade or so because of the growing sophistication of the capital market and the instruments and securities now available for investment by public and other bodies. The Treasurer has the power to invest, in the most conservative fashion possible, with the Reserve Bank, Commonwealth Bank or State Bank, or with any other bank within the meaning of the Banking Act; with dealers of the short-term money market—not only the so-called official money market dealers but also those who have been approved by regulation as dealers for the purposes of the section; with the South Australian Financing Authority; and with a prescribed person or a person of a prescribed class. In other words, there is in those latter provisions a fairly widespread power for investment by the Treasurer, but it is subject to regulation and scrutiny. When one is dealing with public moneys that is an important and basic provision.

I now refer to clause 41, which appears in the 'Miscellaneous' part of this Bill. It provides, in part:

(1) The Treasurer may issue instructions—

(a) requiring accounts to be maintained and records to be made and kept by the Treasurer and public authorities and setting out the form and content of those accounts and records;

(c) requiring that procedures, set out in the instructions, be followed in the course of financial administration by the Treasurer and public authorities;

There is also reference to the operation of special deposit accounts. That is a new style of provision in legislation. It is not a regulation, and the second reading alludes to the fact that, because of the introduction of Treasurer's instructions, there will be no need for as many regulations as presently exist. It is important for us to fully understand exactly what status Treasurer's instructions have. Are they to be subject to the scrutiny of the Subordinate Legislation Committee? Are they a form of regulation? Are they capable of scrutiny by Parliament through the Subordinate Legislation Committee? I certainly hope that they are. If they are not, I indicate that the Opposition will be insisting by way of amendment that they be made subject to scrutiny.

It is important to recognise that the provisions of clause 41 are important ones setting out the form and content of the accounts, and the basic information that has to be maintained and recorded by the Treasurer and public authorities. That is very important information, and in other States is incorporated in legislation or at the very least provided for by regulation. Here we have a new way of approaching the problem—issuing Treasurer's instructions in setting out the form, detail and content of financial statements.

Whilst the Government has in its second reading made much of the fact that this new Bill for public finance and auditing in the public sector in South Australia is a clear expression of its commitment to open government and accountability of public sector financial matters, and whilst it has made much of the fact that there will be more disclosure required as a matter of course pursuant to the provisions of this Act, nevertheless there are other indicators which suggest that the Government is still intent on covering up very basic information and of delaying and deferring the publicising of important information.

I refer particularly to matters such as public sector superannuation, about which members on this side of the Council have been raising questions for some time. This very impor-

tant subject is of great public interest. We have effectively been given the brush-off. We look also at the way in which statutory authorities in particular are so slow to report their annual accounts. We have many examples of important statutory authorities within South Australia which have yet to report for the 1985-86 financial year, notwithstanding that nine months has elapsed since the end of the 1985-86 financial year.

For example, the South Australian Superannuation Fund Actuarial Report, which was due for the three years to the end of June 1986, has not yet appeared. As far as I can ascertain, the Public Service Board, as it was then styled, has yet to report. We have had many examples today of public sector authorities reporting on their activities for their 1985-86 financial year. I am sure that many others are yet to report.

South Australia has been very neglectful in this area. For a number of years the Hon. Ren DeGaris, when he was a member of this Chamber, the Hon. Robert Lucas and I have raised questions about the lax approach to reporting by public authorities. South Australia would do well to look at the approach adopted by New South Wales and Victoria in recent years. They have introduced companion Acts to complement the Public Finance and Audit Acts in those States which establish procedures for annual reporting by statutory authorities as well as departments.

In 1984, the New South Wales Government introduced legislation relating to annual reporting by statutory authorities and those statutory authorities were required to disclose financial and other information in their annual reports. The report was required to be tabled in the Parliament and to be made available to the public. In 1985, amending legislation was introduced in New South Wales which required departments to report on an annual basis. I will quote from the debate in the New South Wales Parliament when that requirement for annual reporting by departments was introduced in late 1985. The Treasurer of New South Wales (Mr Booth) said:

> The Annual Reports (Departments) Bill sets standards for the disclosure, by each department, of both general financial and non-financial information in the form of an annual report. All accounting and auditing requirements concerning the public sector reside in the one piece of legislation, namely, the Public Finance and Audit Act.

That is exactly what is before the Council now. The New South Wales Treasurer continued:

> Accordingly, the measures in relation to the preparation and presentation of financial statements have been included as new sections of that Act.

It is interesting to note that New South Wales has brought certain aspects of the preparation and presentation of financial statements within legislation rather than having it in some nebulous form such as Treasurer's Instructions, as occurs in the Bill before the Council. The Treasurer continued:

> There are three prime requirements in the Bills before the House: first, to cause scheduled departments to prepare an annual report; second, to specify that annual reports consist of certain financial statements, an auditor's certificate and a report of operations; and third, to set time limits for the preparation of financial statements, the submission of an annual report to the Minister and the tabling of reports in Parliament. The time limits provided for departments are identical with those provided under the statutory bodies annual reporting legislation. Departments must complete their financial statements and submit them to the appropriate Minister and to the Auditor-General within six weeks of the end of the financial year. Annual reports, incorporating the audited financial statements, must be submitted to the appropriate Minister and the Treasurer within four months of the end of the financial year. The Minister must table the annual report within one further month.

Prior to the introduction of that legislation in 1985, which I presume took effect just over a year ago, half of the departments in New South Wales were not required to prepare annual reports. Obviously, departments are not quite the same as public authorities or private sector bodies which have a commercial orientation. As the Treasurer in his second reading address said:

> By their very nature, departments cannot readily conform with the traditional profit-oriented financial statements. The previous Auditor-General, in his 1983-84 report, stated that:
>
> > Full commercial-type accounting with, for example, notional depreciation to provide for replacement of school buildings and other non-commercial service assets, would be useless. It might satisfy some academics or blinkered accountants who cannot see beyond the mercenary needs of commercial accounting. It would add enormously to the cost of keeping the public accounts. It would make the public accounting almost incomprehensible for most readers and for management needs.

Nevertheless, the legislation acknowledged that the department should keep financial statements consisting of a statement of receipts and payments, balances and proper and adequate notes to those statements, and those statements were to be prepared using the existing modified accrual system which recognised that the major item of expenditure, salary and wages, is accrued. As in South Australia, in New South Wales 70 to 80 per cent of total expenditure incurred by most departments comprises payment of salaries and wages.

Standards have been set in New South Wales and in Victoria, as I will mention in a minute, which sadly do not apply in South Australia. This matter should be approached in a bipartisan fashion. Full disclosure of public finance is in the interests of not only the Parliament but the community as a whole. I will return to a point that has been a particular concern of mine over a number of years. Too many annual reports are presented to the Parliament too late. They should be presented much earlier than they are after the end of the relevant financial year. As I have said in this Chamber on more than one occasion, companies such as Broken Hill Proprietary Limited, which employs well over 35 000 people, is required to present an annual report to all its shareholders within four months of the end of the financial year.

That is a requirement laid down by the Stock Exchanges of Australia and must be observed by all listed public companies on the Stock Exchange. Well over 1 000 companies are required to comply with that basic requirement. Such annual reports include full financial details and, generally speaking, very full and documented summaries of the year's activities, expansion plans, and problems which may exist within that particular corporate group. Compare that requirement for 1 000 companies listed on the Stock Exchange with the requirement that exists in South Australia where many statutory authorities are required to report under the legislation that established them within a certain period, perhaps four months, and they thumb their nose at that requirement. Many other statutory authorities do not have any time limit within which to report, and they do not take any notice of any time limit, anyway. They report up to a year and, sometimes, two years after the relevant financial year.

The matter has not only been addressed by this Parliament but was addressed by New South Wales and Victoria when they took what I regard as a very positive move to introduce annual reporting standards. The bipartisan New South Wales Public Accounts Committee in its 1983 report of accounting and reporting requirements for statutory authorities stated:

> Too many annual reports are presented too late to be useful. The value of information declines with age. Timeliness is there-

fore a cornerstone of accountability. The Auditor-General in his 1979-80 report to [New South Wales] Parliament stated:

> 'I should add, to give adequate advance notice, that the timeliness of presentation of accounts is just as important as as the form and extent of disclosure.'

The New South Wales Public Accounts Committee went on to say:

> There is no consistent time requirement in New South Wales legislation for reporting by statutory authorities. Indeed the enabling legislation of 23 of the 66 statutory authorities surveyed by Public Accounts Committee had no time limit for annual reporting. Most of these authorities are simply required to report 'as soon as practicable'.

As a result of the observation of the New South Wales Public Accounts Committee, the Annual Reports legislation was introduced. That is a positive measure which, I hope, will be adopted by this Parliament, and if it is not a Government initiative, I assure all members that it will be an initiative of this Opposition.

So, to re-emphasise that point, to be of value the disclosure of information by an organisation, whether in the public or private sector, must be timely, consistent and relevant. The Barnes committee, as far as I can see, did not address the aspect of the timing of annual reports, and it is tempting to think that perhaps some major amendments could be inserted to cover this provision while we are dealing with this Bill. However, I believe that it is more satisfactory to have it in a separate piece of legislation, although I think it is most appropriate to have such debate on this matter during the course of this important second reading of the Public Finance and Audit Bill.

I accept that, if we do require statutory authorities and, perhaps in time, departments, to provide annual reports within a certain period of time, say, three or four months after the conclusion of the financial year, there would be a log jam, in the sense that there would be a lot of printing to be done in a short period of time, and it may be necessary for the Government to contract out some of the printing to the private sector to ensure that these reports from departments and statutory authorities are printed by the due date. In Victoria, the Annual Reporting Act of 1983 requires that:

> Every public body shall in respect of the financial year prepare and submit to the relevant Minister, within three months after the end of each financial year, an annual report containing a report of its operations during the financial year and financial statements for the financial year.

Furthermore, subsequent amendments to the Annual Reporting Act in Victoria, which was amended only a few months ago, require that:

> A Minister must cause the report of the audit and financial statements referred to in the section to be laid before the Parliament, either the Legislative Council or the Legislative Assembly [the Victorian Parliament's Lower House] before the expiration of the seventh sitting day of the Legislative Council or the Legislative Assembly, as the case may be, after 31 October in each year or within such further period that the Treasurer, upon request in writing from the Minister, may determine.

In other words, the Annual Reporting Act in Victoria has real teeth. The annual report of a public body has to be with a Minister within three months, and the Minister has to lay it on the table of both Houses of Parliament within seven sitting days after 31 October of each year, which is a little more than four months after the end of the financial year. In Victoria, if any extensions of time are to be granted to a public body a reason has to be given. In other words, some accountability of public bodies, statutory authorities and departments in Victoria is required.

The same situation pertains in New South Wales, where the departmental heads, along with those of statutory authorities, must within a period of four months after the end of the financial year prepare a report of operations for the financial year ended, with the report to cover the charter of the department, its aims and objectives, access, management and structure, summary review of operations, and legal change. Further, the New South Wales Act provides that:

> A departmental head shall, not later four months after the end of the financial year of the department, submit the department's annual report in relation to that financial year to the appropriate Minister.
>
> The appropriate Minister shall, within the period of one month after the receipt by that Minister of the annual report by a department, lay the report or cause it to be laid before both Houses of Parliament.

So, that is an example of annual reporting working effectively in both New South Wales and Victoria. I also want to refer to another matter that has impressed me. There is provision at section 19 of the New South Wales Annual Reports (Departments) Act as follows:

> The Treasurer may refer any matter relating to the annual reports of departments to the Public Accounts Committee for examination and report to the Treasurer.
>
> The Treasurer shall refer to the Public Accounts Committee for examination and report to the Treasurer any proposal to amend this Act or make a regulation, other than a proposal made by the Public Acccounts Committee.

I believe that is a very sensible measure, because it seeks to introduce a bipartisan approach to the public accounts, the public finances of the State, by requiring the Public Accounts Committee (which in this State and indeed in all other States has been one of the more successful committees of the Parliament over a long period of time, more often than not adopting a very bipartisan approach) to examine any amendment or any proposal to amend the New South Wales Act referred to or in relation to any proposal to make a regulation. There is that automatic requirement that the Public Accounts Committee should examine those matters. I am impressed with that provision and I indicate to the Council that, following further discussion of this matter with my colleagues, I propose to put forward an amendment of a similar nature for the Bill now before us.

In conclusion, I say that, overall, the Public Finance and Audit Bill is a positive step forward for the public finances of this State, bringing together as it does the many recommendations of the Barnes Committee of Inquiry of two or three years ago. I hope that the Government matches the rhetoric of the second reading explanation in its actions in this Chamber in the coming days and months. I must say that my colleagues and I have been disturbed on more than one occasion at the reticence of Ministers to answer questions on matters of public finance and to ensure that answers are brought forward promptly on matters of public interest which deal with financial matters and indeed at the continuing inability of statutory authorities to present their annual reports within a reasonable time after the conclusion of the financial year. I support the second reading.

The Hon. K.T. GRIFFIN: Like my colleague, the Hon. Mr Davis, I support the second reading of the Bill on the basis that the legislation relating to public finance and audit needs a comprehensive review. The Bill before us essentially achieves an effective framework within which proper accountability can occur. However, a number of questions need to be raised about aspects of the Bill and its drafting in particular. I think the most appropriate way to deal with these is to run through them clause by clause, for the purpose of obtaining answers later in the debate. In clause 4 of the Bill, which deals with definitions, 'public authority' is defined as meaning 'a Government department, a Minister, a statutory authority—that is an instrumentality of the Crown, or, the accounts of which the Auditor-General is required by law to audit—and such other authority as is

prescribed'. Where legislation refers to other bodies which may be included within a definition by prescription, it is my practice to endeavour to identify what the Government of the day has in mind in providing for that prescription in a definition.

In this case, would the Attorney-General give some clarification as to what other authority may be considered for prescription in accordance with that definition of 'public authority'? The definition of 'publicly funded body' states:

(a) a municipal council or a district council;

(b) any other body corporate that carries out functions that are of public benefit and that has received public money by way of grant or loan:

My colleague, the Hon. Mr Davis, has already mentioned the reference to 'publicly funded body' in this legislation. In that context, what is the definition of 'public money'? Does that mean money contributed by the State Government, or by some other State Government, or by the Federal Government? If it is as broad as that, then I query whether that definition is appropriate.

Clause 7 deals with moneys received by instrumentalities of the Crown and provides that, ordinarily speaking, moneys received by an instrumentality of the Crown are not to be paid into the Consolidated Account, but they may, without appropriation by Parliament, be applied by the instrumentality in carrying out its functions. There are several exceptions to that. One is that the Treasurer may direct certain money to be paid into the Consolidated Account and the definition of 'instrumentality of the Crown' may be extended by regulation to include a natural person or a corporation sole. Of course, they are not presently within that definition, so moneys received by a natural person or a corporation sole (who may be one of the Ministers given that status under separate legislation) must be paid into the Consolidated Account. In the context of that exception by regulation, I ask the Attorney-General: what, if any, person or corporation sole is likely to be included within the definition of 'instrumentality of the Crown' under the provisions of this clause?

Clause 11 of the Bill deals with the investment of public money by the Treasurer. The investment is allowed with a variety of banks and other organisations and with a prescribed person or a person of a prescribed class or in a prescribed manner. It is not clear from the second reading explanation what other person or class is intended to be the subject of any prescription in accordance with the provisions of this clause, nor is there any explanation of the reference to 'a prescribed manner'. It would be helpful if the Attorney-General could give some clarification of those two items.

Clause 12 of the Bill deals with the appropriation by the Governor. The second reading explanation states that this clause, along with clauses 13 and 14, are almost identical to and fulfil the same functions as section 32a of the Public Finance Act, but I draw attention to subclause (4) of this clause and seek clarification as to what is actually intended by this clause. Is money, which is 3 per cent over the amount which is appropriated each year thereafter, not required to be accounted for where it has been recouped by the relevant department?

Clause 17 of the Bill contains a definition of 'credit arrangement', which means a contract or an arrangement under which a semi-government authority borrows money or does certain other things, but it does not include a contract or arrangement of a kind excluded by the Treasurer by notice published in the *Gazette*. Would the Attorney-General give some indication as to what sort of contract or arrangement is likely to be excluded by the Treasurer by that notice published in the *Gazette* and to what semi-government authority is that likely to relate? In addition, I think it would be important for a notice published in the *Gazette* to contain some information about the contract or arrangement and that it not be a bald statement merely referring to the fact that it is a contract or arrangement. Some identifying characteristics need to be specified in that notice and I would like the Attorney-General to indicate what sort of identifying characteristics are envisaged for inclusion in that notice.

Under that same clause a guarantee is defined as including a contract or arrangement of a prescribed kind. I seek clarification as to what sort of prescription is likely to be proposed in respect of the definition of 'guarantee'. Under the definition of 'semi-government authority' there are a variety of bodies which are likely to be included and it seems to me that some of the bodies, such as universities, may be within that definition. Could the Attorney-General indicate whether bodies such as the universities and Roseworthy Agricultural College are included?

Clause 18 (1) provides:

A semi-government authority may, with the consent of the Treasurer, enter into a credit arrangement on terms and conditions approved by the Treasurer.

Generally, I have no difficulty with that, nor with the exclusion of the State Bank of South Australia from that obligation to obtain the Treasurer's consent, but it seems that, if there is to be a credit arrangement approved by the Treasurer in relation to a semi-government authority, then there ought to be some public notice of that approval and the nature of the arrangement approved in the *Government Gazette*. I do not see how that can in any way prejudice the semi-government authority or the Treasurer or the financier under the credit arrangement, but it would be helpful to have that information on the public register.

The same sort of consideration can apply to clause 19, which deals with guarantees and indemnities. Where the Treasurer gives a guarantee of performance by a semi-government authority or other person, or gives an indemnity to another person, then it again seems to me that there ought to be some public notification, perhaps by notice in the *Gazette*, of the giving of such guarantee or indemnity and the nature and consequences of the guarantee or indemnity which is approved. In the context of these guarantees and indemnities I should have looked at the Industries Development Act, but I have omitted to do so. Because of the resources available to the Attorney-General he might give some indication to the Council as to the relationship between this clause and the Industries Development Committee and the Act under which it operates.

Clause 22 provides for the Treasurer, within two months after the expiration of each financial year, to deliver to the Auditor-General certain financial statements. Under paragraph *(a)* (iv) the Auditor-General is required to be given a statement naming the organisations with which the Treasurer invested funds during the financial year. That excludes the South Australian Government Financing Authority, I suspect, because, generally speaking, it is a vehicle through which all investments are made on behalf of the Treasurer. I would like it to be confirmed that that is in fact the position and that the annual report of SAFA and its accounts will disclose the bodies with which it has invested and those which have invested with it.

Clause 24, under part III, division 1, relating to the Auditor-General, provides a mechanism for appointment of the Auditor-General. This issue has been raised on a number of occasions not just with regard to the Auditor-General but also with regard to the Ombudsman and other persons who are appointed by the Governor but who are responsible to the Parliament. I asked in relation to the

Ombudsman whether the Government has considered a consultative mechanism by which members of Parliament may be consulted prior to the appointment being made by the Governor. It is relevant to raise this matter again at this stage, because it is only the Parliament which can dismiss an Auditor-General, as it is only the Parliament which can dismiss an Ombudsman. I think it is appropriate to consider the way in which a person may be appointed as Auditor-General with the concurrence of the Parliament rather than the Governor making the appointment, that is, in effect, the executive arm of government making the appointment and the Parliament being involved only at a later stage, if at all, should it become necessary with the dismissal of such an incumbent.

There must be some consideration of this issue if Parliament is to accept its responsibility fully and be able to exercise it in relation to the Auditor-General. It may be that at some time in the future some system of parliamentary committees for the scrutinising of nominations, as occurs in the United States Congress, might be appropriate, although I am not advocating that at this stage. However, the issue must be explored in the light of the growing relationship between Auditors-General, Ombudsmen and others and the Parliament and the fact that ultimately those officers are responsible only to the Parliament.

It is relevant also in relation to the suspension of an Auditor-General from office. That is done by the Governor, in effect the executive arm of government. The suspension is to be notified to the President and to the Speaker within three sitting days of the suspension. There is a provision which is not in other legislation that the Auditor-General may deliver to the Governor, the President and the Speaker a reply to the Governor's statement, and the President and Speaker must lay the reply before their respective Houses. Unless there is a resolution of both Houses of Parliament, effectively dismissing the Auditor-General, that person is to be restored to office within 14 sitting days after the statement has been laid before both Houses of Parliament.

The provision for the Auditor-General to deliver a statement is appropriate and is a useful development on the relationship between the Auditor-General and the Parliament. I am not satisfied that the mechanism for suspension and ultimate dismissal is the most effective way to ensure that justice is done to both the incumbent Auditor-General and the interests of the public at large through their respective representatives in both Houses of Parliament. However, for the moment I merely raise the issue without proposing a solution, but ask that it be further considered.

In relation to clause 27, which deals with the vacation of the office of Auditor-General, I raise the point that, under paragraph *(d)*, if an incumbent becomes a member of Parliament of the State, the Commonwealth of any other State of the Commonwealth, there is a vacancy in the office of Auditor-General. That seems to have covered most situations, except that it does not deal with the membership of the Legislative Assembly of a Territory. That is an omission that should be corrected. Membership of the Northern Territory Legislative Assembly or even the Legislative Assembly of the Australian Capital Territory ought to be a disqualification from holding the office of Auditor-General.

Also in relation to clause 28 I raise a significant question which has not been addressed and which may be the subject of an amendment, and that is that, when there is a Deputy Auditor-General acting in the office of Auditor-General, it is important to ensure that the Acting Auditor-General is not then subject to the invasive provisions of the Government Management and Employment Act. In effect, the Deputy Auditor-General acting as Auditor-General should be in the same position *vis a vis* the executive arm of government as the Auditor-General. I hope that the Attorney-General will give some consideration to an amendment which would put that beyond question under clause 28. My colleague the Hon. Mr Davis has raised a question in relation to clause 32, which, as I said earlier, relates to the definition of publicly funded bodies. I have some concern that without notice, but without any criteria, an Auditor-General may examine the accounts of a publicly funded body regardless of the extent of that public funding and of the nature of the activities of that publicly funded body.

What we have to remember under this provision is that every community organisation which receives even a small amount of money—$100, $200, $300—such as the Victims of Crime Service, any of the independent schools or any of the welfare organisations which might come under the umbrella of SACOSS, or any other organisation for that matter, may, by virtue of the operation of this clause, be subject to examination by the Auditor-General.

If one reads that in conjunction with clause 39 that body, even though a charitable, welfare, religious or educational body, may be required to pay a fee to the Auditor-General regardless of whether or not the Auditor-General has investigated the accounts at the request of or with the concurrence of that body. It seems to me that, if the Auditor-General is required to examine the accounts of any publicly funded body and is required to do so by direction of the Chief Secretary, the body ought not to incur the cost of that examination and, in those circumstances, I do not believe that it is appropriate for a fee to be required by the Auditor-General for that work.

It is interesting to note that in clause 34 of the Bill, which relates to the powers of the Auditor-General to obtain information, the protection against self-incrimination is different from what is provided in other legislation we have had before us, although it is similar to provisions in the Companies Code and the Securities Industry Code: that is, a person may not refuse to answer a question on the ground of self-incrimination but, if that person objects, the answer is not admissible against that person in any criminal proceedings, except in proceedings for perjury or proceedings under this section. I do not quarrel with it. It is an appropriate provision because it may be that the information given by that person will lead to further inquiries by the Auditor-General. I merely point out that it is different from the usual provision which appears in legislation and is, in fact, different from other legislation currently before us.

The only other point I want to make is in relation to the Treasurer's instructions. I believe there ought to be publicity as to what those instructions may be. Perhaps it ought to be by way of notice in the *Government Gazette*, and then they are all on the table and everyone knows what the Treasurer is instructing. Also, we ought to look carefully at a mechanism by which they may be reviewed if they are regarded as being either beyond power or unjust or unreasonable. The Hon. Mr Davis, as I recollect it, has suggested that we ought to consider putting the Treasurer's instructions into the same position as regulations, insofar as they may be subject to scrutiny by the Joint Standing Committee on Subordinate Legislation.

They are issues and questions which I have on this Bill and I hope that they can be answered by the Minister in his reply to minimise the time taken in dealing with the questions during the Committee stages. I support the second reading.

The Hon. G. WEATHERILL secured the adjournment of the debate.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3529.)

The Hon. L.H. DAVIS: The Opposition has already made the obvious point that the workers compensation legislation has passed the Parliament. The legislation was opposed by the Liberal Opposition in this Chamber because, amongst other things, it gave a monopoly to a Workers Rehabilitation and Compensation Corporation, and we believed that was inimical to the best interests of workers compensation administration in this State. We do not believe it was appropriate that the private sector should be frozen out of workers compensation. We find already, only months after legislation was passed, that the Government has had to come back into this Chamber cap in hand, admitting an unequivocal undertaking that it gave when this workers compensation measure was debated in the Parliament has had to be broken.

The Minister of Labour in another place, the Hon. Frank Blevins, indicated that the Workers Rehabilitation and Compensation Corporation would be the only body administering the new workers compensation legislation. He also gave an undertaking that the legislation would be up and running by 30 June. Months after those promises were made, they have been broken. The legislation will not be in place by 30 June; indeed, it will come into effect only in September 1987. The proposed Workers Rehabilitation and Compensation Corporation will also not be in place by the required date.

This has triggered the Bill that we now have before us, namely, an amendment Bill to the State Government Insurance Commission Act which enables the State Government Insurance Commission to step into the shoes of the Workers Rehabilitation and Compensation Corporation to enable the SGIC to act as its agent in the formative months (and perhaps even years) of this new workers compensation legislation. That matter should be put clearly on the record: the Government has not delivered the promises that it gave so strongly—and on more than one occasion—about the introduction of this Workers Rehabilitation and Compensation Corporation which, of course, was going to administer the new workers compensation legislation within this State.

The Liberal Party philosophically is opposed to this public sector monopoly in this important area. We have already had an interesting experience in Victoria, where not altogether dissimilar legislation introducing Work Care has already run up a pretty appalling deficit in its very early trot on the workers compensation track. I do not think that one needs to be too smart to realise that the legislation here will face similar pressures. This Opposition has consistently said that the way the Government has taken is not the most effective, efficient or desirable track to take in workers compensation. We have had our say on that. We did not have the numbers in the House. The Australian Democrats believed that the Bill as presented, with some amendments, was acceptable to them, so we now have a provision which puts the SGIC into the position of acting as an agent for the Workers Rehabilitation and Compensation Corporation.

The Bill gives the SGIC the power to act as that agent for a period of four years. I find that quite remarkable, given that the Minister of Labour in another place, the Minister responsible for the passage of this legislation, had assured the public that the only body responsible for the administration of this Act would be the Workers Rehabilitation and Compensation Corporation. Yet the Government now asks the Parliament—and, indeed, the people of South Australia—to accept that it is desirable for SGIC to have this power to act as an agent for the corporation for a period of four years.

No decent explanation has been given to the Parliament as to why that period should be so long. No reason has been given why the Workers Rehabilitation and Compensation Corporation could not be sufficiently advanced in the employment of people and establishment of procedures (administration, accounting and other procedures) to be able to take over the role of administering the workers compensation system in South Australia—this Government monopoly which has been created.

There has been no explanation of that at all. I totally agree with Mr Griffin's observation that this legislation has been introduced only because the SGIC does not presently have the power to accept delegated authority from the Workers Rehabilitation and Compensation Corporation to deal with administration of workers compensation. I accept that, if the scheme is to be up and running and if we are not to have a horrible vacuum in this important area in South Australia, an arrangement has to be made for a body to act as the administrative body until the corporation is up and running.

The Hon. Trevor Griffin made the very legitimate observation that it is arguable that the private sector, which has had an involvement in this field for some time, could carry on that involvement until the corporation is up and running. Quite clearly, that matter can be debated at greater length during the Committee stage. To give the SGIC the power to act for four years is something I find quite remarkable. How will the division of responsibility be allocated over that period? Surely a corporation can be up and running, even under the administration of a Labor Government that knows very little about business, within a two year period. The amendment that the Hon. Trevor Griffin has foreshadowed to limit the powers of the SGIC in this area to a two year period, to 30 June 1989 specifically, is acceptable.

The Hon. Ian Gilfillan, in his second reading contribution, left the door open to further argument on this point. However, as a member of Parliament I have a responsibility to members of the public. I do not believe that power should be given to anyone for longer than necessary. No member of the Parliament, whether on the Government or Opposition benches, should dismiss that argument lightly. We are here because the Minister of Labour has not been able to deliver—no more or no less. He has broken his word on the start-up date and the ability to establish the workers compensation scheme and the Workers Rehabilitation and Compensation Corporation. Therefore, we have this necessary amendment to the State Government Insurance Commission Act. I accept that, even though we are fundamentally and philosophically opposed to the concept.

I say quite categorically, in particular to the Australian Democrats, who have made a useful contribution in this debate thus far, that we have to examine the Government closely on why it is necessary for the SGIC to have this power for four years. I find it surprising and am puzzled that no satisfactory explanation has been given during the second reading debate. I accept that the Labor Party around Australia, while masquerading as a creature of the centre, is in fact socialising at the edges as hard as it can go with this not so hidden agenda of monopolies in workers compensation. It is the domino theory; it will happen in New South Wales, then Victoria, then South Australia and Western Australia under the guise of moderation.

This is very subtle, very clever, perhaps, but it is happening and whilst the runs may be on the board the blood will flow later when the damage caused by this legislation becomes clear. It is already seen as not working in Victoria. I have made the point clear and hope that the Government will recognise that the proposal made by the Hon. Trevor Griffin is reasonable and, indeed, necessary if we are not to abuse the power of the Parliament.

The Hon. C.M. HILL secured the adjournment of the debate.

POTATO INDUSTRY TRUST FUND COMMITTEE BILL

Adjourned debate on second reading.
(Continued from 19 March. Page 3530.)

The Hon. PETER DUNN: The Opposition supports this Bill. However, we would like to see alterations made to it. It is severely deficient in what it attempts to do: after all, this is the end of the potato saga, I suppose. The industry has now settled down, although there was quite a lot of disruption after we passed the Bill disbanding the Potato Board. What happened was the opposite of what had been predicted by the Government. The Government predicted that prices would fall and consumers would get a good deal; in fact, prices rose dramatically and potato growers laughed all the way to the bank.

However, there has been some amelioration of the situation and I believe that there is now a greater variation in the quality of the product on the market. That seems something of a pity. However, the potato is a very cheap product for the consumer. I have said many times in this Council, and will continue to say, that the home consumption price of food in Australia is far too low. I believe that we could double the return to producers—and this applies to vegetables, meat, or any other food consumed in this State—without increasing consumer prices very much at all.

The price of any product today increases enormously as soon as it changes hands from the producer. The retailer seems to get carried away with his 10, 15 or 20 per cent. He seems to say, 'I stand the losses when it deteriorates.' I suggest to the retailers that the producer stands the losses when his crops fail because it does not rain or because a pest invades them. The producers realise that. Under the board system, they put money aside for the promotion and research of the industry. That money amounted to about $1 million. That was not put aside in actual cash but, when the board was wound up, the buildings were sold, and with cash in hand, it amounted to just over $1 million. That money should be used by the industry in promotion and research, and I am sure that the growers—I am guessing—would like it to go as far as possible. Everyone would agree with that.

The Minister introduced this Bill with a total lack of consultation with the industry. He wrote one letter to Mr Mundy, and I will read what he said about that in another place in response to a comment by the member for Victoria, as follows:

> As to consultation, I have written to the Chairman of the CPIC on several occasions and I have outlined to him, in particular for his members' interest and information, the details of the Bill. On 12 March I wrote to Mr Mundy . . .

The Minister read the letter into *Hansard*. There may have been more people than Mr Mundy to whom the Minister should have written. It is fine to contact one part of the industry, but he should have contacted more. He certainly did not let it be known what the effect of the Bill would be. The Minister's second reading explanation does not indicate what its effect will be. There is no explanation about what will happen to those funds, nor is there any mention of an amount of money. All the Bill says is that the Minister will have total right to distribute the money. In other words, he will have absolute control of what, in effect, are the growers' moneys. No-one else has contributed to the fund. The money has been contributed under Statute but not one soul other than the growers has contributed money. I assure members that if I were to contribute to a fund or to put money aside for promotion, I would not be impressed if I were told by the Minister what was going to happen to that money. I cite as an example the unions. If a Minister were to nominate people to advise him on how to distribute money belonging to a union, there would be one awful dust-up in the first five minutes. That is what this Bill does.

The Bill provides that the committee shall consist of seven members. That is about three too many for a start. Of that committee, three will be growers chosen after applications have been called for by the Minister. Another member of the committee will be a senior Government officer with experience in financial management. I suppose that is all right, but what help is that? The committee will have money to distribute; it will not be there to make money. The committee can get advice from Treasury or anywhere on where to invest the money, so it does not need a person with financial management experience on the committee. All of these people will be paid by the fund. The committee will also include an officer from the department with experience in research or marketing. I agree that such a person would have an input into the committee, because the fund is about research and marketing. However, why should that person be paid by the potato industry? The Bill states that this member of the committee will be an employee of the Department of Agriculture with experience in either research or marketing. Why does he need to be paid out of the growers' funds? The poor old grower will have to pay for it twice over. I do not understand why the committee needs someone such as that as a member.

The Bill provides that another member of the committee will be a person with experience in management and administration. For Heaven's sake, the committee already has a senior Government officer with experience in financial management. This will be a double up. That person could be eliminated from the committee straight away. I cannot for the life of me understand why a person from the department with experience in management and administration is needed.

The final provision in the Bill relating to the composition of the committee is a doozey: a person representing the broad community interest. I am at a loss to understand why a person representing broad community interest would want to be on a committee administering the funds of the Potato Board. However, I know what the Minister is getting at. This person is a consumer representative, but the Minister is not game enough to say it openly to the public. Instead, he has done so in the Bill in a devious and hidden manner. If such a person had contributed to the fund, he would be entitled to be a member of the committee, but unless he has, why is he there? Will that person suggest that the committee will put the price of potatoes up? The industry has just been deregulated and now operates under free market forces. Why does the Bill provide for a member representing community interest? I am at a loss to understand why, and that point was well made in another place.

Of the committee of seven, only three will be growers, so although the growers have contributed the funds, they have less than half the number as members of the committee. Furthermore, the first person the Minister appoints will be his nomination. The growers will nominate persons from whom the Minister will choose the members of the committee. In other words, the Minister has the sole determination of every one of those members on the committee, from the departmental officers to the people who are nominated by the growers. It indicates the Minister's poor foresight. I would jump up and down if my funds were to be administered by somebody else.

The Minister claims that the moneys were raised under Statute, and I agree with that, but they were raised for the sole purpose of helping the industry. The board was first formed during the Second World War, or just after the war, because of a shortage of manpower or of potatoes. Times have changed and those provisions for careful control and administration are no longer required in the free market system. However, the funds were raised when the industry was controlled by Statute. The funds do not belong to the Minister. They belong to the industry and the people who contributed them and they should be administered by those people. The Minister needs to take further advice on this Bill and I will move some amendments, similar to those which were moved in the other place, which deal with changing the composition of the committee so that the industry has greater representation.

I believe that this will make for a better feeling between the industry and the Minister and I believe it will have a very beneficial effect concerning the distribution of the funds. We want to see as much of that money used for research and promotion as possible. I suggest that there is no necessity to have seven people on the board to be paid out of the funds, that it would be quite sufficient to have three people to do that work. The Bill is deficient in that the board does not have to report back to Parliament or to anybody in relation to the funds. The Opposition intends to move amendments which would make that compulsory. We believe that three board members would be quite sufficient and that, accordingly, considerably more money would be available for promotion and research in the industry.

I shall speak further on the effect of our proposed amendments during debate in Committee. They were moved in the other place but were rejected. I suggest to members here that the amendments will help the committee work much more effectively. The Bill seems to be very short on explanation of the functions that will be performed, and this Bill demonstrates that the Minister really does not understand what that money was set aside for or what the board will want to do in future.

The Hon. C.M. HILL secured the adjournment of the debate.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 March. Page 3531.)

The Hon. DIANA LAIDLAW: The Opposition is pleased to support the Bill, which seeks to amend the Electrical Workers and Contractors Licensing Act so that appropriately licensed persons from other States or Territories may carry out electrical work without the need to apply for and obtain a South Australian electrical workers licence. I understand that currently the Act is administered by the Electricity Trust and that it restricts electrical work to those people who hold a licence issued by the Electricity Trust of South Australia. New South Wales already has arrangements whereby licensed persons can move between that State and other States, and with this legislation we are extending that same form of reciprocity to South Australia. This seems to me to be a very practical form of deregulation, rather than continuing with what on the surface of it seems to be an unnecessarily bureaucratic process. So, I indicate that the Opposition is pleased to support this Bill and wishes it a speedy passage.

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

SUBORDINATE LEGISLATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 March. Page 3531.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to support this Bill, which introduces a measure of deregulation in that it applies to regulations expiring on predetermined dates. A regulation made before 1 January 1960 to which this Bill relates will, unless it has already expired or been revoked, expire on 1 January 1989. That expiry includes all subsequent regulations made which amend that principal regulation. The scheme then provides for progressive expiry dates of regulations made after 1 January 1960. For those made between 1 January 1960 and 1 January 1970, the automatic expiry is 1 January 1990. Regulations made between 1 January 1970 and 1 January 1976 will expire on 1 January 1991. Those regulations made between 1 January 1976 and 1 January 1980 expire on 1 January 1992. Those made between 1 January 1980 and 1 January 1986 expire on 1 January 1993. Any regulation made on or after 1 January 1986 expires on the seventh anniversary of the day on which the regulation was made. That is good, but the difficulty is that it does not apply to certain regulations. It does not apply to regulations that are not required to be laid before Parliament. I think the Attorney-General should give us some indication of which regulations are not in fact laid before Parliament and which will be exempted from the operation of this Bill.

The Bill will not apply to regulations made by an authority established or incorporated under an Act relating only to the internal affairs of the authority or to the use of its land, premises or property. That is acceptable. I suppose one might question whether in fact they are regulations or whether they might more properly be described as by-laws, such as the by-laws of the University of Adelaide. Further examples are regulations amending an Act. There are not too many of them, although we have evidence of one in a Bill which is before the other place, the Criminal Injuries Compensation Act Amendment Bill, wherein there is a provision which allows a regulation to amend the principal Act.

We have regulations made pursuant to an agreement between the State and the Commonwealth and other States or Territories in relation to uniform legislation and they are excluded. That is quite reasonable, because the sort of scheme to which this paragraph refers would be the Companies Code and the Securities Industry Code, all of which are made pursuant to some uniform legislation. In relation to that I hope that there will be a mechanism by which the regulations made under such uniform legislation can be

reviewed from time to time. Rules of court are not subject to the automatic cut-off point and again that is quite appropriate. Paragraph *(f)* of proposed new section 16a is all embracing and provides:

> any other prescribed regulations or regulations of a prescribed class.

That negates the whole concept of automatic expiry. My preference is not to have paragraph *(f)*. If there are regulations that ought to be excepted, then let the Government of the day enact a new regulation that is then subject to the automatic expiry provisions (namely, the seventh anniversary of the day on which the regulation is made) because, if there is a prescribed regulation and that is not covered by the automatic sunset clause provisions, it will thereafter not be subject to any review. If there is a new regulation which mirrors an old regulation, there will be an opportunity for that regulation to be reviewed by the Joint Standing Committee on Subordinate Legislation and by both Houses of Parliament. A genuine review will be undertaken of those sorts of regulations which are so special that they should not expire. I would like to see paragraph *(f)* not included in the Bill, and that all regulations should expire unless they are repromulgated, in which event they become new regulations.

Paragraph *(b)* of proposed new section 16a does not make it clear in relation to the regulations made under an Act whether it is the regulations which relate only to the internal affairs of the authority, or whether it is the Act which relates to the internal affairs of the authority. The second query is whether there ought to be some clause which preserves those rights and liabilities which have accrued prior to the expiry of the regulations. I do not think that section 16 of the Acts Interpretation Act adequately covers that; it deals more with repealed or disallowed regulations or probably only with an Act rather than those regulations, but I have some recollection that there is a provision which states that, in the description 'Act of Parliament' regulations are included. It seems that there is a different situation applying with expiry of regulations as opposed to disallowance of regulations. It may be that we need a special provision to preserve rights and liabilities under expired regulations.

This scheme of an automatic sunset clause has been in operation in the State of Victoria since July 1985 and Queensland has a Regulatory Reform Act which was passed in 1986. Prior to the last State election the Liberal Party policy on deregulation, which included a number of proposals for deregulation, included a provision for the automatic expiry of regulations enacted prior to January 1975 and then a process of review of other regulations. It is important that there is a process of consultation with those affected by regulations. That consultative process occurs not only in relation to those which are to expire automatically but also in relation to new regulations. I hope that, in the course of the Government's proposals for deregulation, including the single deregulation officer, this consultative process will be a primary concern.

The process of deregulation is only partially related to regulations. Legislation itself needs to be reviewed periodically, because it imposes the framework for regulation and licensing and other similar impediments on commerce, industry and the community at large, so principal legislation needs to be reviewed. The Bill does not address the issue of local government by-laws, which also confer a great deal of regulation on the community at large. I would like to think that the next step in this deregulation process might be the establishment, in conjunction with local government, of a process of review of local government by-laws, so that some of the fairly intense regulation which occurs there might be removed, not only from the community at large but also from business and commerce in particular. This is but one of what ought to be a number of initiatives relating to deregulation and review of primary legislation and secondary or subordinate legislation and by-laws.

The Attorney-General might like to give consideration to one other area which could cause concern, and I refer to bodies such as the universities. It may be that their by-laws, not only in relation to their own internal affairs but also in relation to wider concerns, are not exempted from that automatic sunset provision. It may be that there is a good argument for specifically referring to them, although even in universities that pass by-laws, I think there is good reason to have some mechanism for periodic not just an administrative review of regulations, but something which really puts the pressure on the review process. Subject to those observations and some queries, I support the second reading of this Bill.

The Hon. J.C. BURDETT: I support the second reading. I think it was the Attorney-General who earlier today referred to the Queensland Government led by Sir Joh. This Bill follows closely the Queensland Regulatory Reform Act 1986. In June last year I attended the first Australian Conference of Subordinate Legislation Committees in Brisbane, with the Hon. Gordon Bruce and the member for Adelaide. The conference was opened by His Excellency Sir Walter Campbell, the Governor of Queensland and a former Chief Justice of Queensland. In the course of his opening speech His Excellency referred to regulations and bureaucracy generally and he stated:

> In the recent Sir Robert Menzies Lecture, Professor David Kemp said—
>
> > In the first 14 years after Robert Menzies retired, Australian Parliaments, by one count, passed no less than 12 612 separate pieces of legislation, and Governments promulgated an extraordinary 25 986 regulations. Think about that! Law-making during the 1970s was 40 per cent above what it had been during the previous decade, and regulation-making increased 62 per cent (CAI statistics). During the 16 years Sir Robert was Prime Minister, Government claims on our earnings increased very little, although even between 1949 and 1966 there was a slow increase. In the 20 years since, Governments' proportionate claims on national resources have risen by as much again as in the whole period from Federation to 1966. Since that year the number of people working for Government has increased by 800 000.
>
> > In this unprecedented expansion of Government the States have if anything surpassed the Commonwealth. They spend as much as the Commonwealth, employ 65 per cent of all the people employed by Government, and make 90 per cent of the regulations under which we live.

Further in his speech His Excellency said:

> A very interesting development in Queensland, which I am sure will receive your attention over the next few days, is to be found in the Regulatory Reform Act 1986. This legislation could lead to reforms in the area of delegated legislation in Queensland. Following on from the recommendations of the Savage report, the Act provides that all subordinate legislation in Queensland be subject to 'sunset' conditions.
>
> In stages commencing on 30 June 1987, all subordinate legislation made on or before 30 June 1986 will expire by 30 June 1989. Subordinate legislation after 30 June 1986 will have a life of seven years before expiry. Of course, there are exceptions to the 'sunset' clause. The Act does not apply to, *inter alia*, subordinate legislation that may be exempted by Order in Council, and, further, expired subordinate legislation or any part thereof may be revived by the Governor in Council.

We have the same ultimate seven years sunset period in South Australia and the provisions in Queensland are very similar to those in our Bill. His Excellency further said:

> The Government, in accepting the review's recommendations, agreed that the making of regulations will now be subject to administrative guidelines tied quite directly to the public policy objectives specified in the main Acts. Utilising Green Paper procedures, public discussion of regulations is proposed in relation

to 'new regulatory proposals or significant amendments to existing regulatory requirements'.

This is somewhat similar to the assessment process outlined by the Minister in introducing this Bill. In Victoria there is a similar Act. It started out with a different name—the Subordinate Legislation Deregulation Bill of 1983—but in 1984 the title was changed to the Subordinate Legislation Review and Revocation Act 1984, and the legislation was passed under that title. There is a somewhat similar procedure. The sunset period is 10 years in lieu of the seven years in South Australia and Queensland.

One sometimes wonders about the proliferation of regulations, and certainly if one serves on the Joint Committee on Subordinate Legislation one does wonder: some of the regulations are old, are not reviewed and become very antiquated, very out of date and quite out of keeping with modern circumstances. As has been found in other States, the concept of enforcing their review through automatic expiration is a very good one. I will certainly consider the matters raised by the Hon. Mr Griffin and possible amendments, but I consider that the general thrust of the Bill is excellent. I support the second reading.

The Hon. R.I. LUCAS: I support the second reading of this Bill and I congratulate the Government and the Attorney-General on this, hopefully, significant deregulation initiative. In considering this very short Bill, it is interesting to gain some appreciation of how the rate of regulation making in South Australia has increased over the years, especially when one compares the 1960s with the 1970s and the 1980s. Under proposed new section 16b there is to be phased expiration of all existing regulations. All regulations that were made prior to 1960 will expire on 1 January 1989. Under the following new paragraph, the regulations made in the 1960s will expire in 1990, and in the next year regulations made from 1970 to 1976 will expire. In 1992, regulations made from 1976 to 1980 will expire and then in the next year the regulations made in subsequent years will expire.

I presume that that has been done on some sort of guesstimate. The Attorney shakes his head, but I would have thought that that was decided on the basis of some sort of guesstimate as to the number of regulations that are likely to expire in any one year. We would not want 60 per cent of our regulations to expire in any one year, as the job of review would become too much for Governments and departments to cope with. Certainly, the inferred rate of growth that I indicated would be consistent with the rate of growth in the number of Acts that pass through this Parliament (as I have indicated in previous speeches) as well as the rate of growth in the number of statutory authorities and quangos in South Australia, if one considers the 1960s, the 1970s and the 1980s. Certainly, the 1970s was the decade of great growth in legislative reform and the number of Acts, and it would not surprise me if, from those inferred figures, the situation was the same in relation to regulations.

In supporting this Bill I believe that there is much superficial appeal in this deregulation initiative. The critical question in the end will come down to how many of the regulations remain and how many are deleted after the review period and processing by government and departments. I wonder whether the Attorney in his response or during the second reading stage will say whether he has been provided by his officers with an estimate as to what possible percentage of regulations the Government believes may well be abolished after the six or seven years of review of existing regulations.

I note from the Attorney's second reading explanation that in Victoria 1 000 sets of regulations had expired. In looking at the superficial appeal of sunset clauses in relation to regulations, I remind members that some States in America, such as Colorado and Alabama, tried provisions in regard to the continuation of quangos and statutory authorities. In both those cases, without going into the detail as I have on previous occasions, the success rate after review of sunset clauses in the case of quangos or statutory authorities in those two State legislatures was, in effect, non-existent.

The final point I want to raise is the question of reporting of progress to the Parliament and to the community which is made in relation to the review process. The Attorney-General has indicated that 1 000 sets of regulations in Victoria have expired. I presume, on looking at clause 16b, that as each year goes by that section of the regulations made in the years stipulated will be reviewed; those that need to be continued will be continued, and those which can be left to expire will expire. I presume that what will be done—and perhaps the Attorney-General can correct me if I am wrong—is that each individual department, rather than a coordinating group or body, will review the individual regulations in relation to each portfolio area or departmental responsibility. For example, the Department of Labour and Industry would let some regulations expire and would seek to review, change and repromulgate many of the existing regulations. In the second reading explanation or in the Committee stage, the Attorney-General might indicate what reporting provision he might be able to undertake annually for the Parliament and the public as to what has occurred in regard to the review process undertaken by departments in relation to the regulations in their particular areas. With that request to the Attorney, I indicate my support for the second reading of this Bill, and will obviously consider any amendments members might have in the Committee stages.

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions to the Bill, and seek leave to continue my remarks later and get some answers to questions raised by members.

Leave granted; debate adjourned.

STATE EMERGENCY SERVICE BILL

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Government wishes to amend the South Australian Metropolitan Fire Services Act. Part VA of the Act deals with discipline, providing for a Disciplinary Committee to investigate any alleged misconduct on the part of an officer or firefighter and to determine appropriate penalties. The proposed amendments to the Act relate to—

(1) the composition of the Disciplinary Committee as contained in section 52 *(a)*,

(2) a change in the title of the industrial organisation representing the officers and firefighters as contained in sections 14, 16 and 52 *(a)*.

In relation to (1): Part V.A, Division I of the Act currently provides for the Fire Service Disciplinary Committee to be constituted of—

(a) the Chief Officer or Deputy Chief Officer as Chairman;

(b) an officer appointed by the Chief Officer; and

(c) either an officer or a firefighter nominated by the industrial organisation of which the charged employee is a member.

The United Firefighters Union of South Australia, being the industrial organisation referred to above, has expressed concern that the Chief Officer may very often be involved in the investigation and laying of a complaint against an employee and, then under certain circumstances, refer the case to the Disciplinary Committee, of which he may be Chairman.

It is contended that in the interest of the Fire Service and the individual charged with the complaint, the Chief Officer should remain independent of the Committee's investigation and decision. The Chief Officer and Deputy Chief Officer agree with that contention. Consequently this amendment to the Act provides for a legal practitioner of seven years standing to be appointed as presiding officer of the Disciplinary Committee. The balance of the committee will remain as an officer appointed by the Chief Officer and an officer or firefighter nominated by the industrial organisation.

In relation to (2): The Fire Brigade Officers Association of South Australia and the Fire Fighters Association of South Australia Incorporated, have recently amalgamated to form the United Fire Fighters Union of South Australia Incorporated. This amendment therefore provides for the change of title to appear in the relevant sections of the Act.

Clauses 1 and 2 are formal. Clause 3 defines the United Fire Fighters Union of South Australia Incorporated as 'the Union' to enable convenient reference later in the Act.

Clause 4 brings up to date the reference to the relevant union. Clause 5 corrects an error in section 15 of the principal Act.

Clause 6 makes a consequential change. Clause 7 enacts new provisions for the constitution of the Disciplinary Committee. New subsection (2) sets out the membership of the committee. New subsection (2a) ensures that the Chief Officer and the union will be consulted on the choice of the presiding officer. Subsection (3) is replaced to change the name of the relevant union.

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

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

PUBLIC AND ENVIRONMENTAL HEALTH BILL

Adjourned debate on second reading.

(Continued from 11 March. Page 3314.)

The Hon. M.B. CAMERON (Leader of the Opposition): I am very disturbed at the way in which this legislation has been brought into this Council. I notice that the Minister brought this matter on three weeks after we started sitting. I assumed that the time between then and now was needed for the purpose of sending copies of the Bill to the various people who will be affected by it so as to receive submissions from them on this proposed legislation.

However, on receiving the Bill I immediately notified the people who would be affected, and that applies mostly to local government people. I found that the Bill was at local government headquarters, but that they were away and that I could receive no advice from them on the Bill. I then sent it out to all local government bodies in the State because until now they have been responsible for the operation of this part of the law of this State. I have received some very surprising replies.

This Bill clearly indicates the arrogance of the Minister of Health in relation to legislation. He has failed to consult properly with the people who will be affected by it. I know that some people representing the Local Government Association were on the committee of inquiry, but there is a big difference between that and a Bill being presented to the Parliament. It is absolutely essential when a Bill is introduced into Parliament that, regardless of the background to the legislation, it has gone through a process of consultation. I have taken the trouble to send copies of the Bill to local government bodies. I have found that the only councils that had an idea of what was in the Bill were those which had members on the consultative committee. The Minister would have found it easier to get this legislation through the Parliament if he had gone through the processes of consultation.

The Minister will claim that he sent copies of the Bill to the Local Government Association, but I understand that that was only a short time before the Bill was introduced into this Council allowing insufficient time for the Local Government Association to arrive at any decision on this legislation. In fact, only this afternoon I received a submission from the Local Government Association in relation to this matter. I have had some amendments drafted, which will be on file, but I have not had sufficient time to consider the Local Government Association's submission, which is quite lengthy and could well contain matters that should be the subject of amendment.

The Hon. C.M. Hill: Fancy bringing in the Bill without the approval of the Local Government Association.

The Hon. M.B. CAMERON: I find that somewhat surprising.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: It is okay to talk about a period of three years, but there is quite a difference between discussion of the Bill in a committee set up with the Local Government Association members on it and the Bill introduced into Parliament which they have not seen. Also, they do not know whether it fits in with the findings of the committee.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: That is okay. The Minister has gone through that process but there is finally a Bill before the Parliament and it is important that we get it right. It is important that everyone associated with it understands what is in the Bill and that everything is right. There is no point in passing legislation if we do not do it properly, or if we do not take into account everything that has been done in the past. I will read the opening paragraph of the Local Government Association's submission to the Minister:

> The Local Government Association expresses its concern at the short time allowed for comment on this Bill before the issue is debated in Parliament. The LGA accepts that it had representation on the environmental health working party and the implementation committee. However, the LGA itself has not had the opportunity to comment on the Bill and its drafting.

That is a clear indication of what I am saying. If the Minister wants to have more examples of what I am talking about I will read to him some comments from submissions I have received, as follows:

> Unfortunately, due to the very short time, council unable to fully consider the implications of the various provisions and make meaningful comment.
>
> It is unfortunate that such a limited time was made available to comment on an important and lengthy document.
>
> There has been a distinct lack of communication and consultation with councils by the Minister regarding this new legislation and the strongest objection is raised to the harsh time limits imposed for review and comment.
>
> I am struck by the unfairness in not being allowed sufficient time to formulate an informed and considered opinion on the Bill.
>
> I would state that interested parties have not been given a suitable period of time to review the proposed legislation, especially when it is a complete new Act.'

Those are merely a few of the complaints that I have received at my office, and it annoys me that I have been the person who had to do the consultation when it should have been the Minister. Many of the proposals that we put forward are sensible propositions that should have been included in the original Bill. I should not have to go through this process: the Minister should have done so, as it is his Bill, which should have been right in the first place.

The areas covered by the Bill are diverse. One area involves infectious and notifiable diseases. That appears to me to be one area where the Minister has got himself into bother. It is clear to any sane person that these provisions of the Bill were rushed in in an attempt to salvage the Prostitution Bill. The provisions covering infectious diseases were clearly designed to allow the Min to claim that the health problems of prostitutes were dealt with under this Bill.

The Minister and the member who was the author of that Bill laugh. However, journalists in this town were being told prior to the Prostitution Bill not being proceeded with that these provisions were being introduced to make sure that certain members in the Lower House were on side with the Bill. That may or may not be true: it is up to the Minister to say, but that is exactly what was being said to journalists in this town.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister should talk to members in the other place who are making that claim, and also ask the journalists about this.

The Hon. J.R. Cornwall: The contortionist and the stooge: I'll tell you about it in my reply.

The Hon. M.B. CAMERON: 'Contortionist and stooge': we will talk about that. It could be an interesting debate, indeed. The Minister has attempted to fudge this issue from day one when he went public claiming that he already had the powers necessary under the regulations of the old Health Act. Some of these regulations do not match up with what the Minister is saying. There is a big difference between being able to hold a person *incommunicado* for 48 hours without any reason being given apart from a notice to present oneself, or else, to saying that, under regulation 98, if any board reasonably suspects (that is not in the Bill) that any person within its district is suffering from an infectious disease it may order that that person be kept in isolation or under medical observation or surveillance. That regulation contains other provisions, too.

The powers that the Minister has given himself under this Bill are quite different from the regulations, but are very similar to, but more draconian than, the old tuberculosis section. I will discuss those powers now. With any of the so-called notifiable diseases in the first schedule, where the Health Commission suspects that a person is or may be suffering from a disease (not, as members will note, if it has reasonable grounds to suspect) it may require a person to present himself or herself for examination. If he or she does not agree, a warrant can be issued. Reasonable force can be exercised and such persons can be held for 48 hours for the purpose of examination. Once the disease has been identified and the commission is of the opinion that the person should be kept at a place of quarantine, a warrant can be issued for detention for 72 hours and this can be extended but, after six months, that person finally must go before a Supreme Court judge. Warrants may be issued by telephone in an emergency, whatever that means. This is a greater power than the Minister had under the old Act, and the power to arrest was only spelt out for tuberculosis and two other sexually transmitted diseases, and even for the latter there was no power to order quarantine but merely to force an examination.

I carefully read an article which appeared in the *Sunday Mail* and which I thought was extremely accurate. I thought that the comments followed the Bill very closely and commented on all the things that were in the Bill. It referred to sweeping powers to arrest, examine and lock people up who were suspected of suffering from AIDS or 51 other infectious diseases that would be given to local health authorities under the legislation. That is true. The article went on to say that under the proposed legislation the authorities will be able to use reasonable force to arrest suspected disease sufferers. That is true. Such people may be held for two days in custody while they will be forced to undergo an examination. That is true. The article then went on further, and referred to what I have spoken about. Frankly, I meant what I said, and we must be terribly careful in this whole matter.

On Monday I read with some dismay comments of the Chairman of the South Australian AIDS Advisory Committee (I assume that he was misquoted) that:

> ... claims in yesterday's *Sunday Mail* that the State Government was planning to introduce new draconian laws to allow public health authorities to lock up people suspected or suffering from AIDS were false or misleading.

That is totally incorrect. The fact is that under the legislation people suffering from AIDS (not a positive test for AIDS, I am fully aware of that) as provided in the schedule will be able to be locked up. The Chairman continued:

> The State Government already had the power to arrest and examine people suffering from 51 infectious diseases, including AIDS. Our system for handling AIDS carriers will continue to operate as it did under the old Act.

It certainly did not operate in that way, except for tuberculosis. Everything was subject to regulation and to the word 'reasonable'. That certainly is not the case under the new Act. The Chairman of the AIDS committee continued:

> Patient confidentiality and ongoing support for AIDS sufferers is paramount if we are to limit the spread of the disease.

There certainly seems to have been some changes in the attitude of the AIDS task force, but I will speak about that later. Under the old Act, the only diseases for which this power was applied were tuberculosis, gonorrhoea and syphilis. What the Government has done in this Bill is to apply those powers to notifiable diseases, including food poisoning, lead poisoning, Legionnaire's disease and, for the first time, AIDS and AIDS-related conditions. The new clauses give powers of arrest for 48 hours if a person fails to present for examination after notice is given. That arrest happens whether one likes it or not. There is no question of reasonable grounds being applied. As I said, I hope that Dr Cameron, who is the AIDS task force Chairman, was misquoted. If not, I believe he has played a very strange role for a public servant and I suggest that he be very careful of comments such as 'false and misleading'. Those

comments were, in fact, false and misleading, to use his own terms. I suggest that, in future, he leaves those sorts of comments to the Minister, who is quite adequate to handle them in a public place. Even if the system for handling AIDS carriers remains the same, the Government has given itself powers to arrest and quarantine people, and this was not spelt out under the old Act. In fact, any power was confined to mild regulations.

This Bill assaults civil liberties and could easily be abused. For that reason it needs some change at least to give some grounds, and the words 'reasonable grounds to suspect' should be included in the Bill. For the Bill to give the commission powers to arrest on suspicion without having to give any reasons is a very dramatic power and could be very widely abused. Once the Minister settles down from his normal hysterical behaviour and looks closely at the Bill, he will accept changes which will make the legislation more acceptable.

The Hon. R.I. Lucas interjecting:

The Hon. M.B. CAMERON: The second time around the Minister's adviser indicated that what I have been saying is reasonable.

The Hon. R.I. Lucas: There were changes.

The Hon. M.B. CAMERON: That is what the Minister's adviser has said. I do not know who his adviser is.

The Hon. J.R. Cornwall: Two minor changes.

The Hon. M.B. CAMERON: Minor changes! Heavens above, the Minister has a bit to learn about civil liberties if he thinks that it is minor to change 'give reasonable grounds to suspect' from the black and white 'suspect'. The Minister had better start talking to the Council of Civil Liberties because it will have a word or two to say to him. I will read what this person in the Minister's office said, as follows:

> After discussions yesterday morning, the lawyer confirmed there were substantial differences in the powers contained in the new legislation compared with the existing laws.

The Hon. R.I. Lucas: He confirmed it?

The Hon. M.B. CAMERON: Yes, he confirmed it. The report continues:

> He said he would contact the Minister's office to discuss amendments which could satisfy the complaints about the potential for abuse of civil liberties. A spokesman for the Minister said later the lawyer had told him 'he thinks we can live with those changes.' The spokesman said he would ask Dr Cornwall whether he would be prepared to be quoted as saying he would consider the suggested changes, but telephoned again later with a refusal from Dr Cornwall to say anything.

These powers to arrest on suspicion without reason are very dramatic powers and could be very widely abused. One of the Minister's great problems is that the more his blood pressure goes up, the lower his IQ becomes. He ought to think about these things before he races around in the Chamber talking about these matters when it is quite clear to me and to any normal thinking person that the Bill contains some very dramatic changes indeed. Every time I raise this issue in the Chamber, the Minister has developed a somewhat hysterical attitude and proceeded to quote from authorities such as Professor Penington. I wonder where he now stands given that Professor Penington appears to be developing a new strategy. In the *Advertiser* of 28 March, Professor Penington said:

> Australia could not afford to allow anything to stand in the way of anti-AIDS strategies. Professor Penington said people found positive to the AIDS virus had a moral obligation never to place anyone else, unknowingly, at risk. People in high-risk groups for AIDS who declined to undergo the antibody test must be obliged to behave as if they carried the infection.

The *Australian* of the same date carried this article:

> Australia could no longer afford the luxury of permitting the defence of homosexual rights or the moral right wing to frustrate more stringent controls to help stop the spread of the AIDS virus.

Where does the Minister now stand, in view of his alliance in the past with Professor Penington and the AIDS task force? Will he now allow medical authorities to be informed. I asked by way of a very reasonable question the other day for medical authorities to be informed when a person is found to be AIDS positive. Frankly, I think that was a very reasonable request and that it did not warrant the rather hysterical outburst that came from the Minister on that matter. There is—and I must tell the Minister this again—a very real fear amongst surgeons and medical workers that that matter has not been adequately addressed thus far. I think Professor Penington will be asking for these sorts of measures to be taken. If Professor Penington's task force asked the Minister to take more drastic measures, what will he do? Will he proceed down that line?

The facts in relation to this Bill are these. The Bill provides for a very dramatic increase in the powers under the previous legislation. It allows for arrest for 48 hours without any reason whatsoever. There will be a real danger in this whole debate if we start going down this line and do not insist on some reasonable grounds for suspicion, which I think is very important, despite the Minister's downgrading of that idea. Unless we provide for that, we will find ourselves in this community going down some very unusual tracks. I think we must be very careful before we start heading in the directions that are set out under this Bill. I know, as does the Minister or anyone else associated with this issue, that there are people in the community who would lock up everybody who has any possible chance of having AIDS. Plenty of people in the community have that attitude, and the Minister knows that.

I think we must be very careful in this whole debate to ensure that we do not reach the stage where we allow that sort of hysteria to take over. Many people will end up with AIDS through no fault of their own, and if we start going down that track we will proceed in a very difficult direction indeed. But at the same time, we must ensure that there is sufficient information around so that people can avoid contracting the disease. I made what I thought was a reasonable request in relation to health workers. I believe it is absolutely essential that people who are dealing with patients who are not necessarily showing the symptoms but who are AIDS positive in tests be informed of the matter and know exactly what is going on so that they can take the necessary preventative measures themselves.

Let me warn the Minister that this is an area that will eventually become very difficult indeed. I know that a number of medicos around this town are treating people who have come in but who have not informed them of their risk status. A patient who may then be subject to a blood test by the surgeon may then say, as an afterthought in some cases, 'Perhaps you had better test that for AIDS because I am not certain whether I have got it or not.' However, these people are being sent from the South Australian AIDS Council to the hospital or to a surgeon. I think that the whole community has to start debating this issue, particularly in relation to the matter of civil liberties. This is a very vexed area indeed, as there are plenty of people who will have a very hard line attitude towards the whole issue. If we do not start discussing the issue and the potential of this problem, we will get ourselves into great difficulty in the future.

The Hon. T.G. Roberts: We agree with that.

The Hon. M.B. CAMERON: Yes, I know that; I agree with that, too. However, but the problem is that the debate has been extended into this area of the lock-up provisions

of the old Act, whereas I think that the Government would have been better off leaving that alone. However, that debate has been started, whether members opposite like it or not, and that whole debate now has to proceed and people have to form an opinion one way or another. I wonder where the Minister now stands in relation to this whole issue. I will be interested to find out. I am extremely concerned at the end result of the lack of consultation with local government bodies on this Bill. They have expressed a considerable number of concerns, and a number of what the Minister regards as small issues are involved. I guess they are, but many of them could have been resolved had there been proper consultation. I have put on file a fairly lengthy series of amendments. I have no doubt that many of them will be accepted because, in my view, they are extremely sensible.

It is of some concern to local government that various powers are being shifted, totally it appears, from their area, although I accept that it is quite likely that certain powers will be delegated to councils. However, at the moment that is not clear to them, and in a number of areas they have used the old Health Act in a very positive way to assist in the clean-up of their local areas. Local government authorities consider that the Bill is deficient in a number of matters.

For instance, in relation to the definition of 'unsanitary conditions', they believe that the definition in the Bill is far too narrow and that it needs to be widened. According to the Bill as it stands, an 'unsanitary condition' is specified within the fairly narrow confines as being rodent infested, and various other small provisions, whereas local govt authorities have always considered unsanitary conditions to relate to a much broader concept where, for instance, the health of a person living next door to a property kept in a rather disgraceful condition in terms of old car bodies in the front yard, and so on, could be affected. That might not be unsanitary, but it might affect the health of a person in terms of their attitude towards their way of life, their mental health. From the point of view of local government, I think it is very important that that definition, for example, be broadened to enable local government authorities to act as they have always acted in relation to provisions contained in the Health Act.

Some other stipulations need to be broadened. For example, one cannot discharge waste on to an adjacent premises or one cannot have an unsanitary condition on adjacent premises but, of course, 'adjacent' does not mean the building across the road. I have placed on file an amendment that will specify in the definition a 'nearby premises', which of course will extend the provision to not only a house immediately next door but other houses in the street, and quite often such an area is used.

I believe that local government has put forward a very reasonable case in relation to a lot of matters, and most local councils that have replied to me have referred to almost exactly the same matters in each case. Therefore, I presume that there is a fairly unanimous view amongst the local government authorities about the need for changes. In the case of infectious diseases, according to the Bill a medico will be required to report to the Health Commission any outbreak of an infectious disease and the Health Commission will then report to the council on a monthly basis. However, that is not necessarily sufficient, and in many cases—

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: In many cases what needs to be done (and what is happening, as the Minister knows) is for medical officers in the local government area to be notified and for them to notify the health officer of the council who then ensures that steps are taken (it might be in a kindergarten in a local government area, for example) so that the outbreak of an infectious disease is contained and that parents are warned. The Local Government Act requires that if a notice is sent to the Health Commission a copy of that notice must also go to the local government authority involved straight away, so that authority does not have to wait for a month before being notified.

Local government authorities are concerned about clause 37 (1) *(a)*. They want the words 'after giving reasonable notice' taken out, because in many cases if one gives reasonable notice the condition will not exist when one goes there, but it might well exist some time in the very near future. They believe that that will mean that they will never catch anyone out operating under the law and they believe that they should not have to give reasonable notice. If a condition exists, it exists, and action ought to be taken to ensure that in future it does not happen.

I have been looking very closely at clause 36, particularly subclauses (2), (3) and (4). It seems a little outlandish to impose a fine of $5 000 for sending a child with lice or fleas to school, particularly when one considers what the Minister has done in relation to marijuana. I think that the whole thing has gone a little haywire and that somebody has gone a little overboard. I suggest that the Minister has a look at that matter. I will move amendments in that area.

In relation to infectious diseases, I will also move amendments. I do not think that there needs to be the power of arrest or some of the other matters contained in the first schedule. I think that there should be two schedules. I have sought advice on what should be in the first and second schedules and I will move accordingly. I trust that the Minister will take this matter seriously and that we will be able to sort out what needs to be included and what needs to be excluded.

I really take exception to the way in which this Bill has been brought before the Council. In the early part of this session the Minister had plenty of time to introduce this Bill and to allow reasonable time for discussion of the matter.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: It is not a matter of that. The Minister should have introduced this Bill in the Council within reasonable time. As he was not prepared to go out to the LGA and other bodies to discuss the matter, members on this side had to do it and the Minister at least could have given us reasonable time to perform that function. The Minister has acted in a similar fashion in relation to other matters that have come before the Council. He has a somewhat arrogant attitude to matters. When he thinks that he has it right, it must be right, according to the Minister. I condemn his actions in this matter and I will say the same things in relation to another Bill at a later stage. I urge the Minister either to withdraw this Bill or to delay it until we have had sufficient time to properly consult on the matter. I suggest to the Minister that that would be an appropriate course of action.

The Hon. M.J. ELLIOTT: I support the second reading of this Bill. I find that I often agree with the Minister of Health on many things that he brings forward and in fact I also agree with the thrust of this Bill, but at the same time I must agree with what the Hon. Mr Cameron said. I do not think that sufficient time has been allowed for consultation in the wider community to cover everything contained in this Bill and a number of other Bills that are before us at the moment. Nevertheless, I will address the

concerns that have already been brought to my attention, or at least stand out.

A number of people have pointed out that within this Bill there are two different councils: there is the local government council and we have the council itself. Generally speaking, I believe that we aim towards making legislation easier to understand. I think that it would be beneficial to use a different word other than council in relation to the body.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: I am quite happy with almost anything else. It does not make for plain reading to have 'council' mentioned twice in the same sentence when it refers to two different bodies. It is not a significant drafting matter, but I think that it needs to be looked at.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: I am sure that another word could be used which would still make the people concerned feel important. I have some concern about the definition of 'insanitary condition'. While the Hon. Mr Cameron said that perhaps the definition could be broader, in some ways I think the problem is that it is a little vague. 'Rodents or other pests' are mentioned, but they are not defined and there is no suggestion as to how they might be defined. I also find a little vague the idea of what is offensive and what gives justified offence. I presume that the courts will sort that problem out. Clause 6 (3) provides:

> No delegation may be made to a council under this section without the concurrence of the council.

Is it to be assumed that both the delegation and the concurrence are ongoing: in other words, if the council says that it no longer wishes to be involved, can it be handed back?

In relation to clause 10 (6) an excellent suggestion has been made by the Local Government Association that the business of the council should, as much as possible, be conducted publicly. I think that many Government instrumentalities operate at the moment behind closed doors—I suggest for no good reason. There would be only the odd occasion which I think could be prescribed when council would need to go in camera. I ask the Minister to give some consideration to that matter.

Clause 18 (1) provides for a penalty of $10 000 for a person who discharges waste into a public place. In this Bill there is no definition of waste and I believe that there should be such a definition. Waste can take many forms. I do not think it has been contemplated, for instance, that the refinery in Adelaide could be fined under this clause. The refinery releases various gases, which can be smelled for miles. The refinery is discharging that waste into a public place and it would be subject to a penalty if the Government wished to proceed with that matter. I suggest that the Minister look more closely at the definition of 'waste' to decide what should be included and what should be excluded. I think that 'waste' needs to be more clearly defined.

Under clause 21 the potential exists for the State Government to ban dairy farming in the Adelaide Hills. I am quite certain that that possibility is unintentional, but I am very concerned about it. Clause 21 relates to pollution of the water supply and subclause (2) provides:

> If the authority is of the opinion that a water supply may become polluted in consequence of a particular activity, the authority may, by notice in writing addressed to the person responsible for the activity, require the person—
>
> *(a)* to take specified action to prevent pollution of the water supply within such time as the authority specifies in the notice;
>
> or
>
> *(b)* to desist from the activity.

Quite clearly, under this clause the Government has power way beyond that which was intended. I think that the intention was that, if a company stored toxic chemicals which were likely to find their way into a river, it could be forced to shift that storage and that is perfectly reasonable, but I suggest that this clause could be given a much wider meaning. The Government abused the Planning Act in order to attempt to prevent vegetation clearance. I support the retention of native vegetation, but the Government attempted to abuse that Act for something that was never intended. The potential is there under this clause for similar sorts of abuse. The potential exists to demand that dairy farmers situated in water catchments be removed immediately without any compensation and without any appeal. I think that that potential exists because under the definition clause 'pollution' is defined as follows:

> 'pollution', in relation to water, connotes a degree of impurity that renders the water unfit for human consumption:

It is not stated whether or not dairying by itself would have to cause that degree of impurity or whether the impurity occurred for a number of reasons, with the activity of dairying topping it up over what are considered to be safe levels. The definition should be tightened so that there is no misapplication of this provision, and I ask the Government to address that matter. In fact, I have instructed Parliamentary Counsel to suggest an alternative drafting to overcome that problem.

I share a large number of the concerns of the Hon. Mr Cameron in relation to examination and treatment of notifiable diseases. I too suggest that we should talk about the commission reasonably suspecting that a person suffers from a disease. I have also had discussions with Parliamentary Counsel in a similar vein to those of the Hon. Mr Cameron to try to divide the schedule into two parts.

The Hon. J.R. Cornwall: I will do it for you. I intend to amend that.

The Hon. M.J. ELLIOTT: That is extremely generous. It seems sensible to have one schedule of diseases that are both contagious and dangerous and a second schedule of diseases that are either not dangerous or not contagious. We would apply clauses 30, 31 and 32 to the highly contagious and highly dangerous diseases only. Nevertheless, even with those changes I would still have concerns. Under the Venereal Diseases Act there was the possibility that a person would have to have a medical checkup every four weeks to ascertain whether or not they were no longer likely to pass on that disease. That regular check procedure has disappeared in this legislation and instead a person can be held for a considerable period without a guarantee of a medical checkup which might, in fact, give the all clear. I believe that there should be such a requirement. At present, a person may have to go to the Supreme Court to get the all clear: in other words, they have a legal remedy rather than a medical remedy for being released from detention.

The Hon. J.R. Cornwall: No.

The Hon. M.J. ELLIOTT: That is certainly the way in which the Bill appears to be structured at present. There are a couple of omissions from that provision. As I recall, section 16 of the Venereal Diseases Act provides that people who maliciously report can be prosecuted, but this Bill does not mention malicious reports. That is an oversight. I believe it gives extra protection to the innocent that malicious reporting in itself can be an offence. I also recall that section 21 of that same Act provides the potential for persons who are put to expense, wrongly, perhaps if they are brought from the country and have to stay overnight, to obtain some recompense. I suggest that a similar provision be included in this legislation.

The Hon. R.I. Lucas: Are you drafting amendments?

The Hon. M.J. ELLIOTT: I am. Clause 36 (1) provides that people who are infected with a notifiable disease shall take all reasonable measures to prevent transmission of the disease to others. I would like a legal interpretation: does 'reasonable measures' infer that people must know that they are infected, or does that provision make condoms compulsory for all people? People might be prosecuted on the basis that they did not take reasonable measures to prevent the transmission of disease. That might be a compulsory condom provision, given a certain reading.

Members interjecting:

The Hon. M.J. ELLIOTT: I do not pussyfoot around. The question I pose is, 'Do people have to know that they are infected to take reasonable measures or should they take reasonable measures in case they are infected?' If people do not need to know that they should be taking reasonable measures, we are invading the bedrooms of almost every South Australian household. I perceive problems under clause 36 that are similar to those I outlined in relation to the division of the schedule. A penalty of $10 000 is provided and there is no distinction as to whether the disease is rubella or AIDS. I agree with the Hon. Mr Cameron in relation to clause 36 (2) and (3): $5 000 seems to be a bit of an overkill to control fleas, lice and other small vermin. I suggest that that penalty be reduced.

I have not taken an opportunity to check, but it has been claimed that the penalty of $2 500 is under clause 37 (4) inconsistent with the penalty under section 24 (8) of the food legislation, which is $5 000. That should be checked. I have covered the areas of greatest concern, although I still have a pile of local government letters to go through when I have the time. I repeat that I see a couple of major problems. I am extremely concerned about clause 21, because I believe that it has far wider powers than intended, and the powers could be abused. The definition of 'waste' could be extremely wide and could cause very real problems. Clauses 32 and 33 relating to what is and what is not a notifiable disease also cause me considerable concern. I support the second reading.

The Hon. J.C. BURDETT: I also support the second reading. With some important exceptions, which have been referred to by the Hon. Mr Cameron and the Hon. Mr Elliott the Bill appears to be a reasonable vehicle to provide for public and environmental health towards the year 2000, and I take the point made by the Minister in his second reading explanation that the Act which this Bill will replace is very ancient, being more than 100 years old. This Bill is more simple, and has been rationally put together. Provided that the points which have been raised by the previous speakers, which I will raise and which will be raised by subsequent speakers are taken note of so that the Bill is properly redrafted, it should be a reasonable vehicle for implementation of public and environmental health.

It is pleasing to note that clause 4 binds the Crown. However, the same clause prevents either the Crown or any instrumentality or agency of the Crown from being prosecuted for an offence. While I accept that the Crown cannot prosecute itself, I note that this kind of Act is one which will largely be enforced by prosecution. The Health Commission and the Minister will have a serious obligation to see that the Crown and its instrumentalities and agencies do comply with the Act. Many of the instrumentalities and agencies will not be under the jurisdiction of either the commission or the Minister, and a spirit of cooperation will have to be fostered.

I note from clause 5 that the commission in relation to the administration and enforcement of the legislation is subject to the unqualified control and direction of the Minister, not the general control and direction of the Minister, as is usual. This is, of course, in line with the South Australian Health Commission Act Amendment Bill, which is also before this Council. That Bill removes the word 'general' and makes the control and direction of the Minister unqualified. This seems to me to make a mockery of the commission. Surely, one of the purposes of setting up a commission rather than a department is to achieve some measure of independence.

Clause 9 states that appointments to the council are for a term not exceeding three years. In such cases I have consistently moved amendments to provide that it be for a term of three years, to prevent the Minister from having the members of the organisation in question—in this case, the council—in his pocket. I do not propose to elaborate on that now. I have spoken on that on many occasions, and I propose to move an amendment in that regard.

Clause 13 sets out the duties. It provides that a breach of duty shall not give rise to civil liability. I ask why not. Why should a person who has been disadvantaged by a breach of statutory duty in matters such as this not be able to sue the authority which is in default? That matter might be considered in Committee. Clause 19 provides:

> The owner of a private thoroughfare shall keep the thoroughfare clean and free of refuse.

There is a penalty of $2 500, and there are further provisions in case the owner does not comply. I wonder why the obligation is thrown onto the owner of a private thoroughfare to comply with the Act. The owner very often derives no benefit at all from his ownership.

Clause 27 refers to appeals and the review committee. It provides:

> For the purposes of dealing with an appeal, a review committee may adopt such procedures as it thinks appropriate.

That is what one would expect. The committee also 'may proceed to determine an appeal in the absence of a party if the party has had notice of the time and place of the proceedings and fails to appear'. The committee is not bound by the rules of evidence, and those things one would expect. Clause 28 identifies the powers of the review committee. The parties should be given a specific right to representation by counsel. Because clause 27 is so wide in relation to the way in which the review committee may operate and provides that it may adopt such procedures as it thinks appropriate, it may be necessary to secure the rights of parties to representation by counsel if they so desire. The matters upon which the review committee can adjudicate have sweeping consequences, and that justifies what I have just said. There should also be a further appeal, from the review committee to a district court.

The Hon. Mr Cameron and, to some extent, the Hon. Mr Elliott spoke at some length (and quite justifiably) on the arrest-type procedures set out in clause 30 and the succeeding clauses. Whatever their necessity, these powers really are quite horrific. In the Act to be repealed, anything of this kind only applied to tuberculosis, in the main, as the Hon. Mr Cameron said, and it was a different procedure, as he also said, particularly in regard to the reasonableness of the suspicion. The powers apply, as has also been said, to all of the diseases and conditions in the schedule, and it seems strange that those powers should be extended to, say, food poisoning, lead poisoning and perhaps even to measles. It seems to be somewhat of an overkill.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: I suppose in regard to food poisoning and lead poisoning I really do have difficulty.

The Hon. J.R. Cornwall: That wasn't the question.

The Hon. J.C. BURDETT: That is what you tried to do in the schedule.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: I am not trying to distort anything: I am pointing out that applying the provisions of clause 30 and the subsequent clauses to the first schedule does mean that these powers of arrest and so on can be applied in regard to lead poisoning and food poisoning, which are not transmissible. That is the point I am making. Surely, we are not talking about compulsory medication: 'Thou shalt go to the doctor. Thou shalt do this or that.' Of course, if one has food poisoning, one should go to the doctor.

The Hon. R.I. Lucas: You will, anyway.

The Hon. J.C. BURDETT: Yes, you have to. It should not be necessary to put in these horrific powers and consequences in that regard. Certainly, notifiability is another matter, but what I am talking about is the powers in clause 30 and the subsequent clauses. I do not think that they are reasonable if applied to some of the conditions and diseases set out in the schedule: that is an overkill.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: I am not querying the notifiability. I am querying the powers and consequences, the procedures set out in clauses 30 and following, in regard to the items set out in the schedule. As the Hon. Mr Cameron has said, that certainly does need amendment, and the Minister has been kind enough to say that he will fix it. We will just have a look at the amendments proposed by the Minister and that proposed by the Hon. Mr Cameron and see which the Council, in the event, prefers.

Clause 37, among other things, requires:

> . . . any person to answer any question that may be relevant to—
>
> (i) ascertaining whether the person is suffering from a notifiable disease;
>
> or
>
> (ii) the administration or enforcement of this Act.

That is fairly wide. A person can be required to answer any question that may be relevant to the administration or enforcement of this Act, and there is a penalty of $2 500. That person is, of course, guilty of an offence. I acknowledge that under clause 39 (3) there is a provision that a person is not required to furnish information under subsection (1) if that information would tend to incriminate him or her, but that is the information provided under 39 (1). The obligation to answer questions in clause 37 is getting fairly close to a breach of natural justice.

The Hon. J.R. Cornwall: You had a different view when we debated the Transplantation and Anatomy Act in 1985, about blood transfusions.

The Hon. J.C. BURDETT: I do not think that that was very different with regard to the position.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: I am not so worried about the penalty: I am worried about the justice of the matter, that a person is required to answer questions that may be relevant to the enforcement or administration of this Act. That is really quite broad. Clause 38 provides, in part, that no personal liability attaches to an authorised officer, member of the staff, Commission, etc., 'for an act or omission on his or her part in good faith in the exercise, performance or discharge, or purported exercise, performance or discharge, of any power, function or duty conferred or imposed by this Act'. Clause 38 (2) provides:

> A liability that would, but for subsection (1), lie against a person on whom an immunity if conferred by that subsection lies instead against the Crown.

I still think that it would be salutory if the persons who exercise the very wide powers in the Bill have some responsibility. That might restrain the way in which they act. Clause 42 states, in part:

> (1) The offences constituted by this Act are summary offences.
>
> (3) Proceedings for an offence against this Act must be commenced within two years after the date on which the offence is alleged to have been committed.

This matter has been argued with regard to many different Bills. The appropriate time can well be different, and I believe is different with regard to different sorts of Bills and the kinds of offences that one is talking about.

We start from a position that under the Summary Offences Act the limitation period is six months for summary offences. There have been longer periods such as two or three years, and so on. On looking fairly quickly through the Bill at the kinds of offences that could be committed under it, I suggest that 12 months should be sufficient. I cannot see any reason why the limitation period should be as long as two years. Clause 43 is another kind of provision that we have often debated in this Chamber. It provides:

> Where a body corporate is guilty of an offence against this Act, each director of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the director could not by the exercise of reasonable diligence have prevented the commission of the offence by the body corporate.

That, of course, is a reverse onus of proof. I have often supported that and probably even introduced legislation containing it, but it is a question in each particular case whether it is warranted. I find it difficult to see why it would be warranted in this case. The regulation making provision in clause 44 is very wide. At least in one particular area it seems to me to be too wide.

The Hon. M.B. Cameron interjecting:

The Hon. J.C. BURDETT: I am coming to that, but I have a couple of other things to deal with first. I must say in fairness that clause 44 (1) provides:

> The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

That no doubt does qualify what follows. Clause 44 (2) provides:

> Without limiting the generality of subsection (1), those regulations may—

Paragraph *(a)* is expressed in absolute terms, as follows:

> *(a)* provide for the removal or destruction of any object or substance that creates a risk to public health;

It is pretty wide and direct, even Draconian, if one can by regulation provide for the removal or destruction of an object or substance that provides a risk to public health. One has to be careful when talking about providing, not in the legislation and not by spelling it out but by regulation, for removal or destruction which could, of course, impose a great hardship on the person who is the owner of the object which could be regulated to be removed or destroyed. Clause 44 (2) *(b)* provides:

> prohibit, restrict or regulate the manufacture, possession or use of substances that may create a risk to public health;.

Once again, it states 'that may create a risk to public health'. Providing by regulation for the prohibition, restriction or regulation on the manufacture, possession or use of substances is wide indeed. As the Hon. Mr Cameron indicated by way of interjection, perhaps the most alarming of the regulation making powers is 44 (2) *(d)*, which provides:

> prohibit or regulate the keeping of animals of a particular class;.

One must read that in conjunction with clause 44 (3), which provides:

> Regulations made under subsection (2) *(d)* in relation to the keeping of animals may provide for—
>
> *(a)* the nature and condition of land or buildings in which the animals may be kept;.

The Hon. M.B. Cameron: That is anything.

The Hon. J.C. BURDETT: Yes, anything at all. In absolute terms, that is what it says. Clause 44 (3) *(b)* provides:

> the inspection of any place where the animals are kept;.

The Hon. M.B. Cameron: That's every farm.

The Hon. J.C. BURDETT: Yes. Clause 44 (3) *(c)* provides:

> the maximum number of animals that may be kept per unit area;.

That is the stocking rate—that is what it amounts to. Clause 44 (3) continues:

> *(d)* the storage of animal food;
> *(e)* the control of vermin;
> *(f)* the disposal of wastes.

I acknowledge that it could be said that such regulations would be valid only if they were necessary or expedient for the purposes of this Act, but that does involve a subjective judgment and means that if the regulation making power was abused then the person who had suffered would have to submit to prosecution, take the matter to court, plead 'not guilty' and allege before the court that the regulations were *ultra vires*.

This regulation making provision is particularly objectionable because it is so specific: it invites use. If we just stopped at clause 44 (2) *(d)*, prohibiting or regulating the keeping of animals of a particular class, it might not be so bad, but when it spells out all the things that the regulations may provide for, as it does in clause 44 (3), relating to the nature and condition of land, inspection, and the maximum number of animals that may be kept per unit, and so on, it seems to me that that is too broad.

It does, as the Hon. Martin Cameron has indicated by way of interjection, apply throughout the whole State. Perhaps in general terms, without committing myself to this way of defining it and restricting it, such a provision may be reasonable in regard to municipalities, towns or townships. It does not seem to me to be reasonable with regard to country areas. This regulation making power is wider with regard to the control of animals, stocking rates and all the rest of it than any other legislation that I can think of.

The Hon. M.B. Cameron: The Planning Act.

The Hon. J.C. BURDETT: Yes, wider than the Planning Act, or any other piece of legislation of which I can think, and the regulations which may be made under it. It seems to me that this wide power, spelt out as specifically as it is, is an invitation and temptation to people to seek to use the regulations under this Bill for purposes which are not really contemplated by the legislation. That matter needs a considerable amount of attention. The whole of clause 44 is fairly broad when one considers that these are matters that can be provided by regulation and not by Act of Parliament. Clause 44 (2) *(h)* provides that the regulations may:

> prohibit the construction of buildings of a specified class in a part of the State that is not within a local government area unless—
> (i) plans of the proposed building have been submitted for approval by the commission;
> and
> (ii) the commission has signified that it is satisfied that adequate provision has been made for sanitation and for ventilation of the building;.

As the Hon. Martin Cameron indicated by interjection, one would have thought that this could be better coped with under the Planning Act and the regulations under that Act.

The Hon. M.B. Cameron: Where they have rights of appeal.

The Hon. J.C. BURDETT: Yes. It seems to me that the Government is to a considerable extent at odds with itself. We have previously debated today what is basically a sound piece of legislation which may need some tidying up, that is, the Subordinate Legislation Act Amendment Bill, which provides for deregulation with regard to regulation making powers. For too long we have been over-regulated and over governed by regulations as opposed to legislation, and I referred to quotations in that regard. The Attorney has introduced a Bill which seeks to cut down that intrusion into human rights by regulations by providing a sunset provision, which provides for automatic revocation after seven years. That seems to me to be at odds with what we are debating now, on the same day, which will set out an unnecessarily wide regulation making power that is quite draconian. It seems to me that the two Ministers are at odds with each other. For the purpose of taking the matter further and considering the apparently numerous amendments which will come before the Council in the Committee stage, I support the second reading.

The Hon. C.M. HILL secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 March. Page 3319.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Minister will not be surprised to know that the Opposition opposes this Bill. Even if it fails in this Chamber, it will make absolutely no difference to the health system in this State. It will not have any effect on the way in which the system operates at the moment and will certainly have no effect on patient care. The real thing that will have an effect on patient care are the budgets that are coming up in the near future. From my reading of the Bill, it seems that it was designed by bureaucrats for bureaucrats and enables a total takeover of what is left of the unique South Australian hospital system by the Central Office of the Health Commission and the Minister. The reorganisation of the Health Commission can be described as a reorganisation of the deck chairs on the *Titanic* because eventually we will find that we cannot afford the bureaucracy that has been built up in medicine at all levels. Members of that bureaucracy are now so busy answering questions and providing information to one another that it certainly appears to me that the health bureaucracies in Australia would make an absolutely ideal subject for an episode of 'Yes, Minister.' In fact, last week that television program was based on a hospital without patients, where people were kept quite busy and fully employed running around organising the bureaucracy. I could not help thinking that that is the way the Health Commission has developed under this Minister.

The Hon. R.I. Lucas: I thought of John Cornwall.

The Hon. M.B. CAMERON: Yes. I saw him and his Sir Humphrey organising the Health Commission. A leaked document dated 4 February 1987 on the reorganisation of the central office stated:

> In the main, existing organisational units are being combined with other units and so while there will be some changes, the majority of staff will retain their existing positions, and duties. I also wish to assure you that the reorganisation is not designed to reduce or increase approved staffing levels, and all changes will be accomplished within the existing approved staffing levels.

What that says is that nothing has changed; the existing staff will be sticking around. It speaks of very little change and would appear to be yet another scheme to fill in some time for more bureaucrats.

One day the Minister will realise that members of Parliament and Ministers collectively have to stand up to the Sir

Humphreys of the system and tell them to go jump in the lake and start concentrating on the people and their problems and reorganise and resurrect the health system so that it looks after people's problems instead of being used to provide work for public servants. The most annoying feature of this whole exercise has been that I have found that, on sending copies of the Bill to all hospitals in the State and to other organisations within the health system, almost nobody was aware of its existence, even to the point at which sector directors were not aware of the decision to introduce it. I have been informed that some members of the bureaucracy have been busy telephoning around to tell people that, under no circumstances, should they discuss the Bill with me or provide me with any information. Fortunately, some hospitals are still not as yet incorporated and they have been willing to put their points of view to me.

It is appalling that the Minister is prepared to bring in a Bill into this Chamber which confiscates unincorporated hospitals into the system without having the courtesy to inform those hospitals of his intention and giving them the opportunity to put forward their point of view. He is the epitome of the meaning of the word 'arrogance'. He is giving himself unprecedented powers in this State and the system without the courtesy of normal discussion and he is attempting to hide behind a 12 month buffer period. What a nonsense that is! He is giving himself the power to demolish the separate boards of hospitals and form them into area boards. He is giving himself the power to direct hospitals as to what they can and cannot do and if they do not follow those directions, he is giving himself the power to sack them. He is giving himself the power, for example, to direct that obstetrics shall not be carried out in certain country hospitals once the Bill is passed.

The time has come when the centralising attitude that appears to pervade the health bureaucracy be rethought. It is becoming obvious that the bureaucrats at the top of the commission are some what power mad, along with the Minister, and they do not understand that it is possible for separate institutions to run efficiently within a global budget, provided they have a charter of management which indicates the services that they should provide. It is time we had faith in the people who actually run the system and the hospitals. Obviously, if a hospital does not operate within its charter and provide those services, something must be done about it; but at least the hospitals should be given a chance to show that they can perform. They should be given credit for being able to run their own system.

Does the Minister have such little confidence in hospital administrators in this State that he does not trust them to manage their own affairs within suitable guidelines? Does he think that the health system cannot cope without him and his instructions and the instructions of his colleagues in the Health Commission? He obviously thinks that he knows more about hospitals than the hospital administrators and that he knows more about what communities need than the people who are involved with them on a day-to-day basis. He sits in his ivory tower dictating how the health system should be run, scheming about ways in which to gain more power and thinking of how to change the health services to his way of operating.

What has he done? I will choose just one example because I have said it all before many times. I refer to the transfer of patients from Flinders Medical Centre because, as a result of an order from above about bed allocation for elective surgery, it simply cannot cope with the number of emergency patients who require treatment.

Clearly, through this overall organisation of the hospital system, with various hospitals being organised to do the things that have been allocated to them, we are seeing sick, and often critically ill, patients being carted into the Royal Adelaide Hospital, where facilities and staff are so flat-strapped that it is appalling. If that is indicative of the ideas that the Minister has for the health system under this new organisation, with hospitals being told that they shall do this or that, it is no wonder that health workers and patients alike are despairing. I can assure the Minister that they are, and I will say more about that situation later.

We have some excellent administrators and boards, which comprise individuals with experience and expertise but, frankly, the Minister is castrating them. He is taking away all their powers and turning chief executive officers into clerks of the Health Commission—what an insult that is to those capable men and women who run the hospitals in this State. I cannot overstate the case enough against the Bill as it now stands. Chief executive officers throughout South Australia are already complaining about the copious amount of information that they are forced to provide to Health Commission officers, almost on a continual basis. They should not have to spend so much of their time accounting to the central office. Obviously, there are more important things for a hospital to do. I shall now quote from some of the replies that I have received from hospitals to which I sent copies of this Bill, as follows:

> My board wishes to express its opposition to, and its dismay and distress at the Amendment Bill, with consequent compulsory and arbitrary 'acquisition' of its community-initiated hospital.
>
> Generally it would appear that these amendments will allow total control of the health system without any form of guaranteed appeal or grievance mechanisms.
>
> It would appear from the legislation that the Minister intends to have total control of the health system from the Health Commission to the individual health units, which would result in the loss of autonomy to local boards of management, and they also would lose the ability to respond to the needs of their communities.

I might add that nearly all the replies have expressed concern at the haste with which this Bill has been brought before Parliament, in yet another display of the Minister's arrogance. He has again denied the people who are most affected by this legislation the opportunity to comment—although members of this place and the public have come to expect that from him.

A Liberal Government would move in a direction opposite to the Minister's policy of central control. We would rid the chief executive officers of the burden of continual interference from central office, as we have great confidence in the men and women who run the hospitals in this State and, provided that they keep within suitable charters, we would give them the freedom to run the institutions as they deem appropriate. I think that it is about time we started thinking that way. One of the great problems of the whole health system of this State—

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I am not interested in Queensland: you were educated there and I think that that is one of the problems, frankly, Madam President.

The PRESIDENT: Order! I was not educated in Queensland.

The Hon. M.B. CAMERON: I said, Madam President, that that is one of the problems with the Minister.

The PRESIDENT: You said, 'You were educated in Queensland' and you were addressing the Chair as you said it.

The Hon. M.B. CAMERON: I would not indicate that you, Madam President, were at the level of the Minister, and I apologise sincerely if that was the impression that I

gave. I know that you were not educated in Queensland; you have an excellent academic record and one on which I would not reflect in any way whatsoever, and no doubt that is one of the reasons why you have reached such lofty heights! The situation that I have referred to of course arises from the way in which our health dollar is now spent. The problem is that we are now all paying more and more for health than we have ever paid in the history of this country.

The Hon. J.R. Cornwall: It is simply not true.

The Hon. M.B. CAMERON: But the money has to go to Canberra first and then it comes filtering back through this bureaucracy and finally what is left ends up with us back in the public hospital system. In the process the bureaucrats in the system give directions at almost every level and, frankly, I think that one day we have to rethink the way the system operates. I would be very interested to know (and perhaps the Minister could tell us and we could check his figures) just how much of each health dollar gets back to where it is needed. It would be a very interesting exercise indeed to find out how much of what we pay in relation to the health dollar gets back to us. I think that people might get quite a surprise at what is taken out in terms of the bureaucratic process.

The Hon. J.R. Cornwall: Ninety-seven per cent.

The Hon. M.B. CAMERON: The Minister says that it is 97 per cent—we will start checking on that. It would be very interesting to find out just what ends up in the hospital system at the patient care level. As I have indicated, the Opposition opposes the Bill. If it passes the second reading, the Opposition will move to take out all those areas that compulsorily acquire hospitals which are operating quite satisfactorily in the system and which the Minister is attempting to take over in an arbitrary fashion. We will certainly ensure, if it is within our power to do so, that that does not occur.

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

ADJOURNMENT

At 9.13 p.m. the Council adjourned until Wednesday 1 April at 2.15 p.m.