LEGISLATIVE COUNCIL

Thursday 2 April 1987

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

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

PETITION: BOTANIC PARK

A petition signed by 122 residents of South Australia praying that the Council would request the immediate return of the area designated for a car park, located in the south-east corner of the Botanic Gardens, and would urge the Government to introduce legislation to protect the park-lands and ensure that no further alienation would occur before the enactment of this legislation was presented by the Hon. I. Gilfillan.

Petition received.

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

Remuneration Tribunal—Report relating to Determination No. 1 of 1987.

QUESTIONS

MARIJUANA

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Health a question about on-the-spot fines for some marijuana offences.

Leave granted.

The Hon. K.T. GRIFFIN: Early in March the Minister of Health said that the Government's new scheme for on-the-spot fines for marijuana use would come into effect on 30 March 1987. Last week, only a few days before that due date, the Minister of Health in response to my call for clarification of the matter said that the date when the scheme would come into effect had been postponed until the end of April.

I made my call on the Minister because police at operational level had not heard what was happening and did not know how they were to handle the scheme. The Minister himself said that part of the reason for the delay was the question of resource implications of the proposal for the police. Some figures that I have heard take the cost in a full year to over $100 000. It is important for the public to know exactly what will happen with the Government's controversial scheme.

Another difficulty is that Parliament rises before Easter and is unlikely to sit again for four months. If the scheme is brought into effect during that time Parliament will not have an opportunity to disallow the regulations until July or August. Certainly the Liberal Party will be moving at that time for a disallowance. What ought to happen is that, if the Minister sorts out his resources problems and proceeds with the regulations, they ought to be deferred until Parliament sits in July or August so that the debate on the disallowance can occur and the matter can be resolved soon after they come into effect. My questions to the Minister are:

1. What is the full year cost of the Government's scheme for on-the-spot fines for some marijuana offences and to what does the cost relate?

2. Will the police be granted additional resources to meet that cost?

3. What other problems is the Minister experiencing with the scheme?

4. Will he defer the operation of the new scheme until Parliament resumes in July or August?

The Hon. J.R. CORNWALL: To answer the last question first—no, I will not defer; Cabinet will not defer; and the Government will not defer the operation of the new scheme until August. The whole matter has been canvassed and debated in both Houses of this Parliament at great length and has been passed by both Houses. It is, and always has been, my intention that it should be in place as soon as it is reasonably possible. I had originally aimed for a starting date of 30 March. In the event we could not have been absolutely sure by that date that every police officer in this State who is on active duty had had some training as to how the new scheme would operate. We could not have been absolutely sure that every police officer on active duty could have access to a cannabis infringement notice book. Those two things are quite basic to the operation of what is a relatively simple scheme. Some other administrative arrangements needed to be completed. I am very happy to inform the Council that those potential difficulties have now been satisfactorily resolved and by the end of April there will be a satisfactory means of weighing cannabis where the amount is contested. There will also be a widespread distribution of tamper-proof 3M bags to every police station in the State and cannabis infringement notice books will be available to every actively serving officer through police stations in the State. By that time, the great majority, if not all, actively serving police officers in the State will have had some basic training by video or otherwise as to how this simple scheme operates.

At this stage there are no other problems. As to additional resources, quite obviously several thousand 3M tamper-proof bags have some cost. Although I was not in Cabinet on Monday, when the matter was finalised, I understand that there is a relatively sophisticated but by no means expensive set of scales involved. Another cost has been the printing of the cannabis infringement notice books and there will be a small increase in the number of clerical staff to actually do the bookwork. The full-year cost will be quite modest.

Again, I am only talking estimates (and this is talking about handling the whole thing manually, at least in the first instance), but my recollection is that the full year cost is of the order of $60 000 to $70 000. I am not able to quantify at this stage the savings in terms of court time, but in view of the fact that some 3 500 simple possession of cannabis offences had been processed through the courts previously, taking up an inordinate amount of time of the magistrates in the court, quite clearly, there will be offsetting savings which will be substantial—and I would hope very substantial. So, the scheme is ready to go.

In summary, I anticipate that the scheme will be in operation by or before the end of April. At this stage we are not anticipating any hitches. I shall make a further comprehensive statement outlining the specific details when the relevant regulation is proclaimed and the scheme comes into operation. The operation of the first nine months of the scheme will be very carefully and scrupulously independently monitored by the Office of Crime Statistics. By early next year a report on the operation of the scheme will be available to us and we will be able to assess quickly and

competently the impact of the scheme over that nine month period. Further, in the event that the scheme works, and works well, or even in the event that the scheme needs to be modified, we will be well placed to do that prior to going to computerisation. It is intended that ultimately the scheme will go to computerisation.

The Hon. K.T. GRIFFIN: By way of a supplementary question: the Minister overlooked answering the second question about whether the police will be granted additional resources to meet the cost to which the Minister referred. He said that the cost was $60 000 or $70 000 but he did not say whether the police would be granted additional resources to meet that cost or whether they would have to meet it out of existing allocations.

The Hon. J.R. CORNWALL: I was asked to chair a seminar at the International Symposium on Adolescent Health, which was held last Monday. That was done in special recognition of the outstanding contributions that the South Australian Government has made in the field of adolescent health. It was a great honour, but it meant of course that I was not present in Cabinet on Monday when the question of how the resources were to be found was decided. I do not know at this stage, but I can say, as I did during the course of the original answer, that it is relatively a quite small amount of money, in the range of $60 000 to $70 000.

MINIMUM RATES

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

Leave granted.

The Hon. L.H. DAVIS: On Tuesday this week I questioned the Minister on the discrepancy that existed between her claims on minimum rating, repeated several times in this Chamber, and the claims of the Local Government Association. The Minister will recollect that in response to my letter of last month, the Secretary General of the Local Government Association, Mr J.M. Hullick, in a letter dated 23 March 1987, categorically denied the Minister's claims that she had received an assurance and/or information from the association prior to her making a statement to the association's annual general meeting on 25 October 1985, saying:

> There is no suggestion that the ability to levy a minimum rate would be removed.

Mr Hullick also denied that any information on the matter was requested by the Minister before her statement was made on 25 October 1985 or, indeed, before she reversed her attitude on minimum rates in 1986. The Minister refused to apologise for misleading the Council and refused to apologise to the Local Government Association for misrepresenting its role in the matter of minimum rates. Yesterday the Local Government Association issued a press release which stated in part:

> South Australia's Local Government Association is concerned about claims that it was misrepresented by the Minister of Local Government (Ms Wiese) in statements to Parliament. The Acting Secretary-General of the LGA (Mr Don Roberts) said he would be reporting to the association's senior executive meeting tomorrow including extracts from Parliamentary debates. 'The LGA's name cannot be taken lightly, so we will be putting all the information before our senior executive committee,' he said. 'From the information supplied to us by Mr Legh Davis MLC it would appear that the Minister is unsure about the minimum rating issue.'

He goes on to say:

> . . . none of our records substantiate the suggestion that we gave any assurance to the Minister as has been suggested.

The question remains, why did the Minister change her mind without consultation with the LGA—

The PRESIDENT: Is that your question?

The Hon. L.H. DAVIS: Yes, that is the first part of it. Why did she change her mind without consultation with the LGA, the umbrella body for local government in South Australia? Does the Minister accept that on a matter as important as minimum rates it is reasonable to expect that correspondence would be exchanged between interested parties? Does such correspondence exist? Will the Minister table all such correspondence in this Parliament next week—correspondence between the Minister and/or officers of her department and the LGA on the matter of minimum rates, and letters before 25 October 1985 and thereafter?

Is it true that the Minister and/or her department are seeking to circumvent the LGA and put pressure on individual councils on minimum rates? Does the Minister accept that this unprecedented public and serious breach between the Minister and the LGA is due entirely to her misleading statements, and does she accept that her statements have led to a serious loss of confidence by the LGA in her capacity as Minister of Local Government, not to mention her veracity?

The PRESIDENT: The Hon. Minister of Local Government has the floor to answer the question. Before she does so, I point out that the question was heard in complete silence with no interjections. I trust that the reply will receive the same courtesy.

The Hon. BARBARA WIESE: The honourable member's questions are a bit like vomit—they just keep coming up. The Hon. Mr Davis—

The Hon. R.I. Lucas: That's terrific.

The Hon. L.H. Davis: I hope the truth is the same.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The Hon. Mr Davis and many of his colleagues have asked questions like those which have been asked here today on so many occasions that it is becoming tedious. I have answered these questions which have been raised today on numerous occasions, but I shall be happy to try to repeat what I have said. As the Hon. Dr Cornwall has been known to say, members opposite seem to be slow learners and they seem to need to have one repeat oneself several times before they catch on.

I would like to point out that, in negotiations with any organisation concerning the drafting of legislation, it is not necessarily the practice that correspondence will be exchanged. Many discussions concerning drafting of legislation are just that—discussions. Numerous discussions about the drafting of the rating and finance provisions of the Local Government Act have taken place over a number of years between officers of my department and officers of the LGA, individual councils and other people who have an interest in the matter.

Since I have been the Minister, I have had discussions with those same people and organisations. If there are letters which relate to attitudes on the minimum rate, I will be happy to produce those letters for Parliament, but as far as the matter at hand is concerned, it is totally irrelevant as to whether or not they are dated pre-September 1985 or post-September 1985.

On the question of the minimum rate, we are trying to achieve a compromise between the objectives of the State Government and the objectives of the local government community because, as I have stated many times, it seems to me that it is indeed possible to achieve a satisfactory compromise which will at least in part meet the objectives of both levels of government. In relation to my latest decisions, I am certainly not attempting to circumvent the

association concerning the discussions which are to take place on the minimum rate. In my view, it is a sensible idea that individual councils should be given the opportunity of judging the effects of my compromise proposal. I have notified councils and the Local Government Association that this is the action that I intend to take. It is a very appropriate course of action and, if the honourable member does not agree with it, then it is just too bad. Individual councils cannot make up their minds based on the hysterical rhetoric which has been drummed up on this issue by some people in the community. They need to look at the facts and that is exactly what I plan to do.

I intend to present the facts to individual councils so that they can make up their minds on this issue. I deny also that there is a breach between me as Minister and the Local Government Association. I am continuing to hold regular discussions with the Local Government Association, as has been the case during the entire period in which I have been Minister of Local Government. All discussions that I have had with officers of the Local Government Association have always been cordial. We have been able to speak frankly, because we enjoy a very good working relationship. We do not always agree, but one would not expect two levels of government to always agree. State Governments do not always agree with the Federal Government.

That does not mean that we are not able to work together, or that there is a breach in the relationship. It means that, on some issues, we agree to disagree but, during the 20 months that I have been in this position, I have always enjoyed a very frank and open working relationship with officers of the Local Government Association. As I have said, I have had meetings with them on a very regular basis and I will continue to do that, because I wish to continue to negotiate and discuss all issues of relevance to both levels of government. As I understand it, it is the wish of the Local Government Association that that dialogue should continue.

The Hon. L.H. DAVIS: As a supplementary question, is the Minister saying that, on the subject of minimum rating, assurances were given by the Local Government Association to the Minister and/or her department before October 1985 and, if so, what assurances were given?

The Hon. BARBARA WIESE: I answered that question yesterday.

MONARTO ZOO

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Environment and Planning, a question about Monarto open-range zoo.

Leave granted.

The Hon. M.J. ELLIOTT: In 1982 the Australian Labor Party, which is now in Government, issued a tourism document which stated in part under the heading 'Open-Range Zoo':

> A Bannon Labor Government will give strong support for the establishment of a world class open-range zoo in South Australia. In Government we would assist in raising loan funds to finance a zoo at Monarto. An open-range zoo would be a major tourist asset for this State and the Royal Zoological Society of South Australia has already chosen a suitable site at Monarto. Estimates by the Murray Bridge council show that the zoo could generate more than $10 million in income each year, but there are other spin-off benefits that must be taken into account.
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> The open-range zoo at Dubbo in New South Wales generated $11.8 million for the town in 1978-79. The New South Wales Tourist Department estimates that revenue for two hotels and motels in Dubbo increased by $6.5 million because of the zoo.

They proceeded part way along the path and eventually a report was prepared for the Minister for Environment and Planning which was presented in May 1984 by Land Systems Pty Limited, Hassell Planning Consultants and others. That report made a number of observations. It was felt that a zoo would attract about 300 000 visitors a year. Details listed in the feasibility study about patronage included the fact that the population within day trip distance is 1 090 000 people and that in 1982 about 11 million day trips were made from Adelaide to other areas of the State.

The report states that under option one, the larger zoo, between 200 000 and 300 000 people would visit per annum. Such a zoo would have offered a unique educational tool and would have allowed, as it does already in a limited capacity, for breeding facilities for endangered species—Liberal members perhaps. It would have offered employment for 26 full-time staff. In addition there would have been a large employment spin-off in the local Monarto area and in Murray Bridge.

It was said that it would offer a unique opportunity to provide a major tourist attraction in the region and the State and that the site was likely to be popular in the winter months when many of the competing attractions, particulary in the Adelaide Hills, are unpleasant due to the weather. Also, the zoo would be a comfortable 45 minutes drive from Adelaide. The total cost of the project was to be about $12.4 million, but according to estimates which appeared in the report the zoo would run profitably for the first five years and then would run at a minimal loss because many of the Adelaide people would have visited the zoo by then and visitor numbers would drop off a little.

However, spin-offs in the local region would far surpass the minor losses made by the zoo. In light of the money wasted by this Government in one-off promotions such as the South Australian boat, which is now gone forever and the three-day event, which has passed, the zoo would be an ongoing tourist monument. Will the Minister say what has happened to the Monarto open-range zoo and why the Government has not proceeded with the haste it was so keen on at election time?

The Hon. J.R. CORNWALL: It is always wise in politics to be a generalist and not to become too specific. For that reason I stay sensitively in touch with a number of other portfolio areas. I know a little about the Monarto land owned by the zoo. In fact, I had dinner only two weeks ago with the Zoo's veterinarian, who is an old colleague and friend of mine from way back.

It is his view and, I understand, the view of the professional people advised in the conduct of the Adelaide Zoo (which, incidentally, whilst being one of the smallest in the world is also a very good zoo), that that area at Monarto is extremely valuable for agistment for quite a large number of species. It is being used actively for that purpose. It provides the opportunity to get into the wider range and for R&R, I suppose—it is the zoo's R&R area. However, it is also the view of that person and his colleagues that it would be hard to justify a major open range zoo adjacent to a city as relatively small as Adelaide.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: Adelaide has only 1 000 000 people and certainly the numbers of people who pass Dubbo on a major highway between Melbourne, Sydney and Brisbane do not pass Monarto. That happens to be a fact. Nowhere near the numbers of people who pass through Dubbo on a daily, weekly or monthly basis pass through Monarto.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: I repeat, for the benefit of the honourable member who should listen, that it is the view of the experts—

The Hon. M.J. Elliott: Your vet mate.

The Hon. J.R. CORNWALL: My vet mate, as the honourable member so deprecatingly describes him, happens to be one of the senior and most respected members of the profession in Adelaide. He is now working as the full-time veterinarian at the Adelaide Zoo. I suggest that he possibly knows more about it even than Mr Elliott. I know that Democrats are great generalists and are able to speak on almost any subject that comes into their head not only with great authority but also instantly with great authority.

In this matter the advice of my old mate, my colleague of longstanding (and he is almost as old as I am, so he has the advantage of a great deal of experience over almost a generation) given at the Annual Australian Veterinary Association dinner, so I was in very distinguished company (and I was the guest of honour, furthermore—they always like to honour their members who have distinguished themselves in public life), was that this was a very valuable asset for the zoo and they were very pleased to have the Monarto land. However, he did not believe that, at least at this stage of our development, a major open range zoo at Monarto with all the additional expense and resources that that would require could be justified. That is just by way of a preliminary answer. As members could gather, I am not well acquainted with this area and, therefore, I will refer the question to my colleague in another place and bring back a formal reply.

ROYAL ADELAIDE HOSPITAL

The Hon. CAROLYN PICKLES: I seek leave to make a brief—

The Hon. Diana Laidlaw: I have stood up on four occasions.

The PRESIDENT: I alternate between one side of the Council and the other in determining who shall ask questions.

Members interjecting:

The PRESIDENT: I have always stated and I will state again that I will take questions alternately from different sides of the Council if members wish that to occur. If members on a particular side of the Council stand to get my attention, I try to give preference to the person who stood first. I regret if sometimes I overlook someone, but the piles of papers on the desks are so great that it is very hard for me to see members, particularly those who are not so tall.

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Health a question about the Royal Adelaide Hospital.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to an item on an edition of the Channel 7 program *State Affair*. I understand that the item concerned statements by a Liberal Party member of the House of Assembly that an invalid pensioner was the victim of 'inhuman' inaction by health authorites. In a press release dated 31 March the member for Goyder, Mr Meier, levelled a number of outrageous allegations against the Minister of Health, the Royal Adelaide Hospital and the South Australian health system.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: It is an outrageous allegation. In particular, Mr Meier has accused the Royal Adelaide Hospital of denying cataract surgery to the invalid pensioner when, it is claimed, a delay in conducting the operation will force him to go blind. The Minister has been accused of negligence. During the *State Affair* program, Mr Meier admitted that he had made no attempt to check with the Royal Adelaide Hospital any of the wild allegations he was making. When he was told that the reporter had established with one telephone call that his so-called facts were entirely wrong, Mr Meier refused to retract. Instead he stated that 'the whole health system has gone mad' and is 'out of control'.

I ask the Minister whether he is aware of the case which has now been made public. Will he provide the Council with a factual account of what has transpired and will he also comment upon the allegations made in this despicable fashion?

The Hon. J.R. CORNWALL: I did not see the program of which the Hon. Ms Pickles complains, but I understand that it went to air last night. When I heard this morning what had happened, I asked for a transcript. I have now seen a transcript of part of the item.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: He will go quiet in a moment. They usually do when they get thumped. I have seen a transcript of part of the item that was broadcast by *State Affair* and I also now have a copy of a press release that was issued yesterday by Mr Meier. Of course, Mr Meier is the fairly undistinguished member whose only claim to fame was the false cancer scare that he was able to drum up in the Dublin and Two Wells area last year.

I want to place on record, Ms President, an immediate and absolute denial of his statements. The honourable member has behaved in a totally dishonourable and irresponsible manner. I reject the allegations made against the hospital and the health system. I also deny that there is any question of negligence on my part. Quite clearly, this vile episode (and I choose the word 'vile' quite deliberately) is part of the Opposition's deliberate campaign of sleeze. We were told (and we were told this some months ago by members of the Parliamentary Party in the corridors) that the Liberal Party in its desperation would abandon any notions of proprietary and truth in order to pursue political aims.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Methinks they doth protest too much! I have already catalogued the tactics of the Leader of the Opposition in the Council and his colleagues. Their stock in trade is smear. They twist the truth. They fabricate, they exaggerate, they distort and they invent. Worst of all, they vilify public servants, particularly Health Commission officers, by name, and then refuse to withdraw or apologise—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —when they are shown by independent authorities such as the Auditor-General and the State Coroner to be telling untruths. Let us look at the performance in relation to a constituent of Mr Meier named Ronald James Butson. This gentleman, who is described as an invalid pensioner, was interviewed on *State Affair* last night. His case has indeed been raised with me by Mr Meier. In fact, he sent me a letter dated 24 March 1987, just a week ago, which purported to be a genuine plea on behalf of a person who had already waited seven months for a cataract operation but who had been told he would have to wait a further 12 months. I seek leave to table that letter.

The Hon. R.I. Lucas: Do you have the fellow's permission?

The Hon. J.R. CORNWALL: It wasn't me who raised this matter publicly; it was Mr Meier.

Leave granted.

The Hon. J.R. CORNWALL: Mr Butson has already been identified by Mr Meier, and Mr Butson was on channel 7's *State Affair* last night. I move:

That the letter be authorised to be published.

Motion carried.

The Hon. J.R. CORNWALL: In his passionate argument on behalf of his constituent, Mr Meier registered his judgment that it was highly likely that Mr Butson would be blind in 12 months. The question must be asked whether this was a genuine request for information, investigation, intervention or assistance. The answer of course is 'No, quite the contrary'. It was the opening move by a dishonest humbug.

The Hon. K.T. GRIFFIN: I take a point of order. If that is a reflection on the member for Goyder, it is an injurious reflection under Standing Order 193 and the Minister ought to be required to withdraw it.

The PRESIDENT: Order! Does the honourable member request that the Minister withdraw the remark?

The Hon. K.T. GRIFFIN: Yes.

The PRESIDENT: Order! Is the Minister prepared to withdraw that statement?

The Hon. J.R. CORNWALL: I withdraw that statement and replace it by saying that it was the opening move by a very dishonourable member.

The Hon. K.T. GRIFFIN: I take another point of order. That is equally an injurious reflection on a member of the Parliament and, under Standing Order 193, it is an injurious reflection and ought to be withdrawn. I ask that the Minister do so.

The PRESIDENT: Order! Will the Minister withdraw that?

The Hon. J.R. CORNWALL: Yes, I will withdraw it to save taking up any further time. Members can read the letter and the press release and form their own opinions. I seek leave to table the press release.

Leave granted.

The Hon. J.R. CORNWALL: The documents show that Mr Meier had no intention of waiting for a response from me and made no attempt whatsoever to check the so-called facts. Instead, he was pedalling to the media a vicious, totally false and unjustified attack on a great public hospital. He painted the hospital and the health system as callously indifferent to the plight of an invalid pensioner who would go blind because he was denied an operation. In his press release, he described it as 'inhuman action by the health authorities in not operating on a man going blind'. He said that his constituent was told to wait seven months for surgery at the Royal Adelaide Hospital but 'has now been told to wait another 12 months'. To its credit, *State Affair* was too professional to be duped by this cynical and dishonourable politician.

The Hon. K.T. GRIFFIN: I take another point of order. That is again an injurious reflection on a member of the State Parliament and it is totally out of order under Standing Order 193 and I ask that the Minister be required to withdraw it.

The PRESIDENT: Order! I ask the Minister to withdraw the statement.

The Hon. J.R. CORNWALL: It is an accurate description, but I withdraw it formally. The reporter took the trouble to check this phoney story by simply telephoning the hospital—a 20 cent telephone call—which Mr Meier—

The Hon. L.H. Davis: It is more expensive now.

The Hon. J.R. CORNWALL: A 30 cent telephone call. By simply telephoning the hospital—

Members interjecting:

The Hon. J.R. CORNWALL: You should listen; you may learn something. By simply telephoning the hospital which Mr Meier was so monstrously attacking, the *State Affair* reporter established that the 12 month waiting time was a complete fabrication. Keith Conlon put it to Mr Meier that he could have checked and that if he had done so he would have discovered, as *State Affair* did, that the wait was three months. I have here a letter over the signature of Dr J. O'Donnell, the Assistant Medical Director at the Royal Adelaide Hospital. It is addressed to me and dated 2 April—today's date. It reads:

Dear Minister,

Re: Mr Ronald J. Butson, 15 Mine Street, Port Wakefield UR: 24 6170

The facts regarding this man's care at the Royal Adelaide Hospital are as follows:

1. The hospital has been informed that Mr Butson consulted a private ophthalmologist in August 1986. The ophthalmologist (who is not a member of the visiting medical staff of the Royal Adelaide Hospital) placed Mr Butson on the booking list for elective cataract surgery on 29 August 1986.
2. Mr Butson was considered to be of low priority for surgery on the basis of this consultation.
3. Mr Butson has never attended or contacted the Royal Adelaide Hospital.
4. Mr Butson is now near the top of the booking list and is due to be called in for surgery in June 1987.
5. Mr Butson appears to have been given incorrect advice by his general practitioner who told Mr Butson recently that he would have to wait another 12 months.
6. All patients on booking lists can request review if their clinical condition or other circumstances alter while awaiting elective surgery. This review can be done immediately through the Accident and Emergency Department or within a few days through the outpatient system. The priority for surgery can be altered after such a review. Mr Butson has not requested a review at the Royal Adelaide Hopsital.
7. The waiting period for elective cataract surgery at Royal Adelaide Hospital varies from 6-18 months at present and is related to medical need for the procedure.
8. Funds provided for booking list management have been used to employ three visiting ophthalmologists at Royal Adelaide Hospital. These staff members were appointed in March 1987.

I seek leave to table that letter.

Leave granted.

The Hon. J.R. CORNWALL: There was no question of the man going blind. I am informed that was another invention. Furthermore, if there was any deterioration warranting a change in classification from elective surgery to urgent, the operation would be conducted immediately. I seek leave to table the relevant part of the transcript of the interview between Keith Conlon and Mr Meier.

Leave granted.

The Hon. J.R. CORNWALL: What is Mr Meier's reaction to this news? Did he welcome the reassurance? Did he apologise for the damage he had caused? Did he regret using his constituent as a political football? Did he apologise for wasting the time of *State Affair* and other media representatives with his concocted, disgraceful fairy story? Not at all. In a familiar pattern of behaviour which we now can predict from the Opposition, when confronted with the truth, his response was blustering and even more outrageous allegations. This is what he said:

That of course is a very good cop out for the Health Department, for the Minister.

Once again, there is this refusal to acknowledge the truth. The transcript shows that Mr Meier went on to say:

It has got to a stage in this State where the whole health system has gone mad. It has got out of control.

When confronted with the truth and caught with his pants around his ankles, that was his response. With regard to the health system, nothing could be further from the truth. The State health system has not gone mad. I am pleased to say that South Australians have an excellent hospital and health system and they are tired of the constant denigration by the Opposition. The system is not out of control: it is performing very well. If there is any question of insanity to be decided, any question of who may or may not have gone mad, surely it must be the mental condition of a member of Parliament who believes that he can go to the media with such a blatant pack of lies and rely on a lack of journalistic professionalism to promote his allegations regardless of the damage done to the Royal Adelaide Hospital and the health system. I commend those journalists who threw Mr Meier's press release in the rubbish bin, and I thank *State Affair* for exposing him in relation to the humbug that he tried to perpetrate.

FINANCIAL COUNSELLING IN RURAL AREAS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation prior to asking the Minister of Community Welfare a question on financial counselling services in rural areas.

Leave granted.

The Hon. DIANA LAIDLAW: Following the first day of the rural phone-in conducted by the United Farmers and Stockowners earlier this week, the organiser, Dr Phillip Slee, noted in the *Advertiser*:

> . . . most of the callers echoed a common theme—financial problems caused by low commodity prices and high interest rates . . . these financial woes were causing or contributing to emotional, health, social and marital problems. Some of our callers are saying it's the first time they've aired their problems. Many of them have been bottling up their pressures. Some find it difficult to talk to neighbours, but they can ring us and remain anonymous.

These preliminary findings are alarming. They confirm that too many people in rural areas in South Australia—either through excessive pride and independence or the lack of access to services providing independent financial advice and counselling—are failing to seek much needed financial advice with counselling. It is reasonable to surmise that, with access to independent financial advice and counselling before their problems got out of control, many of the unfortunate repercussions which they and their families are suffering, might have been stemmed or even avoided.

However, the only financial advice within the reach of many people in rural areas is their local bank manager—the very same source with whom they are heavily indebted. Before this source, they are immediately vulnerable and therefore most unlikely to be confident to expose the true extent of all their problems. To make matters worse, in smaller rural communities it is also reasonable to expect that the local bank manager will be a friend or acquaintance with whom the farmer and his or her family will associate regularly in relation to a variety of community activities. Beyond these considerations is the fact that bank managers have their own vested interests to represent and, accordingly, their advice may not be that which is in the best interests of their clients in either the immediate or longer terms. The Minister will appreciate that rarely do these close-knit community pressures arise in the Adelaide metropolitan area, where individuals and families seeking financial counselling have the added advantage of access to a considerably wide range of financial counselling services. Meanwhile, the budget advice service operated by the DCW in selected country centres is limited in its capacity to cope with the magnitude of the problems being experienced currently among farmers and small businesses dependent upon the spending power of farmers. I am sure the Minister will concede that in country areas the budget advice service is understaffed and under funded, and that rarely are the advisers trained as financial counsellors.

Therefore, I ask the Minister whether he is prepared to initiate as a matter of urgency the establishment of a task force of persons trained in the technical aspects of financial counselling that can be employed in country areas to provide to farmers and people in small businesses desperately needed independent financial assessments and options for solutions. If the Minister agrees that this option has merit, would he consider seeking the cooperation and support of the U.F. & S. and the respected financial counselling service operated by the Adelaide Central Mission, in establishing this task force of independent, trained financial counsellors.

The Hon. J.R. CORNWALL: I certainly do not dismiss that suggestion. It appears, at first blush at least, to have some merit. However, let me make a number of pertinent points. First of all, with regard to the budget advice service, by and large it has been a useful service now over quite a number of years, but I believe that we have now reached a point where additional resources ought to be made available for financial counselling generally. Financial crises are certainly not confined to certain segments or geographic regions in rural South Australia. They are very real problems in the suburbs just as they are in many far flung parts of the State.

So, financial counselling, preferably done by independent agencies from the voluntary sector, is one of the parts of an 11 points of action program for social justice, which I hope the Government will be in a position to announce in late May or thereabouts. I believe that it is important that it be done by independent agencies: among other things they must have the ability and the clout to independently knock on the doors of financiers, including the banks, if they believe that those lenders have acted inappropriately. They must be able to intervene quite actively and not to be seen to be constrained by any direct Government influence. Therefore, when I am able to get access to some funding (and that is very difficult in the present economic climate) I intend to give a high priority to the matter of financial counselling and the upgrading of financial counselling, particularly by voluntary agencies—non-government agencies.

Some finance counselling services are available through the Department of Agriculture. I cannot recall the precise nature or extent of those services, but I shall certainly follow up this matter with my colleague the Minister of Agriculture in considering the suggestion that has been put forward concerning the desirability or otherwise of a task force.

The other point that needs to be made I think is that perhaps we ought to be just a little cautious in continually throwing around the term 'rural crisis' as though it had burst upon the entire farming and grazing community. I understand—and the Hon. Mr Irwin would be in a position to confirm or deny this—that, overall, livestock prices are still in pretty good shape and that there are many livestock producers in the South-East, for example, who are doing, I am pleased to say, well and in some cases very well, particularly the well established ones. The problem that we have of course is that the bottom has dropped out of the overseas market for cereal grains, and when that happens and the farmer is over-committed and bank interest is concurrently going through the roof, then, of course, no amount of financial counselling is going to help a percentage of those farmers out of their difficulties.

That is not to suggest for one minute that I am other than completely sympathetic to those who have been affected by the crisis that has beset our grain growers generally around the State and around the country. So, I am happy to take on board the honourable member's suggestion. I believe that we are probably already developing a strategy which may make a task force superfluuous. However, I will consult with my colleague, the Minister of Agriculture, take on board all those suggestions and factors that have been raised, at which time I will be in a position to respond specifically to the suggestion.

TRIAL

The Hon. R.J. RITSON: The Attorney-General has indicated that he has a reply to a question that I asked on 17 March concerning a specific trial. In view of the time, I am happy to have the reply incorporated in *Hansard.*

The Hon. C.J. SUMNER: I seek leave to do that.

Leave granted.

The case of the person whose name you gave to me in confidence has been committed for trial, the offence having occurred on 2 April 1985. The committal proceedings commenced on 22 October 1985, and a total of 32 court sitting days were needed to conclude it, the date of committal being 18 November 1986. The evidence at the committal occupies 2 202 pages of evidence in addition to four to five days for submissions on the facts and law. Delays occurred because of the unavailability of senior defence counsel and the principal Crown expert. The trial has been set down for 3 July 1987.

SECURITY GUARDS

The Hon. I. GILFILLAN: I am advised that the Minister of Health, representing the Minister of Transport, has a reply to a question that I asked on 17 February about STA security guards.

The Hon. J.R. CORNWALL: In view of the time, I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

The State Transport Authority employs special constables to provide additional policing activities throughout its operational area. This small force of 15 personnel includes those positions transferred to the authority in 1978 from the former South Australian railway system which employed a force for more than 40 years.

The STA constables, and the SAR constables and detectives before them, have always been issued with handguns. The weapons are the small .32 calibre Browning pistol which is carried by members whilst on duty in a concealed position either in a shoulder or ankle holster.

Strict security is maintained over these weapons whilst members are off duty, and when on duty the guidelines laid down by the South Australian Police Department are strictly adhered to by the constables. Constables will not resort to the uses of firearms except in the following circumstances:

1. When the constable believes on reasonable grounds such use is necessary to protect life or prevent serious injury and only then when satisfied no other means are available; or

2. For the lawful destruction of animals.

There has been no known incident involving STA or SAR constables firing or even drawing their weapon during the history of either force except for the infrequent occasions when a seriously injured animal has been humanely destroyed.

The restructured Transit Squad for the State Transport Authority has a combination of State Police and Special Constables. This combination gives all the indications of being an effective team because of the training, expertise, and backup resources available to the police officers coupled with the experience and local knowledge of the special constables.

The police members of this squad are equipped with the .38 calibre Browning pistol which is also carried in a concealed manner. The Transit Squad commenced its operations on Monday 16 February 1987, and during the first 10 days of its operations 22 arrests and reports have been made within the transport system for offences ranging from theft to assault and disorderly behaviour. This figure does not include the issue of several Transit Infringement Notices for breaches of the STA Act and regulations.

MOTOR VEHICLE DEFECTS

The Hon. I. GILFILLAN: I am advised that the Attorney-General has a reply to a question that I asked on 24 February concerning motor vehicle defects.

The Hon. C.J. SUMNER: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

The Commonwealth, State and Territory Governments became aware of the problem associated with the seat slides of Valiant motor cars when concern was expressed to the Australian Motor Vehicles Certification Board in 1981 following an accident in 1977 involving a Valiant vehicle. After extensive investigations and discussions, the Governments decided that the seat slides did not meet the requirements of the Australian Design Rule for Seat Anchorages for Motor Vehicles (ADR 3) and that in any event a safety related defect existed.

On behalf of the State, Territory and Commonwealth Governments, the Federal Minister of Transport requested Mitsubishi Motors Australia Ltd to recall the Valiant vehicles. The Mitsubishi company expressed the view, based on an alternative interpretation of ADR 3, that the seat slides met the requirements of the rule and so a recall program was not warranted. At that time, no authority existed to order a recall. A voluntary recall code was followed by the automotive industry and worked generally well. However, in this instance, it was shown to be not adequate.

In accordance with the provisions of the recall code a referee was appointed in August 1984 to adjudicate on whether or not a recall of the Valiant vehicles should be undertaken. In October 1984, the referee resigned his appointment because of lack of protection in the event of a court action which may have resulted from his decision. The Mitsubishi company failed to provide an assurance that they would not involve the referee in future litigation.

The Commonwealth Government then engaged a consultant (Professor P. Joubert) to investigate the technical aspects of Valiant seat slides. His report confirmed the tests and analysis previously carried out by the Governments and concluded that the requirements of the ADR were not met. Following receipt of this report the Federal Minister of Transport reiterated his request to Mitsubishi Motors Australia Ltd for them to proceed with a recall program. The Company disputed the findings of the consultant again basing their reasoning on an alternative interpretation of the ADR. A recall of the vehicles was not undertaken.

The critical factor in vehicle recall is whether the alleged defect will or may cause injury. The Federal Office of Road

Safety after additional investigations indicated that it would be very hard to prove a case of injuries being suffered by occupants of Valiant vehicles and hence the safety related defect argument would be difficult to sustain. The Australian Transport Advisory Council (ATAC), at its meeting in December 1986 unanimously decided that no further action be taken.

As a direct consequence of the investigations of this matter, the Federal Parliament amended the Trade Practices Act so that the Federal Attorney-General now has the power to order, on the advice of the Federal Minister of Transport, the recall of vehicles manufactured after 1 July 1986 if a safety related defect exists. No retrospective powers are contained in the amendment.

Referring to the specific questions asked by the Hon. Mr Gilfillan, the Minister of Transport has provided the following information. The State Government was involved in discussions with the Federal and other State Governments on the issue of the Valiant seat defect. As outlined in the above statement, this is not a new issue and there has been no secrecy surrounding it. It has been the subject of Press coverage on a number of occasions over the years. Several of the tests of the seats were observed by a representative of the Australian Automobile Association. The Government believes that the actions of the Federal Minister were at all times made with the best interests of the travelling public in mind.

LAND VALUATIONS

The Hon. PETER DUNN: I understand that the Minister of Health, representing the Minister of Lands, has a reply to a question on land valuations that I asked on 17 February.

The Hon. J.R. CORNWALL: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

Valuation principles and practice apply equally to all land. There is no special formula used for valuing Housing Trust land compared with private land.

CORRESPONDENCE SCHOOL

The Hon. R.I. LUCAS: Has the Minister of Tourism, representing the Minister of Education in another place, an answer to a question I asked on 2 December 1986 about the Correspondence School?

The Hon. BARBARA WIESE: I seek leave to have that reply incorporated in *Hansard* without my reading it.

Leave granted.

My colleague the Minister of Education has advised that an amount of $16 000 was provided mid-year 1986. Approval has now been granted for an additional $40 000 to be provided to the Correspondence School for provision of texts and other matters related to the conduct of courses.

EDUCATION STAFF CUTS

The Hon. M.J. ELLIOTT: Has the Minister of Tourism, representing the Minister of Education in another place, an answer to a question I asked on 18 November 1986 about education staff cuts?

The Hon. BARBARA WIESE: I seek leave to have that reply incorporated in *Hansard* without my reading it.

Leave granted.

My colleague the Minister of Education has provided me with the following information in response to the honourable member's questions:

1. As a result of an estimated fall in enrolments of 1 000 students, there will be 77 fewer teachers appointed to secondary schools and five additional teachers appointed to primary schools in the Northern Area.

As a result of the additional 100 FTE school assistant salaries provided to schools, there will be an increase in school assistant hours in the Northern Area for 1987.

2. Experience has shown that some teachers who are displaced prefer placement against a year-long vacancy closer to home (with the chance of winning a more desirable permanent placement for 1988), than a permanent placement some distance from their home. Teachers seeking permanent placement will be made a permanent offer.

3. This use of staff has come about as a result of requests from principals as a group. Negotiable staff has not been cut by half.

4. It does not necessarily follow that a decrease in teacher numbers leads either to decreased subject offerings or larger class sizes. The teacher number change is in line with enrolment change and hence class sizes can be maintained.

Significant cooperative arrangements between schools in five different districts, plus programming strategies within schools, will ensure students continue to have access to subjects of their choosing. Clustering/cooperative concepts are being organised among the following groups:

1. Elizabeth West High School
   Smithfield Plains High School
   Craigmore High School
   Elizabeth High School
   Fremont High School
2. Paralowie School
   Salisbury High School
3. Para Hills High School
   Ingle Farm High School
4. Strathmont High School
   Gilles Plains High School
5. Banksia Park High School
   Modbury High School
   The Heights School

5. In view of the previous information the matter of reduced subject offerings does not arise.

6. Even with stable enrolments Year 11/12 subject choices vary from year to year as students select from a range of subjects in the prospectus. Those subjects which lack viable student numbers are then discontinued.

With the dramatic growth in Year 11/12 options (there are over 92 SSABSA approved subjects) no school can offer the whole range of possible studies at this level. It must be repeated, however, that because of the cooperative arrangements mentioned earlier all students in the Northern Area have access to a wide range of courses of study that maintain their career options.

7. In general, Home Economics, Technical Studies and Art classes are no larger than 20 and are often about 16.

8. The number of R-7 salaried dedicated to languages other than English have risen for 1987 in the Northern Area. Given that the overall increase in primary teachers in the Northern Area is five, it is expected that there will be an increase in the number of students in R-7 schools who will be offered a second language in 1987.

HOME ASSISTANCE SCHEME

The Hon. M.J. ELLIOTT: Has the Minister of Tourism, representing the Minister of Employment and Further Edu-

cation in another place, an answer to a question I asked on 2 December 1986 about the Home Assistance Scheme?

The Hon. BARBARA WIESE: I seek leave to have that reply incorporated in *Hansard* without my reading it.

Leave granted.

My colleague the Minister of Employment and Further Education has advised that there has been no change in the budget for the Home Assistance Scheme between 1985-86 and 1986-87. In both 1985-86 and 1986-87 the budget for the scheme has been $900 000. The SGIC workers compensation premium from the 1986-87 budget is $122 283.75 (13.6 per cent of total). In 1985-86, 31 councils sought a total of $1 322 239 under the scheme and total approvals were $1 197 892. In the first five months of 1986-87, 18 councils have sought a total of $776 134—approvals total $447 696.

During 1985 and 1986, there was a heavy increase in demand from councils on the scheme. By mid 1986, this demand has considerably exceeded the budget capacity of the scheme. As a result, the criteria adopted in determining priorities in recent months have been:

- a preference for the continuation of existing services rather than the introduction of new services;
- funding allocations more closely following relative regional levels of unemployment;
- funding allocations more closely following relative levels of eligible households between councils;
- increased flexibility for councils to determine the types of services provided;
- adjusting funding periods to more closely approximate the financial year cycle and thereby reduce the size of the forward commitment component of the 1987-88 budget.

As with the range of other Government funding programs, funds were provided on an annual basis. While the Government recently released policy statements on local government and human services endorsed the concept of long term financial agreements between State and local government. The terms of these agreements are yet to be determined. I would hope considerable progress will be made during 1987.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 31 March. Page 3591.)

The Hon. PETER DUNN: Prior to seeking leave to conclude my remarks, I had been explaining why it was necessary for the Government to have extra money to assist the Rural Assistance Branch during the now well documented problem which has occurred within the rural community. It was interesting to note that the Minister of Health just indicated that he was hoping to get more funds to provide for services dealing with psychiatric problems which may be occurring in the rural community. It is with that in mind that I continue to explain in some detail the reason for having to have that extra money for public servants, and to assist those people who, through no fault of their own, have got into financial trouble.

Whilst speaking of Government costs and add-ons and the costs of primary production, let us look in some detail at the effects of tariffs, particularly these indirect taxes. First, in the South Australian magazine *Farming Forum* there was an article by a person using the *nom de plume* Victoria. In reply to Victoria's article, Julian Cribb of the *National Farmer* said, in regard to tariffs and their influence on primary industry:

> The cost of tariffs on farm inputs and indirectly on farm returns via the exchange rate costs $7 000 per farm. The cost of uncompetitive and inefficient ports and waterfront operations is a cost estimated at $4 000 per farm. The cost of an uncompetitive transport handling monopoly comes out at $12 per tonne of wheat or $4 800 per grain grower. The cost of an internationally uncompetitive wages structure and wage fixing system—unqualified, though—is partially reflected in these tariffs.
>
> The cost of the wellhead levy on oil and sundry other indirect taxes on fuels and lubricants, etc. is $2 500 per farm. The cost of inordinately high interest rates resulting from Government efforts to sustain the high Australian dollar is perhaps $2 000 per farm. I believe that the figure has risen recently with the large hike in interest rates that the Government has imposed in an endeavour to hold up the Australian dollar, particularly in the last two months.
>
> The cost of Government taxes and charges which, over five years, have inflated at double the rate of the CPI is around $1 500. These are unreasonable costs per farm. If you add all these costs which originate from Government, the impost on the average farm is more likely to be $23 000 out of an average annual farm cost of $69 000, or exactly one-third. This is an appalling burden to impose on a productive industry and to imply, as Victoria does, that the Government should neither accept the responsibility for it nor attempt to mitigate it is dangerously absurd.

That is Julian Cribb, a noted journalist with the *National Farmer*. Perhaps we do not even accept his figures. Even if we halve these figures, the effect is quite dramatic and demonstrates what a burden primary production in this State has imposed upon it. Those Julian Cribb figures were for Australia. Perhaps to bring it more sharply into focus, let me use the figures from a bank on Eyre Peninsula.

This is a bank in a small town which has been affected by the downturn in yields due to frost and due to the late start in recent seasons. That bank has had some 60 per cent of its customers starting this year with a debt. The need for overdraft facilities has been changing quite dramatically in the past three years. In 1985 those facilities were required by most farmers in September and October. In 1986 overdrafts were required in June, and in this year the same overdraft facilities were required in February. So, they have come back from September-October to February.

In fact, the peak debt for those overdraft facilities has risen by $40 000 this year. So, if they had $50 000 last year, they have $90 000 this year in peak debt. That is only a guesstimate, and I dare say there are a lot of farmers within that category. The interest rates have risen 5 to 6 per cent in the last year, frightening all those people who were endeavouring to obtain those overdraft facilities. In fact, there was a farm on the market not as a result of a forced sale but as a result of a farmer wanting to move away from the rural industry due to illness. He put his property on the market for tender, and received not one tender.

I think that this demonstrates quite clearly how the bottom has fallen out of the rural industry, and indicates the low values in the area. In fact, the values on Eyre Peninsula have dropped by 30 to 50 per cent while throughout the State they have dropped by perhaps 20 to 30 per cent. It is interesting to note that in the same area an accountant confirmed that, in that town, 50 per cent of the farmers' businesses had net incomes of less than $10 000. He also said that 60 per cent of the farmers were eligible for health care cards, and that only applies when the income is less than $12 500.

So, it can be seen that there are some fairly drastic reductions in the incomes on rural properties in South Australia. While we are talking about the low income and low returns to farmers and the high cost of input, let us look at the value of some of the production to the State as a whole, and I will relate this to Eyre Peninsula in particular. In the

years 1985 to 1986 the income from grain to the whole of Eyre Peninsula—remembering that grain prices fell quite dramatically that year—was valued at nearly $116 million; wool, $46.5 million; barley, $44.5 million; and the sale of sheep and lambs, $10 million. It can be seen that although the income on an individual basis has fallen dramatically the State coffers will have also suffered by the drop in the income from mainly cereal growing.

The rural population on Eyre Peninsula is not great—in fact, there are only 4 500 males and 3 700 females who are established on 1 757 rural properties. However, not only has that income drop affected those 6 000 people but it has also had a dramatic effect on the State's income. If we take into account the well recognised multiplication factor of about 2½ times, that money from export income comes into the community, it circulates and helps keep the standard of living at a level to which we are accustomed. If we are going to increase our standard of living, we must trade with other nations and we need to have this primary production to do that.

It is unfortunate that Australia relies so heavily for its source of income on primary production. In South Australia alone about 70 per cent of our total export income is received from primary production. That is much higher than it was in the mid fifties and mid sixties. In fact, in a speech day at Roseworthy Agricultural College in 1984 Premier John Bannon recognised the very important part that primary industry played to this State. He said:

> We looked carefully at the contribution of each sector of our economy to our gross regional product and, from this study, looked at those industries which, through the strength of their multiplier effect, made the greatest contribution to the final demand and/or leader industries which were pushing activities in our economy. At the top of this list is agriculture. We are now seeing that this so-called locomotive industry is really being pushed very hard in an endeavour to keep itself in that position.

Agriculture suffers dramatically from weather conditions and, when it does not rain for 48 hours, the State's income will be falling. However, secondary industry in this State, which may give some evenness in income, has been appalling in its performance. This can be quite squarely laid on the present Government's policies. For instance, in the past 15 years General Motors-Holden's, which fundamentally had its major operation in this State, has substantially shifted to Victoria. South Australia was also the centre of the white goods industry, for instance, Simpsons, Lightburn and Kelvinator, and they have all been taken over by industries in the Eastern States and the goods are now manufactured there. There appears to be no incentive for manufacturing in this State. In fact, since the end of the Playford era, it has fallen from being about 45 per cent of the State's income to 30 per cent or less at the moment, thus increasing our reliance on primary industry. This is an indictment on the present Government's direction and encouragement of those industries.

Secondly, the Federal Government has an even greater role to play in this saga. It has caused many of the problems, so let me just list some. First, there is very high taxation on pretty well everything that is used. There appears to be a philosophy within the Government that, if it moves or it is used, tax it. Both Federal and State taxes in all forms need urgent review. There appears to be no incentive under the present system for people to make money, or to put money aside for a rainy day, and this is very important to primary industry, which suffers from droughts and down periods, and it is necessary for these people to put aside sums of money which they may recall in times of drought or when there is no such plenty.

It is immoral for the whole banking framework to charge up to 8 per cent above the originally agreed interest rates. I have no quibble with the fluctuating daily rates on working accounts, but I question fluctuating rates relating to long-term loans. Interest on deposits is held for the term, and that should be the case with borrowings. Decreased prices for products, particularly for grain, meat, fish, minerals, coal and wool, are still behind the inflation rate, so the Government needs to get out and do some more sensible selling in an endeavour to make these products acceptable to the rest of the world. We are cheap and efficient producers who receive very little subsidy from the rest of the people in Australia, but we compete against those countries that have now seen it necessary to subsidise their primary producers.

As I have mentioned, tariffs are far too high. Each farm in Australia bears a minimum of $6 000 in the tariff bill and the cereal producers bear above the average share. I believe that Governments will have to reintroduce equalised income deposits to help that section of the community. The removal of that incentive has caused great problems for farmers who have fluctuating incomes. The rest of the world saw these problems before Australia did. America is an example and it has seen a great fall in the income of its primary producers. It has seen a great relocation of farmers from their farms to the cities, and from farming to other occupations. They now have enormous problems because of increases in efficiency, very high costs of input, and increases in inputs. Even though they have inflation rates of 3 per cent to 4 per cent and interest rates of 8 per cent, they still have problems with their over-production.

The European Economic Community is another factor. It has decided, for good or for bad, that it needs to subsidise its rural producers, and I can see why it is doing that. It is easy to request that the farmers stop being subsidised, but the effect of that in those densely populated countries would be that the very small and less efficient farmers would finish up on the unemployment bench and they would again finish up in the big cities. That would cause tremendous problems to Governments of those countries. However, by subsidising them to the degree that the EEC does (and those subsidies are quite enormous, as much as 40 per cent on the real price of their products across the board), it is able to keep those farmers on their properties.

The reasons are quite simple. Those farmers, countries and nations during the First World War suffered starvation. People starved during the Depression in the thirties and they again starved during the Second World War. I believe that the Governments of those nations made a conscious effort that that should not happen again, so they decided to keep and build up their stocks. For instance, Europe now has a grain stock equivalent to one year of Australia's production and that is about 18 million tonnes. It is not as good a product as that produced by Australia, but it is there and it can be used if and when necessary.

Its dairy products have enormous surpluses, so it is virtually impossible for Australia to get into that market. We are now seeing a war between the EEC and the American rural community. They are fighting one another with subsidies. The American Government has decided that it must get rid of its surpluses and, in so doing, it is lowering the prices on a worldwide basis and it is competing with Australia in our traditional markets, particularly for grains, for instance in the Middle East and in Taiwan, China and closer countries that we traditionally traded with.

I am not sure that that problem can be corrected quickly. It will take something rather dramatic before our market recovers. If there is a threat of war in the northern hemisphere, a drought, or a turnaround in the economies of Russia or Europe, the problem might be quite quickly solved,

and that could happen. However, I do not want to see a war or a drought. Nobody wishes that upon them, but something dramatic will have to happen for our markets to increase and recover to the degree that they recovered in the 1970s. I hope that that will happen, although I am very pessimistic about this at the moment. What are the remedies for these problems? In short, the primary producer in Australia will have to accept what he has said he would not accept in the past, that is, a short-term subsidy to tide him over a very difficult period when there is a lack of finance even to live from day to day and even though that has been a dirty word in the rural community. If we are to retain those farmers who are the most productive, youngest and most interested, or the people who have the most expertise, they will have to accept some subsidy from both Federal and State Governments. The present Rural Assistance Branch will be hard pressed to meet overdraft requirements in the next year or two and banks will have to play their part. I believe that if farmers stand firm banks will not sell them up because they stand to lose as much, if not more, than the individual farmer.

However, they will have to look very carefully at the cost of money to primary producers and the high interest rates that have been caused by Federal Government intervention will have to be addressed now. Rates of 20 per cent or 21 per cent are not acceptable because if people default on a loan for four years the debt will double. That is not acceptable to any industry, let alone the primary industry. The big hike in interest rates is the central cause of the nonviability of many rural producers. If it is good enough to subsidise home buyers by $143 million across Australia to maintain their interest rates at 13.5 per cent then a similar facility is necessary for primary industry, those industries referred to as locomotive industries by the Premier, industries which keep this State rolling along.

Governments will have to remove all disincentive taxes and give their taxation systems a thorough review. They will have to drastically reduce tariffs on the inputs of all import items, for instance, machine parts, chemicals and fuel. We cannot continue to pay high tariffs for these goods and expect to compete with the rest of the world. The Government will have to replace the cost price index used through the Arbitration Commission: maybe an export earning performance would be a better yardstick. I have not gone into this matter at length, but it is being put forward by some commentators as a method by which we should be gauging our performance. If this country is to generate export income so that we can increase the standard of living, or maintain it where it is, it is necessary to alter all of those performances.

In the short term, it is interest rates that are the killer. When I speak to my friends, some of whom have been very open and frank with me, I am told that it is interest rates that have ruined their economy. They have lived with low commodity prices in the past, but their inputs were lower. Governments, both Federal and State, have built great bureaucracies which must be fed with huge sums of money. This Supply Bill is endeavouring to do that. This State Government must play its part in retaining the economic viability of the rural and farming community and the urban community in the short term. In the long term it must scrutinise its own activities.

The Hon. T.G. ROBERTS: I support this Bill, which provides for the appropriation of $645 million for the 1986-87 budget year. I will touch on some of the positive aspects of South Australia's base being broadened to take us into the next period, which will be fraught with difficulties. As other speakers have said, South Australia has a very delicate economic base, both in the manufacturing and now, because of the commodity price drop, the rural and agricultural areas, although there are some aspects of the rural industry that are doing well.

However, some areas, particularly the grain growing areas, are experiencing difficulties. I hypothesise that for us to subsidise in any way these areas that are caught in the middle of the trade wars between Europe and America we must have a strong manufacturing base to provide the grounds for those subsidies. If one looks at the economies of both America and Europe one sees that they are able to provide those subsidies on the basis that they have a stable (perhaps not so much America now), expanding manufacturing base which provides the revenue for subsidies to be directly provided to the supply side of the rural sector. I do not think that South Australia can on its own provide those sorts of subsidies. I have some sympathy for those people about whom Mr Dunn speaks, but I do not think that coming into the next period, and based on the projected figures for growth both nationally and at the State level, that those sorts of ideals can be met.

If one looks at some of the proposals put foward by the Hon. Mr Dunn about sharing the national and State revenue between the manufacturing and rural sectors, I do not think that international price competitiveness really has a lot to do with the argument. The basis on which Europe subsidises is partly emotional, partly strategic and the reasons for which America subsidises its growers is very political and has a lot to do with re-election, surpluses, trade blocks and trade agreements that do not touch at least on economic sense, but have a lot to do with defence and overseas pressure from some of the countries with which they trade.

If South Australia in particular wants to enter that arena it would get knocked out of it very quickly. What we have to do is build a sound manufacturing base to compete not only internationally but with other States and then with our surpluses hopefully created from that we could identify those areas of the rural sector that are able to compete internationally and our national negotiating bodies, through GATT and other forums, would have to make sure that we had open access to free markets in terms of trade.

I am sure that Australia's farmers and manufacturers, once established, have the ability and the knowledge, know-how and gumption to get into the international trade arena and to be successful. Australians generally have a history of being able to compete in difficult times.

We are now in difficult times but, in a cooperative way rather than a competitive way, we ought to be able to rise to the occasion to make sure that the manufacturing base is able to support in a complementary way a viable rural sector, not based on the emotional political divisions that are evident at the moment, being foisted on us by the likes of the Petersens and Ian McLachlans and so on. But if we analyse our difficulties and have a competitive, cooperative approach to getting out of some of the financial problems that beset us, there will be results.

I would like to perhaps touch on some of the success stories where cooperative approaches have been made to try to give our manufacturing sector, on a national and a State level, a boost to allow us to be competitive with our overseas trading partners. We should try not to concentrate on the negatives that some of the story tellers push about—that we cannot become internationally competitive because of our wage rates, structures, standards of living and so on. If they want us to represent a peasant class in the rural sector and very poor individuals within the manufacturing sector, we would probably have to go back to Taiwan, Hong

Kong or Singapore wage rates to be internationally competitive. But even that in the manufacturing or rural sector does not guarantee access to markets. We have to be innovative and competitive enough, and we must be able to supply markets with good quality, high standard products in both the rural and manufacturing sectors. We want people to beat tracks to our doors rather than our having to go out and seek markets, having to dump or sell at grossly undermarked prices to get products on to the open market.

International trends at present do not look too healthy given the trade war that has occurred since the debate on the last Supply Bill, when we talked about trade problems between America and Europe. Japan has now been thrown into the equation and, although during the last debate we talked basically about the effect on our rural industries, we must recognise that there are now trade wars at a manufacturing level that will probably impinge on our mining sector and eventually on our manufacturing sector. Australia really has a tough task ahead of it. The allocation of funds for Supply are very tight. Each State is very competitive about how much of the Federal dollar it wants in order to continue servicing its own budget requirements and debts. New South Wales and Victoria grab large amounts of the Federal dollar and South Australia must be able to get in there and compete to obtain its required allocations to allow it to function.

I believe that the Government has done a good job in presenting its case to the Federal Government in a fairly organised and professional way, and I do not believe there have been too many calls against the Government to the effect that it has not done its homework in presenting its case to the Federal Government in terms of its rightful allocations. We can always say that we want more, but I guess that, in the next round of negotiations, we will be told by the Federal Government that we will receive significantly less. Some of the problems raised by other members in the debate will be further exacerbated by a projected cut in our national receipts due to the lower prices of our commodities, both rural and manufacturing.

One of the areas in which Australia and South Australia have come together in recognition of the difficulties they face (although, in a lot of cases, at an administrative level, they are only now starting to function) is in the establishment of industrial supplies offices (the ISOs). The establishment of the ISOs in Australia has been in response to the concerns of Governments (both State and Federal), industry and trade union groups. The trade unions have been very responsible particularly at an ACTU and TLC level in assisting the State and Federal Governments with information.

Tripartite sessions have been set up to get the industry councils off the ground and to have the ISOs consider the areas that can be retained in States so that State manufacturing bases can be maintained while still allowing imports of certain manufactured goods that go into making up contracts and supplies for structures and allowing our local manufacturers to compete and at least have the ability to forward plan and forward invest to take opportunities that will exist in some of the projected structured growths that would occur in a 12-month or 18-month period, although in some cases it may be longer. Employment opportunities were being lost to overseas suppliers through industrial purchasers' lack of knowledge of Australian industry's supply capabilities. Common objectives adopted by all four established ISOs are as follows: enhance the receptiveness of major purchasers to the existing or potential products and services of local manufacturers; improve the competitive position of State and other Australian firms by fostering a greater familiarity with the needs of major purchasers; and ensure that State and other Australian firms are given a full and fair opportunity to compete for the manufacture and supply of these goods and services.

The ISOs, which offer services free of charge to industry, are fully funded by the respective State Governments, but operate independently of Government, although there is liaison between Government departments and ISOs. There is a loose affiliation. Their operations are overseen in Victoria and Queensland by the State branches of the Metal Trades Industry Association, in this State by the Metals Industries Association of South Australia and in New South Wales by a board of management consisting of the State Ministers for Industry and Small Business and Employment and representatives of the State branch of the MTIA, the New South Wales Chamber of Manufacturers and the Labor Council of New South Wales.

The major role of the ISOs is to act as intermediaries to bring together purchasers and suppliers of all kinds of goods, machinery, equipment and services 'but particularly those of a more technically advanced nature'. We can see that the organisational structure of the offices is well under way. In South Australia an industrial supplies office is linked with and assists manufacturers to quote for many of the contracts that come forward in both the Government and private sectors. Other functions claimed by the offices include encouraging local manufacturers to enter into licensing arrangements with overseas firms to import technology not locally available; assisting overseas contractors locate suitable competitive Australian suppliers, including the discharge of offsets obligations (and that is becoming a large business); locating potential manufacturers of new technology; market assessments to assist suppliers' decisions regarding the viability of local manufacture; overcoming bias in tender specifications; and providing advice on the availability of Government assistance.

An emerging growth out of that is technical advice and curriculum development for manufacturers, tertiary institutions and secondary institutions. Some of the education requirements will maintain those manufacturing support bases that will take Australia into the next decade and put us on a sound base and give us a springboard to compete internationally and to maintain, at least at national and State levels, income receipts that will permit the distribution of wealth across the States equitably. Hopefully Australia will not fall into the trap pronounced by the Treasurer (Paul Keating) and become a banana republic. I hope that we will not end up with the biggest banana of them all, Joh Bjelke-Petersen, as our leader to take us into the 1990s. If we go into the 1990s with an approach from 1910 or from the 1920s, some of the very serious problems that we face today will be exacerbated. I know that members opposite and the Democrats take a fairly progressive view of what is required for the 1990s. A cooperative approach is required by industry, unions and Governments. With assistance from Government departments we can set up a springboard to take us into the 1990s through this very difficult but short period. That will enable us to compete, and some of the worst predictions may not occur.

A number of other organisational structures which have been set up and are in their infancy are now starting to build up a certain amount of respect within all groups. A lot of touchy/feely stuff has been going on between the participants. Australia and South Australia do not have a tradition of cooperative approach from many of the bodies and organisations that I have mentioned. A very understanding approach is needed by employers, unions and Governments to set up these tripartite structures. Over the years there was a lot of antagonism and shadow boxing about

how wealth was to be distributed. The approach is now more cooperative regarding the way wealth must be created before it can be distributed. Once all the bodies associated with tripartite organisations start to trust each other regarding the production of wealth and sit down and talk about the finer points of distribution, a lot of the shadow boxing will ease and a certain amount of respect will be built up within those organisations for each other and for the way in which they operate at professional levels. The minor political differences existing between the organisations must be overlooked and, as long as the politics do not interfere in the negotiations, a cooperative approach can result in developing ideals to enable State and Federal Governments to increase revenue bases so that the States can supply some of the support structures for a lot of the points of debate that have been made.

There are a lot of contradictions politically in terms of an extension of Government services, particularly in the community welfare and revenue areas. There is also an ideological difference about revenue bases to supply funds to finance such services. Until a more mature approach develops in terms of revenue collection and the Australian revenue base, there will never be a mature approach to the distribution of that revenue and who gets a share of it. The way to go is probably to subsidise assistance to targeted groups; that will take us through our difficult periods.

The private industry sector alone has not been able to provide the impetus for economic expansion. The investment figures for new technology and industry have not been forthcoming from industry. Private companies have been more interested in shaking out their partners in takeover bids than they have been in looking at expanding revenue bases and potential export markets. It has been up to Governments to provide some of the impetus for that sort of thing to happen. A number of larger companies are not interested in getting their heads down to look at expanding our manufacturing and revenue bases and increasing State and Federal revenue income bases. The Government will have to intervene in some of these areas to make the companies look at where they are going.

A good example in South Australia of a State-owned company is the Woods and Forests Department. It comes in for a lot of attention in the Opposition's policy development for the next decade. The dries, at least, rather than the wets, are very critical. The wets acknowledge that a lot of Government departments and Government-run enterprises do turn in good figures and run very good commercial operations. I will touch on Woods and Forests as an anecdotal illustration of a company structure—

The Hon. M.B. Cameron: There are no plans to change Woods and Forests, anyway.

The Hon. T.G. ROBERTS: I have heard some of those stories before. There are probably areas of Woods and Forests that might come in for closer scrutiny by some of the private organisations that operate down there.

The Hon. C.M. Hill: Is it part of the Government's privatisation policy?

The Hon. T.G. ROBERTS: No, there has been no privatisation in the Woods and Forests Department. In fact, it has gone the other way. By negotiation, but not by stealth, further expansion of Government activity in that area has occurred and has been very successful.

The Hon. M.B. Cameron: I think you had better talk to the Minister.

The Hon. T.G. ROBERTS: I do talk to the Minister. I talk to him quite regularly, especially on industrial relations matters. On those matters I respect the opinions of the Minister, but much more can be done in industrial relations in some areas of government, particularly in the Woods and Forests Department. It needs to be drawn into those cooperative areas that I mentioned earlier. The Woods and Forests Department has basically all the support structures that are required for a successful organisation that manufactures for the domestic or State market and for the national market and it is looking to the export markets. That is the way in which companies ought to be moving; they should be looking at export markets so that they can bring in the revenue that is required to maintain the standards of living that people have come to expect.

I turn now to the financial statement issued by the Woods and Forests Department for 1985-86. It deals with the creation and distribution of wealth. It is probably a more descriptive way of supplying a financial statement and makes it easier for the layman to understand. It goes into wealth created, trading and other revenue; total wealth created; distribution of wealth created through wages, salaries, income tax, Government payroll tax, personal income tax and national income tax; and total wealth distributed. The South-East is very appreciative of the significant role played by the Woods and Forests Department in the well-being of that region.

The Woods and Forests Department does research and development work. It has nurseries, its forest operations, its conversion works, and its commercial sectors, all of which fit in to make a successful organisation, and it competes very well with a lot of the private sector operations in the area. I would say that the Woods and Forests Department has a good history of cooperation with trade unions and an ability to negotiate. In a lot of cases the dispute settling procedure and the procedure for change is very slow but, again, I hope that some of the structures set up over the past 12 months will bear fruit and allow the Woods and Forests Department to go into the 1990s on a very successful footing. There are a number of other organisations, like SAGRIC, which has Government and private contacts and, I suppose, respected procedures built into it, doing a lot of good work and starting to get international respect.

I think that if one looks at the positive aspects of the State Government's revenue base for the next financial year, one realises that it will not be the fault of the Government itself if the revenue base starts to diminish: it will be problems associated at the international and national levels that will exacerbate some of the problems. I would expect the Opposition, and the Democrats in particular, to have a look at the problems associated with diminishing revenue bases, and I suggest that they should also look at the way in which revenue is distributed. I hope that, when the Government does distribute the wealth that is created within the State, hopefully from the cooperative spirit to which I have referred during my contribution this afternoon, it will be distributed equitably. In relation to those people who cannot participate in the creation of wealth, for one reason or another, I hope that the Opposition considers that the way in which they are assisted overcomes some of the political biases that are built into its policies.

The Hon. M.B. CAMERON (Leader of the Opposition): I can assure the honourable member who has just resumed his seat that at the close of the day it is the Government of the day which accepts responsibility for bad budgeting—that is the reality of the situation, and it has always been that way. If the Government is unable to handle the job, there is no point in its grizzling—it should simply resign and we will take over. There would be no problem with that. The Opposition, of course, by tradition, supports this measure. One of the pleasing features of this Parliament is

that we have not had difficulties with Supply. I have noticed some criticism of the expansion of the debate on Supply, but I think it is an excellent idea to have some opportunity to express views on various issues, most of which are contained within the purview of Supply. I now want to say a few words about a report that was issued recently in relation to the Royal Adelaide Hospital emergency surgical services. It is an external report, and to assist discussion I seek leave to table that report.

Leave granted.

The Hon. M.B. CAMERON: I have been informed by senior people at the Royal Adelaide Hospital that it is not unusual for orthopaedic registrars and anaesthetic registrars (although it is more the orthopaedic registrars) to work up to 30 hours straight. In fact, I am told they can work from 8.30 a.m. to 3 p.m. the following day. I am further informed that the end result of this is that on occasions (not regularly, but on occasions) orthopaedic and anaesthetic registrars have been known to fall asleep while operating or administering anaesthetics. This is a very serious situation indeed and is one that greatly bothers me.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: That is the situation that exists. Let me assure the Council that my information on this matter is very accurate indeed. The emergency surgical services report states:

> It was evident from the theatre records that there were occasions when both surgical and anaesthetic registrars carried out demanding theatre work continuously for 24 hours. Specialist supervision of registrars was lacking during some of these prolonged periods of duty, especially in orthopaedic surgery.

That is a very serious statement indeed—it is not my statement but that which is made in the report at paragraph 2.5.8. Paragraph 2.5.9 of the report states:

- ESS is a valuable facility which allows resuscitation and treatment of patients with surgical emergencies, especially victims of road accidents.
- Patients with life or limb threatening conditions are treated rapidly.
- The workload is too high for the facility, and for the nursing, anaesthetic and surgical staff.
- The workload has increased since November 1986 when Flinders Medical Centre began transferring patients with surgical emergencies to RAH.
- Junior staff, especially orthopaedic, work unacceptably long hours.
- There is inadequate supervision of junior medical staff in some specialities, especially orthopaedics.
- There is no-one available at all times, either medical or nursing, to coordinate bookings.
- Operations on Category B patients after midnight are unacceptable under existing staffing arrangements, and these are placing patients at avoidable risk. The South Australian Health Commission Publication 'Anaesthetic Deaths in South Australia 1974-1983', which is quoted in the Allen report (3.2), gives 15 conclusions identifying factors contributing to anaesthetic deaths: ten of these are immediately relevant to ESS in its present state.
- Some areas of ESS are badly in need of structural modification—especially the staff facilities.
- There are equipment deficiencies, both surgical and anaesthetic, in ESS.

I point out that the report states:

> Finally, the RAH is the only adult hospital which does not close its doors when its bed quota is fully committed; it is therefore often the recipient of urgent cases when other teaching hospitals are unable to accept any more patients.

But, of course, it goes further than that. It now accepts patients from Flinders Medical Centre when Flinders is not full. Within the past two weeks, Flinders on one evening had 50 beds empty but the beds allocated to emergency services were full, so patients were transferred to the Royal Adelaide even though it was virtually full. The reason for this is that the Health Commission and the Minister have ordered Flinders to keep aside a certain number of beds for elective surgery in an attempt to get the waiting lists down. But on many occasions when these transfers occur, the staff in Flinders' emergency area are not overloaded with work, but the staff at the Royal Adelaide Hospital are very busy indeed and, in some cases, as I have mentioned, working extremely long hours. I recognise that now there is some coordination between the two hospitals, but, nevertheless, the situation does exist. On top of all this, the report indicates that the Royal Adelaide Hospital has 'several apparent inadequacies', and I quote as follows:

(a) Consultant supervision of emergency operative procedures is at present low.
(b) The operative facilities for urgent surgery are under strain.
(c) There is no on-site facility for helicopter landings, and patients retrieved by helicopter must be landed on the University Oval and thence be transported by ambulance.
(d) There are no facilities for infants, children, and obstetric patients and the facilities (especially in rehabilitation) for adolescents are limited.

In some transfer cases, people with chest pains have been taken to the Royal Adelaide Hospital and that is an extremely dangerous procedure. I warned the Minister when this policy was initially supported by him that there would be serious difficulties, and I warn him again that if this continues some very serious problems will arise. Sending a registered nurse with the ambulance is just not sufficient. I know of two cases now where patients were not even triaged, but the ambulances were sent straight past Flinders. The two patients came from Moana and Noarlunga.

That again is an extremely dangerous procedure and the reason that it occurred is because the doctors concerned rang Flinders to inform the hospital of the arrival of the patients and in both cases they were informed that no beds were available and that they should be taken to the Royal Adelaide Hospital, which meant 10 minutes to Flinders and then another 20-30 minutes to the Royal Adelaide Hospital with no proper assessment except by the doctors of origin. So that part of the Emergency Services Report which said that Flinders was not bypassed is now no longer correct. Again, I am not saying that it happens on a regular basis but, nevertheless, it has happened.

In this report a review of triage sheets from 2-15 November 1986 showed that there were 33 patients transferred from Flinders, of whom 28 were surgical emergencies, including 10 with traumatic injuries, and during the whole of November 48 patients with emergency conditions were transferred from Flinders to the Royal Adelaide Hospital. A total of 74 were transferred during November and December and of these only five had conditions requiring transfer. So the decision to transfer patients from Flinders to the Royal Adelaide Hospital has increased the workload of both Accident Emergency and ESS at the Royal Adelaide. Extras are being piled in on top of an already over-burdened system, which has the following problems and I quote from the report as follows:

2.5.1 The Area: The suite contains—
(a) Orthopaedic theatre, large, with adjacent utility, setting up, store, scrub and anaesthetic rooms.
(b) Two emergency theatres (A and B) of medium size, with adjacent store, scrub, utility and setting up rooms, but no anaesthetic rooms.
(c) Emergency theatre C, small, with no adjacent ancillary rooms.
(d) Plaster room of adequate size.
(e) Change rooms and toilets—cramped.
(f) Tea room—inadequate.
(g) Duty rooms—small.
(h) Office area containing an office for the Nurse Manager, duty room, store for medical staff, and ward office adjoining the recovery area.
(i) Recovery area, containing four bays—one dedicated to X-ray examinations of cases undergoing resuscitation,

an admission bay, a recovery bay, and a bay used for pain clinic procedures.

In 1984 the Angles report cited problems with RAH operating theatres. I quote:

- lack of continuity of nursing staff within theatres
- location of some ward beds remote from the theatres
- use of remote theatres for after hours emergencies
- transporting of such patients long distances to a recovery room
- dispersion of theatre staff and equipment, with inefficiency and inflexibility
- low utilisation of some theatres with associated unnecessary expense.

The report disparaged the ESS theatres: two were described as 'just adequate', while the third was 'somewhat narrow' and lacking a separate anaesthetic room or scrub-up area.

It goes on with a lot of criticisms of that particular area. I quote now in relation to the internal consultancy report of 1975:

This report described in very strong terms a perceived impairment of morale among nurses, surgeons, anaesthetists and orderlies. Poor planning of operating room lists was criticised, and it was recommended that there should be a coordinator responsible for the general theatres. It was felt that the ESS and general theatres were at times understaffed, and a nurse utilisation study was recommended for ESS especially. In all, the internal consultancy submitted 58 recommendations, most of which were in varying degrees relevant to the ESS. Of these, a number have been implemented by administrative action; others remain unachieved.

This is from 1975 until the present time. I deal now with the Allen report. Members will no doubt recall the Minister's outburst at the time of the Allen report. Of course, at that time he quite deliberately misrepresented some of the features of the Allen report in order to take the pressure off himself, and he infuriated people in emergency services, and I quote from the report of the ESS. It states:

Allen stated that when a surgical registrar could not come at once, he might arrange for an X-ray examination to be done first, in the X-ray Department, instead of obtaining an urgent X-ray examination in the ESS suite. This was stigmatised as a deliberate delaying tactic; it has since been defended as a means of obtaining an official X-ray report in circumstances when other priorities made the surgeon unavailable.

Delays in X-ray Department: These often occurred, chiefly on nights when X-ray staff were under pressure. However, we are informed that when really urgent cases are sent directly to ESS, delay is virtually unknown and films of diagnostic quality are almost always obtained.

Delays caused by non-availability of surgeons: Allen noted that surgeons might be unavailable to perform operations, and this has been endorsed repeatedly since. Unavailability may be because surgeons are on ward rounds, outpatients sessions or tutorials, or already operating: orthopaedic and plastic surgeons have been particularly indicted. Unavailability of surgeons is apt to cause delays in performing operations in the morning session (0830-1230). Though Allen does not refer to this, we are aware of delays resulting when surgeons (especially orthopaedic surgeons) are physically exhausted by prolonged operations, and unable to obtain deputies.

Allen found that, in general, anaesthetic staff were available precisely according to roster. However, theatre time was not always utilised, especially in the period from 1630-1800. This was attributed to various factors, including a perceived desire of anaesthetists to obtain cafeteria meals (available only from 1200-1330 and 1730-1900); this desire will be understood by anyone who has sampled the alternative—

these are not my words but the words of the report of the emergency services—

of food from coin operated dispensers, and should be viewed with the knowledge that anaesthetists often work up to 24-hour shifts.

I have in fact been into emergency services lately—not for the purposes of spying on the hospital but because I had a genuine problem with a small boy. I might say that I looked at the meals available in the coin operated dispenser and I would not touch them with a 40 foot bargepole. They were dreadful looking things. In fact, I would be very wary of touching them at any time, because I would like to know how often they are changed. In some areas the dispensers were empty, and I certainly would not have a bar of them. The Minister was particularly sarcastic and disparaging in his public use of the fact that some staff tried to obtain meals at the best time with the connivance of someone in the system who drew up his wild allegations against people in ESS. The Minister's behaviour was disgraceful in making those allegations. These people, as the report says, are on 24-hour shifts and have 1½ hours in which to find time to obtain a cafeteria meal or get something in from outside, or put up with something from a coin operated dispenser, which is absolutely terrible.

The alternative, as I say, is to eat food from these things but, as most people would know, this could hardly be described as an adequate meal. If anyone wants to go down to the ESS and ask the staff what they think of the meals, they will get a very swift answer. I have spoken to some of the people who in fact work there. I continue with 3.3.2, Nature of Workload, as follows:

The RAH has a large workload of urgent surgery, which is all carried out in ESS. This workload is a combination of patients from the RAH's drainage area who arrive at A&E with urgent problems: patients retrieved from city, country and interstate hospitals and patients transferred from hospitals such as EMC which have the medical resources to treat the patients, but for various reasons elect to transfer them to the RAH.

The reason for this is that the Health Commission and the Minister agreed to a scheme on the number of beds which could be used for emergency patients in a bid to get the waiting lists down. That is a clear demonstration of what I was saying. Flinders has the staff, theatres, empty beds; but because the Health Commission and the Minister have agreed to allow Flinders to put elective surgery ahead of emergencies they are putting further strain on ESS staff and facilities at the Royal Adelaide. So, you have the absurd situation where patients arrive at Flinders and there are staff able to treat them and beds empty, but the patients are transferred because all the beds allocated to emergencies are full and the RAH, already overworked, has to accept them. As I said earlier, some of these patients are transferred with conditions that I would regard as dangerous. The report continues:

3.3.4 Staff shortages and workload: There is clear evidence that for the workload as it is currently arranged, the staff, as currently rostered, are inadequate.

In summary, the current workload and pattern relative to the staff availability results in unacceptable nurse staffing at times of peak load, and unacceptably long (24 hours) hours of work by registrar staff, often not supervised by a consultant. Staff deficiencies and workload are the subject of other recommendations.

I will mention those later. So, they are sending patients off to a place which is already understaffed and likely to get worse in view of cuts which have been forecast by the Premier and the Minister. I believe the transfer of patients is very dangerous in some instances and quite unacceptable, and I call on the Minister to review the practice immediately.

Now, let me quote from the report under the heading 'Facilities'. This is 1987, not 1887, but listen to this:

3.3.5 Facilities: All theatres except the orthopaedic theatre are too small for modern anaesthesia and surgery, especially theatre C. Anaesthetic rooms are either absent or inadequate. The scrub-up area for theatre C is in the theatre itself. There is inadequate anaesthetic and surgical equipment, so that operations are delayed or interrupted while missing equipment is located. Two similar procedures often cannot be carried out at the same time because only one set of instruments is available.

Staff facilities are deplorable. Toilets are inadequate. Lockers in change rooms are so close together that changing is difficult, and a broad shouldered person can hardly walk between two rows of lockers. The tea room is far too small, poorly furnished, and supplied with a fast food vending machine which is sometimes

empty, particularly after hours when the heavily worked staff take a 'snack break' because there is no time for a meal break in the cafeteria. The tea room is open to the main corridor, which is unsatisfactory.

This is the same area about which the Minister criticised the staff and said that they were taking time off and having meals while patients were waiting. The Minister stated:

Other delays were caused by the non-availability of surgeons for a variety of reasons or because some medical staff were reluctant to start a new case just prior to a meal break or within an hour or so of their rostered time off.

The Hon. J.R. Cornwall: This is what Dr Allen said.

The Hon. M.B. CAMERON: This is what you said. I apologise, this is what Dr Allen said, but the Minister repeated it in the Council in a form that was deliberately designed to reflect on the staff. He was very clever; he got hold of the press and deliberately pointed out particular sections and left everything else out. The Minister designed his ministerial statement, along with somebody from his staff, to ensure that, in the minds of the public, the medicos received a pasting.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Don't you try to tell me what you tried to do.

The Hon. J.R. CORNWALL: On a point of order, Sir. The report from which the Hon. Mr Cameron quotes at great length, which was prepared by Dr Gary Phillips and Mr Donald Simpson, was of course commissioned by me as Minister of Health.

The ACTING PRESIDENT (Hon. J.C. Irwin): What is the point of order?

The Hon. J.R. CORNWALL: There probably is not a formal one, but I wanted it to be on the record.

The Hon. M.B. CAMERON: You have been trying to get it in for the last half an hour. You wanted to get it in some way. I continue to quote:

In other words, operations were not begun because canteen meals outside those hours 'leave a lot to be desired' and certain staff working in the emergency theatres like to have meals at reasonable times.

I would have thought that that was pretty reasonable and that, if someone had been working for 24 hours and if a canteen were open and that were the only meal available for the whole evening, one should be allowed to go and have it and not be forced to ignore that time and order a pizza to be brought into the hospital, or to get something from a coin-operated machine. I think it would be a good idea if the Minister had a look at the coin-operated machines. It is a disgrace!

I asked the Minister before to apologise to those staff and, now that he has confirmation from his own report that he was wrong and that his attack on ESS staff was vicious and unwarranted, it would not be a bad idea if he went to the Royal Adelaide Hospital, called the ESS staff together and formally apologised to them, although I do not expect him to do it. He was covering up for his own failure to recognise the problems and his failure to do anything about them. He now says that sometime in the future he will upgrade ESS. Under the present Minister, we will continue to have 1887 style facilities indefinitely. Let us go to food, in which area the Minister used sarcasm to get himself out of trouble. He implied that staff were doing the wrong thing.

The Hon. C.J. Sumner: This has nothing to do with Supply.

The Hon. M.B. CAMERON: Of course it has; it has a lot to do with Supply. It is because of the lack of funds that this situation exists at Flinders and everywhere else. I would be interested to know who drew up the ministerial statement which the Minister used at that time. This has a lot to do with Supply; as much to do with Supply—

The Hon. J.R. CORNWALL: On a point of order, Sir. I would like to know (and I would like your formal ruling) whether this has anything to do with the debate before the Council. It is my submission that it is not relevant to the Supply Bill before the Council.

The ACTING PRESIDENT: The President, and Acting Presidents who have sat in the Chair through this debate, as I and most members have observed from the floor, have allowed a fairly wide-ranging debate on this issue. I have just heard, from the Chair, a member of the Government speaking—

The Hon. C.J. Sumner: He is not a member of the Government.

The ACTING PRESIDENT: I have just heard prior to the present member on his feet—

The Hon. C.J. Sumner: He is not a member of the Government, either.

The ACTING PRESIDENT: He is a member of the Government who spoke on quite a wide range of issues which relate to finance. There is no point of order.

The Hon. M.B. CAMERON: Turning to point 3.3.7 in the report, in relation to supervision it states:

The inadequacies in supervision of junior medical staff have been commented on previously. This is of major concern to us from the point of view of priority setting, as well as safety and efficiency of surgery and anaesthesia. We are aware that it is also of concern to the Royal Australasian College of Surgeons and its Faculty of Anaesthetists from the point of view of their training program.

This is of major concern to us. The report continues:

It is recommended that rosters be altered and sufficient staff be employed to ensure that trainee medical officers responsible for the surgical and anaesthetic management of patients do not work in excess of 15 hour shifts.

The report goes on to comment:

We concur in principle: the excessively long hours worked by some trainees, especially in orthopaedic surgery, are undesirable and indeed dangerous.

Point 5.2.10 of the report states:

It is recommended that:

(a) A surgeon with specialist qualifications appropriate to the case being undertaken be present in the ESS suite whenever an operation is in progress, and

(b) A fully qualified anaesthetist be present in the ESS suite whenever an anaesthetic is given.

The report then comments:

We concur. In some Australian teaching hospitals this is obligatory. The recommendation will be unacceptable however until the ESS suite can offer the surgeon or anaesthetist a room in which he can work or study when on stand-by during a long operation.

No-one would disagree with that. It is amazing that it has not happened before. How can one justify transfers from a hospital which quite often has staff sitting idle and willing to do operations? I do not think that the Minister thought through his decision to sanction transfers. At point 5.2.11 the report states:

It is recommended that the level of the on-call allowance be reviewed to facilitate use of on-call staff as appropriate in the overall staffing of ESS.

Comment: This recommendation relates to nursing staff, and we concur with it.

The report further states:

It is recommended that additional instruments and equipment be provided in those specialities—

this is where Supply comes into it, if the Attorney-General wants to bring Supply into it; it needs more money—

(for example, orthopaedics, plastic surgery) because deficiencies cause delays.

Point 5.2.21 of the report states:

It is recommended that there be:

(a) a review of, and improvement in, the procedures for ordering instruments for ESS.
(b) a funded program of planned replacement for all theatre instruments and equipment.

Time is wasted when an operation is delayed because the instruments needed are in use in a similar operation being done elsewhere . . .

The report further states:

The recommended review should consider delays and unnecessary expenses reputedly due to the purchasing procedures imposed by the Supply and Tender Board.

The Minister and the Health Commission are directly responsible for the halving of the amount that could be spent for equipment at the Royal Adelaide Hospital in this present year and the stupidity of this cut is clearly shown under point 5.2.21, which I just read. One of the general thrusts of this report is that lack of instruments is one of the major causes of delays and inefficiency in the use of ESS. I seek leave to table a flow chart, which I have received. It indicates what happens when a piece of equipment is ordered. If members take the trouble to look at it, they will be amazed.

Leave granted.

The Hon. M.B. CAMERON: If members look at that table they will discover that any piece of equipment would pass through 59 hands before it finally got to the place where it was required. I understand that there has been some improvement, but 59 different signatures are needed on a piece of paper in order to obtain an item of equipment.

The Hon. Diana Laidlaw: Outrageous!

The Hon. J.R. Cornwall: It is also untrue, like many—

The Hon. M.B. CAMERON: No, it is not. That piece of equipment was followed through the system and that is what happened.

The Hon. J.R. Cornwall: How old is it?

The Hon. M.B. CAMERON: Not old at all. There have been some improvements—it may require only 49 signatures. In relation to private hospitals, it requires only three signatures, so that is the difference. It is quite clear that the Royal Adelaide Hospital needs additional theatres and an appropriate recovery area. The Royal Adelaide Hospital working party has made it clear that the short-term expedient methods recommended in the ESS report will not improve function and efficiency in the long term.

I can understand that, and anybody who has examined facilities at the ESS area of the Royal Adelaide Hospital should also understand it. The Minister has already announced in his Address in Reply speech that he will spend $14 million at the Royal Adelaide Hospital in this area. We will certainly keep him to that promise in the short time that he has left as Minister.

The report has recommended that the South Australian Health Commission reviews the establishment of a six-month postgraduate and emergency course for nurses, which was specifically recommended by Sax. I quote:

It is understood by us that this proposal was discussed, but that the only tangible result was a single refresher week held at Sturt College in 1986.

This recommendation, 5.3.7, was made by Sax and it is quite clear that nothing has happened. It continues:

We recommend that building modifications to A&E should take into consideration the needs for improved interviewing facilities, a holding ward.

The area for interviewing patients is ridiculously small and very off-putting and I can understand the comments that are made in relation to this. Conclusion 6.2 states:

The ESS suite has been open since 1974, and has been the subject of many criticisms. Recently complaints have been made by responsible persons concerning delays in performing operations, cramped operating theatres, and squalid staff rest rooms. We find that these complaints are in substance justified. Patients have suffered discomfort and doubtless anxiety, though few if any complaints have been made of this; staff at all levels have suffered frustration, and staff morale is reported to be low. However, we have found no evidence that the end results of treatment have hitherto been affected adversely and the reported delays relate to the less urgent cases: patients requiring really urgent operations are treated with exemplary speed.

This conclusion makes it absolutely clear that all the complaints and all the allegations made by responsible people in recent times were perfectly justified and I point out that this committee says, and I quote:

We find that these complaints are in substance justified.

They are the complaints that the Minister was so scathing about. It also indicates that, despite all the frustration, lack of equipment and the lack of facilities, the ESS does a very good job in spite of the fact that in conclusion 6.3 it says, and I quote:

But it is also evident that the ESS is at present grossly overloaded.

And do not forget that this was the situation before the Minister sanctioned transfers from Flinders which have exacerbated the situation beyond the point where these professionals should have to put up with it. It is absolutely essential that there are sufficient staffing increases to enable the RAH through its ESS department to carry out the workload that has been foisted on it; otherwise, transfers should not continue to take place.

My conclusions are that the Minister is totally unjustified in his dishonest attacks on personnel at the ESS and on people who drew attention to those problems. The Minister's support of transfers of casualties from Flinders has clearly exacerbated an already difficult position at the RAH and should be stopped forthwith until such time as sufficient personnel, equipment and facilities are provided at the RAH, and even then serious reconsideration should be given to the whole question. It alarms me greatly to see how insensitive the Health Commission and the Minister were to this problem when I read time after time that they want to extend the range of inter-hospital transfers and that they are seeking more and more power unto themselves to carry this out. I say again that the Minister should forthwith apologise to the staff at the ESS of the Royal Adelaide for his dishonest remarks about them, and he should forthwith make certain that inappropriate transfers are ceased from Flinders to the RAH, such as people with chest pains and people with trauma who have not been properly triaged, because I warn him again that there will be problems created for him and the Health Commission if this continues.

The Hon. R.I. LUCAS secured the adjournment of the debate.

PUBLIC AND ENVIRONMENTAL HEALTH BILL

In Committee.

(Continued from 1 April. Page 3703.)

Clause 3—'Interpretation.'

The Hon. M.B. CAMERON: I move:

Page 1—
Line 23—Before 'council' insert 'local'.
Line 28—Before 'council' insert 'local'.
Line 30—Before 'council' twice occurring insert, in each case, 'local'.
Line 32—Before 'council' insert 'local'.

My first two amendments are similar and are merely a clarification of the word 'council'. The problem raised might be considered a minor one, but I think it is important that it is clarified. Throughout the Bill the word 'council' is used

in two different ways, one meaning the Public and Environmental Health Council and the other meaning the local government council. I have attempted to clarify the position by inserting the word 'local' in four places.

The Hon. J.R. CORNWALL: This is one of the many amendments I referred to last night as trivial. It clarifies the difference between a local government council and the Public and Environmental Health Council. I have no difficulty accepting that.

Amendments carried.

The Hon. M.B. CAMERON: I move:

Page 2, after line 8—Insert new definition as follows:
'controlling authority' means a controlling authority constituted under the Local Government Act, 1934:.

This amendment seeks to insert a new definition of 'controlling authority'. This amendment relates to a later amendment to the Bill to enable the subdelegation by a local council to a controlling authority. It may well be that three or four councils in a country area decide to constitute one body for the purpose of carrying out the powers under this Act. This will allow them to subdelegate the power to that body.

Amendment carried.

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

Page 2, after line 8—Insert new definitions as follows:
'controlled notifiable disease' means—
(a) a notifiable disease included in the second schedule; or
(b) a notifiable disease declared by proclamation to be a controlled notifiable disease:
'council' means a council constituted under the Local Government Act, 1934.

I am somewhat perplexed. This amendment is the first in a series of amendments that would split the schedule in order to make two different classes of controlled notifiable disease and unnotifiable disease. As I said in the second reading stage, the amendments on file in the name of the Hon. Dr Ritson probably provide a more elegant way of achieving that, and, quite frankly, I would prefer, on balance, to support Dr Ritson's amendments. However, I am realistic in regard to numbers.

I will move my amendment, but I would be perfectly happy to withdraw it in the event that Mr Elliott or Mr Cameron in particular, or even Dr Ritson with a friend who was a member of this Chamber and not on the Government side, moved an amendment. I would prefer the Hon. Dr Ritson's amendment, on balance. However, the series of amendments standing in my name and in the name of Mr Elliott will achieve substantially the same thing albeit in a slightly more awkward way.

The Hon. M.J. ELLIOTT: I point out that our amendments are not identical. In paragraph *(b)* of my amendment notifiable disease is prescribed by regulation whereas under the Minister's amendment it is declared by proclamation. The Minister was correct in saying that this clause relates to later provisions of the Bill, and these issues must be considered at this point because what happens now will really decide the fate of the later clauses.

The CHAIRPERSON: I agree that, in that regard, it might be an idea to canvass the issue more generally under this clause even though it is not related to this clause rather than repeat the debate *ad nauseam* each time we come to an amendment dealing with this issue. I am prepared to permit members to speak broadly.

The Hon. M.J. ELLIOTT: During the second reading stage I expressed reservations about division II relating to the examination and treatment of diseases and the relationship with what was originally a single schedule of notifiable diseases. I do not have any problems at all with the concept of notifiable diseases. In fact, if there is to be a reasonable standard of health care in South Australia, that must occur and, while I express grave reservations about the powers under clauses 30, 31 and 32, I recognise that they are necessary, but with a number of provisos. By introducing two schedules (and that concept was first alluded to in relation to clause 3) I have sought to make quite clear what diseases clauses 30, 31 and 32 will and will not apply to. It should be quite clear that they apply to diseases that are both highly contagious and also very dangerous. One would never expect these powers to be used in relation to diseases that are neither contagious, or barely contagious, nor dangerous. For that reason I sought to split the schedule.

I believe that legislation, as much as possible, should be prescriptive and not give wide ranging powers which in the future could be abused even if we trust implicitly the people in whose hands the administration of the legislation lies. In seeking to be prescriptive, it would have been silly to break up the notifiable diseases into two schedules and then allow those schedules to be altered by proclamation. That is totally inconsistent. For that reason, I will oppose the amendments proposed by the Minister under which there is to be a declaration by proclamation: instead, I will move that it be prescribed by regulation. The only argument that could be put up against that, I understand, is in relation to the need for very rapid action.

The Hon. R.J. Ritson interjecting:

The Hon. M.J. ELLIOTT: In terms of speed of action, it would be extremely rare that a disease which is not listed on that schedule suddenly became a very grave threat to public health, but in such a rare event it would not be difficult or slow to implement a regulation, and it would afford the protection that I believe we should expect under the law as much as possible. The Hon. Dr Ritson made a point across the floor.

The Hon. R.J. Ritson: It is a question of competence.

The Hon. M.J. ELLIOTT: Well, in private conversation we had discussion about the question of competence, but I really do not see that we could expect a Supreme Court judge or a magistrate to be any more competent on medical matters than are members of this place. I believe that the Committee is competent to weigh up the issues. We do not have to be medical experts, but we must have the ability to weigh up issues. We are competent to do that as we are competent to weigh up a wide range of issues. I am certainly not going to admit to incompetence. If others wish to, they can do that themselves.

The Hon. R.J. RITSON: I thank Dr Cornwall for his kind remarks about my suggested amendments, and I will respond to one of his comments. The Hon. Mr Elliott has made life difficult, and rather than spend days trying to swing corridor deals and knowing that he would like his amendment to get up, I will not muster the friends. Provided the guidelines for the magistrate appear somewhere and provided the Health Commission officers have considerable control over changes to the schedule, I am sure that sensible administration of this will prevail in due course. In practice, I have enormous trust in it. That is the beginning and end of everything that I have to say on the subject of contagious diseases. I will not move my amendments.

The Hon. M.B. CAMERON: On behalf of the Opposition, I indicate that the Hon. Mr Elliott's amendments will be supported. I have no problem with what the Minister said apart from the words 'by proclamation'. I see nothing wrong with changes being made by regulation and that is why I will support the Hon. Mr Elliott's amendments. A regulation can be brought into effect as quickly as a proclamation. The only difference is that this Chamber has the opportunity to examine regulations, and I do not see any-

thing wrong with that. I am quite certain that this Chamber would be able to take a reasonable stand on any changes to the schedule and I do not consider that to be a problem. I assure the Minister that the Opposition at no stage will take an unreasonable stand on any move to change the schedule.

The Hon. J.R. CORNWALL: I will briefly explore the position with regard to proclamation versus regulation in this instance. It has been traditional in public health legislation for these matters to be done by proclamation for a very long time. I am well aware of the argument of regulation versus proclamation, the scrutiny of the Parliament and subordinate legislation procedures and all of the points that pertain to those matters. However, my contention is and my instructions are that with matters as serious as this, when public health authorities may wish to move with great speed, it is preferable on balance to be able to proclaim rather than to regulate. It is interesting to note in this context, for example, because members seem to want to focus largely on AIDS as part of this public health debate, that category A and B AIDS were both proclaimed—literally proclaimed—under the existing legislation. I did not hear one dissenting voice anywhere in this Parliament, in the community, among health professionals or anywhere else.

The Hon. R.I. Lucas: I didn't know it had been done.

The Hon. J.R. CORNWALL: That didn't do you any harm at all because I am sure that you would have made an idiotic remark had you known. From responsible members of the community and members of the health professions, particularly the medical profession, there was not one dissenting word when category A and B AIDS were proclaimed to be notifiable diseases.

It is one area in which I agree totally with Dr Ritson. Public health authorities are very special in many ways. They know and are used to living with legislation which does give them relatively quite draconian powers. In the time that I have been an adult living in South Australia, I have never known an occasion nor an example where in any way they have seriously abused those powers. So, I would argue strongly that we ought to retain proclamation as a procedure. However, before deciding whether or not to divide on it, I would like some indication from Dr Ritson, or from any of his colleagues, of the Opposition's position. We know Mr Cameron's position already.

The Hon. J.C. BURDETT: The Minister has mentioned the need to sometimes move quickly in this area, and I certainly appreciate that. However, I point out that regulations and proclamations have equal speed: both are made on the recommendation of Cabinet, and they go to the Governor in Executive Council. The procedure and the timing are exactly the same. Regulations are made just as quickly as are proclamations.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 2, after line 8—Insert new definition as follows:

'controlled notifiable disease' means—

(a) a notifiable disease included in the second schedule;

or

(b) a notifiable disease prescribed by regulation to be a controlled notifiable disease:.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 2, after line 12—Insert new definition as follows:

'local council' means a council constituted under the Local Government Act, 1934:.

The amendment is self-explanatory and follows on from a previous amendment.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 2, line 17—Leave out 'declared by proclamation' and insert 'prescribed by regulation'.

In moving this amendment, I would still express some willingness to be persuaded otherwise on this matter. It is just a matter of getting these things on the file to start off with so that they can be discussed. I was most concerned about the procedures that existed for controlled notifiable diseases. I am yet to be convinced one way or the other in terms of the powers that relate to the simple notifiable diseases. I am still somewhat open-minded on this issue; I simply wanted this provision to be on the file to start off with.

The Hon. J.R. CORNWALL: Why has the honourable member an amendment on file when he says that he does not feel very strongly about it? I have canvassed why I, with the support of the Government and backbenchers, believe that proclamation in this instance is preferable to regulation. We now have Mr Elliott saying that he is indifferent, that he does not mind whether it is proclamation or regulation. I could not believe my ears. I thought that I was a victim of advanced middle age. If that is what he says, we ought to recommit and I will call for a division.

The Hon. M.J. ELLIOTT: I am afraid that that demonstrates that the Minister was not listening carefully. My concern in moving these amendments was in relation to the powers which some would call draconian and which exist in clauses 30, 31 and 32. With draconian powers relating to diseases, I was particularly concerned about which diseases should or should not find their way into that schedule, and I felt that it should be controlled by regulation. The diseases to which we are referring now do not relate to clauses 30, 31 and 32. Those clauses cannot be applied to this set of diseases.

The Hon. M.B. Cameron interjecting:

The Hon. M.J. ELLIOTT: They cannot shift it on to the controlled notifiable diseases without regulation. That is what the first amendment is all about. The second amendment is talking about simple notifiable diseases to which the so-called draconian powers do not apply. So, I am not so insistent about regulation.

The Hon. M.B. Cameron: Do you want it or don't you?

The Hon. M.J. ELLIOTT: I was explaining it, so that the Minister, who does not grasp complex ideas so quickly, could understand.

The Hon. J.R. CORNWALL: In the interests of decorum, I will not take up any more of the Committee's time. It is very pernickety to say, 'We'll do this one by regulation, but we could possibly do that one by proclamation if that's the way you feel about it.' Democracy, apparently in Mr Elliott's lights, has now been preserved from the onslaught of the public health authorities, and I am perfectly happy, particularly as I do not have the numbers, to accept the amendment about which the honourable member does not feel very strongly.

Amendment carried.

The Hon. M.B. CAMERON: I refer to the insertion of the definition of 'owner' after line 21. This matter was raised with me by the majority of local government bodies from which I sought information. It means that, if a local council does work in a dwelling or business because the occupier or owner will not carry out the work, it will have the means of recovery, because of an amendment I will move further on against the owner.

This means, particularly where the occupier is responsible for the problem but fails to carry it out, that the council does it. Funds cannot be recovered from the occupier so the council is left high, dry and stranded unless it has some means of recovering the funds against the property which it has cleaned up, probably on behalf of other ratepayers. I

am not going to move the amendment just yet: I want to hear the Minister's response to that. Eventually, I believe that I will move it, but I want to give the Minister an opportunity of giving an indication as to why 'owner' was not put in in the first place.

The Hon. J.R. CORNWALL: It is really a matter of supreme indifference to the public health authorities in the discharge of their duties. On the other hand, as a social democrat, I was trying to work out my ideological position. On balance, I would be inclined to believe that 'owner' in relation to premises ultimately should not include an occupier. Presumably, what we are talking about is someone in rental premises who defaults on some sort of payment.

I think that there are other arrangements quite outside this legislation which give landlords quite valid recourse to recovery of rental and any other moneys owing. There is a bonding system and, in the case of commercial or industrial premises, normally there is a legally enforceable lease agreement. I do not think that it is our business in the public health legislation to take up cudgels on behalf of landlords. I do not say that in any angry or anti-landlord way. It is simply that the matters which have been canvassed in that respect lie in other legislation, and I do not think they are appropriately addressed in public health legislation.

The Hon. M.B. CAMERON: I could not quite gather whether the Minister was prepared to accept this amendment if it were moved, because there is a problem. If, operating on behalf of the Environmental Health Council, local government takes action on a particular matter and is forced to do it because no-one else will do it (the occupier will not do it), then it is incurring expense under a delegated power of the Environmental Health Council, as I understand it. It is a matter of whether we give them the opportunity of recovering that expenditure from the owner, because it might be very difficult to get it from the occupier.

The Hon. J.R. CORNWALL: I would like to hear from the Hon. Mr Elliott, quite frankly. Basically, I am not very happy with the amendment and few occasions would arise, according to my advice, when, in matters requiring direction, that power would be delegated to the local council. So, in that sense it is largely hypothetical anyway, but I would be guided entirely by the Hon. Mr Elliott in this matter, because it has no impact whatsoever on the spirit and intent of this piece of legislation, which is all about public health.

The Hon. M.J. ELLIOTT: I think we are now paying the price of having a Bill which has new terminology in it. We have to work over it, and we have had it for too short a while to really work on it. We have page after page of amendments and have to sort things out on the run. We will have to pay the price for it for much of tonight.

I must disagree with the Minister and it is a problem to which I will refer in relation to clause 21. This Bill is about health but, if it begins to impinge on people in other ways, it is not only about health. One cannot say that this is purely a health matter and any other effects are purely coincidental, so let us forget about them; I do not agree with that. One cannot put blinkers on and forget about the other incidental effects of this Bill. For the time being, I will support this and it will give us a little time to think about it. I feel that some of these clauses will be recommitted for further reconsideration next Tuesday. As such, at least for the time being, I support the amendment.

The Hon. M.B. CAMERON: I move:

Page 2, after line 21—Insert new definition as follows:
'owner', in relation to premises, includes an occupier of the premises:.

After seeking further advice from people who have requested this change, I will be prepared to look at the matter again. I agree with the Hon. Mr Elliott: I have received three submissions today from various people and that makes it very difficult indeed.

Amendment carried.

The Hon. M.B. CAMERON: The next amendment expands a definition to include a movable building or structure. It is designed to include such things as caravans or transportable homes. I move:

Page 2, line 28—After 'public place' insert ', or a movable building or structure'.

The Hon. J.R. CORNWALL: Given the relatively short amount of time about which members in this Council complain they have had to examine the Bill, it is extraordinary that there are 14 pages of amendments on file. It seems to me that, for the classical conservative, there is never enough time; nor should we introduce it today when tomorrow will do. In fact, it has now been on the table for four weeks and it had a gestation period of three years. I think that members should stop carping about how long it might have been around and so forth. Mr Cameron knows full well that there would not ever be enough time to consult with the 125 councils in South Australia. Indeed, I think that he was foolish enough (or should I say brave enough) to write to 125 councils and in six months time he will still be receiving replies.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 2, line 33—After 'rubbish' insert 'and other forms of waste material'.

It was indicated that there are times when the definition needs to be a little wider than just 'rubbish' and evidently there have been some indications that this has been a fairly narrow definition.

The Hon. M.J. ELLIOTT: I intend to insert a definition for 'waste' in relation to, I think clause 18. I do not know how well that will mesh when the terminology 'waste material' is used.

The Hon. M.B. CAMERON: It might help if I sought leave to delete the word 'material'.

The Hon. M.J. ELLIOTT: I find the amended definition quite satisfactory.

The Hon. M.B. CAMERON: Does the Minister have a problem with it?

The Hon. J.R. CORNWALL: No.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 2, after line 34—Insert new definition as follows:
'waste' means any refuse, debris, effluent or other waste material:.

The term used in clause 18 is 'discharges waste'. I think that that needs some form of definition. I previously expressed concern about the application of clause 18 in the absence of a definition. I am not absolutely convinced that my definition adequately covers the matter, but the absence of a definition altogether would cause greater problems.

The Hon. M.B. CAMERON: I think that this is an expanded definition which assists in the determination and I see no problem with it.

The CHAIRPERSON: The definition of 'refuse' includes 'rubbish and waste', and 'waste' means 'refuse'.

The Hon. J.R. CORNWALL: These amendments are nit-picking and stupid, in our view.

The Hon. R.I. LUCAS: Given that the Hon. Mr Cameron's amendment was passed, the point just made is a valid one, that the Hon. Mr Cameron has extended his definition to include 'refuse' to be other waste material. If we support the Hon. Mr Elliott's amendment we will have waste being 'refuse, debris, effluent', and, using the same words as the Hon. Mr Cameron, 'or other waste material.'

Given that the Hon. Mr Cameron's amendment has passed, it would not be sensible for us to accept the definition of 'waste' being included in the terms that the Hon. Mr Elliott has in his amendment.

The Hon. M.J. ELLIOTT: Will the Minister say in relation to clause 18 whether 'waste' includes gaseous effluents from a factory?

The Hon. J.R. CORNWALL: My formal advice is probably not.

The Hon. M.J. ELLIOTT: As a person who has studied the sciences, I am certain that a number of chemical engineering gases are considered to be waste and that we may have problems in relation to clause 18. I think that a prosecution could be possible under clause 18 (1) because of gas wastes, because 'waste' is an unwanted by-product. Why does an unwanted by-product need to be solid or liquid? It can be a gas. How good is that advice and what will clause 18 finish up doing without a definition of the word 'waste'? I raised this question during the second reading debate and it was not answered. That stimulated me to come up with this amendment, but I was still not sure whether it would cover the situation adequately. Clause 18 (1), without a proper definition of 'waste', is very open ended.

The Hon. J.R. CORNWALL: Gaseous wastes are quite specifically covered by the Clean Air Act, which covers odours, insanitary conditions, and so on, as they relate to gaseous wastes. It is certainly not the spirit or intent of this legislation that that area should be covered. When I say 'probably not', I point out that I have not taken a formal opinion from a learned QC, but that is not the intent of the legislation. It covers something which is quite clearly, specifically and explicitly covered in another Act.

The Hon. M.B. CAMERON: I have taken advice from the Hon. Mr Lucas and the Minister. It would be as well for us not to get too rounded off about this issue. As the Hon. Mr Lucas pointed out, my amendment expands the definition considerably. I ask the Hon. Mr Elliott not to proceed with his amendment, because I think that we are in danger of becoming too wound up in definitions, as the Minister said.

Amendment negatived.

The Hon. M.B. CAMERON: I move:

Page 2, line 42—Leave out 'occupiers of adjoining or adjacent land' and insert 'owner of any land in the vicinity'.

This amendment clarifies a situation. At present, people who deposit waste on land would be responsible under the Bill only if they were occupiers of adjoining or adjacent land. At times there is a problem with the land opposite. I propose that the words 'owner of any land in the vicinity' be inserted to clarify the position. Counsel has pointed out that car bodies or other things can be deposited on land opposite the property of a person who lays a complaint, and that fact has been used quite specifically to clean up other areas of the street.

The Hon. J.R. CORNWALL: The Government accepts that amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 2, line 43—Leave out 'or'.

This is a drafting amendment put in by the draftsman.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 2, after line 44—Insert new word and paragraph as follows:

or

(e) the premises are for some other justifiable reason declared by the authority to be in an insanitary condition.

The amendment expands the definition of 'insanitary' which, I am told, would be desirable from the point of view of those who operate under the Act. It is said that the present definition is too narrow and that a wider definition of 'insanitary condition' is required. At present the definition does not cover some of the problems that local government has encountered in operating under the old Health Act.

The Hon. J.R. CORNWALL: The Government accepts the amendment. It shows the combination of the finely tuned mind of a health surveyor and the general knowledge of a local councillor.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 3, lines 1 to 4—Leave out subclauses (3) and (4).

Amendment carried; clause as amended passed.

Clause 4—'Act to bind the Crown.'

The Hon. M.B. CAMERON: I move:

Page 3—

Line 5—Leave out 'Subject to subsection (2) this' and insert 'This'.

Lines 6 and 7—Leave out subsection (2).

I understand that the Crown cannot be made liable for prosecution, but it was indicated to me that perhaps it is not necessary to have this provision and it should be clear-cut that the Act binds the Crown. It is an important part of the operation of this Act that the authorities are able to take some action. The Highways Department and the Housing Trust do not always have the most marvellous tenants in the world, although most of them are excellent, but there are times when it is necessary to take some action in relation to occupiers of those particular types of dwellings.

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

Amendment carried; clause as amended passed.

Clause 5—'Commission responsible for administration of Act.'

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

Page 3, line 14—After 'subject to the' insert 'general'.

Clause 5 (2) reads:

The commission is, in relation to the administration and enforcement of this Act, subject to the control and direction of the Minister.

The amendment will make that provision subject to the general direction and control of the Minister. In the Health Commission Act as it presently stands the commission is under the general control and direction of the Minister. The South Australian Health Commission Bill, which is also before this Chamber at present, seeks to remove the word 'general' and make the provision subject to the unqualified or absolute direction and control of the Minister. The question is difficult with regard to this very particular and very practical Bill that is before the Committee.

I will first address the general issue whether a commission such as the Health Commission ought to be subject to the unqualified and absolute direction and control of the Minister. I suggest that if there is an activity which is to be undertaken by the Government, broadly speaking there are two ways of doing it: through a department and by way of a commission. I suggest that it cannot be both ways. If it is done through a department, the department is under the control of the Minister through the hierarchy of the department. The Minister is responsible to Parliament and the buck stops at the Minister's chest. There is no point having a commission as opposed to a department unless there is some sort of independence on the part of the commission. There is the advantage to the Minister, not that this Minister would want to avail himself of it, that he may distance himself to some extent from the commission and duck for cover.

But you cannot have it both ways—if there is a commission there must be some measure of independence. However, that is the general question: more important is the

question in relation to this legislation. This is a very practical Bill. With regard to the Health Commission, which covers a general structure, policy-making body, and so on, although my attitude is the same, the situation is different. It is very practical legislation, relating to sanitation, notifiable diseases, and so on, and it seems to me to be inappropriate that the Minister should have absolute and unqualified direction and control of the commission in relation to the administration and enforcement of this Bill. I think it would be in order for the Minister to have general control and direction.

Clause 30 has been referred to quite a lot; the powers of arrest, and so on, have been said to be draconian. Would we want the Minister to be able to exercise his direction and control in the matter of arrest and the other procedures under clause 30 and the subsequent clauses? Therefore, I suggest to the Committee that, whatever the position in regard to the Health Commission at large might be, in relation to the administration and enforcement of this Bill it would be sufficient (as my amendment seeks to do) to put the commission under the general control and direction of the Minister—not under the unqualified, absolute or detailed control of the Minister.

The Hon. J.R. CORNWALL: The Government opposes this amendment most strenuously. I really cannot follow the logic, the reasoning, behind it. What makes the Health Minister in any Government at any time different from any other Minister? What makes the Health Minister in this State different from any other Health Minister in any other State which does not have a commission? What makes the Minister any different in relation to matters contained in the Radiation Protection and Control Act? The Hon. Mr Burdett was the Minister in charge of that legislation when it went through this place: is the Minister's authority in that legislation subject to the general direction and control of the Minister? Of course not.

The Hon. J.C. Burdett: Well yes, actually.

The Hon. J.R. CORNWALL: No; the honourable member should study the legislation. The simple fact is that the legislation that went through this Council with the Hon. Mr Burdett's guidance provides that the authority is subject to the direction of the Minister—not 'general direction', but the 'direction of the Minister'. What makes this different from the Food Act, which went through this place almost two years ago? Under the Food Act the relevant authority is subject to the control and direction of the Minister. No mention is made of general direction. It is nonsense to suggest that the authority of the Minister of Health in relation to these important pieces of legislation is somehow different from that of the Minister of Water Resources, the Minister for Environment and Planning, the Minister of Education, or from any other Minister. That is absolute myth. The moment that there is any difficulty in relation to the legislation, who does the honourable member think will be called to account? Does he think it is the Director-General, the Chairman, the Executive Director, or the Director of one of the divisions or units? Of course it is not—it is the Minister. We have a modified Westminister system of Government: in practice as well as in fact it is essential that if one is going to persist with the notion of Ministerial responsibility then, of course, one must have accountability.

We cannot have the impossible situation (and it is impossible, because I have lived with it for 4½ years) where every time something moves in the system and there is a complaint about it it is the Minister's fault. That happens under the existing Health Commission legislation, 'general' notwithstanding. Nor can we have a position where one opinion from a former distinguished Solicitor-General has an interpretation of 'subject to the general direction and control' and another or several other legal opinions from successive Crown Solicitors interpreting the matter quite differently. One then talks to Parliamentary Counsel and gets yet another interpretation. As long as we leave in the word 'general' we leave ourselves open to any number of interpretations. That is a totally unsatisfactory state of affairs. As far as I am concerned this would go to the heart of the matter—it is essential to the Bill.

We cannot have, and apparently do not have, a situation where the direction is circumscribed to be only general direction and control. I cannot and will not accept it. It would place me as Minister and all of my successors as Minister in quite an untenable and ridiculous position. The situation under the existing legislation is that, of course, as with any other Minister or piece of legislation, the public health authority is subject to the control and direction of the Minister. The Minister does not and cannot in matters like this deal with them at some extraordinary distance. It is a myth and the height of absurdity to in some way pretend that the health authority is a distant authority that somehow is answerable to no-one and can be compared to, for example, the Electricity Trust of South Australia. That is a nonsense. In a complex and difficult area there certainly must be, if one is going to persist with the notion of ministerial responsibility, accountability.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I have indeed, and I wanted to get through some of the thick heads that it is absolutely essential that we do not support this amendment.

The Hon. R.I. LUCAS: The Minister's contribution displays appalling ignorance of the true situation with statutory corporations in South Australia. I will point out in some detail where the Minister's understanding of the current situation in relation to statutory corporations is quite wrong. The Minister's argument has been that in some way he as Health Minister has been singled out as being quite different from the general situation existing with other Ministers and statutory corporations in South Australia. I will run through a number of statutory corporations in South Australia which have virtually exactly the same general control and direction provision existing in the current legislation.

I refer to the Adelaide Festival Centre Trust, the Coast Protection Board, the Environmental Protection Council, IMVS, the Libraries Board of South Australia, the Metropolitan Taxi-Cab Board, the South Australian Film Corporation, the South Australian Housing Trust, the South Australian Meat Corporation, SGIC, the State Transport Authority and the South Australian Health Commission (a matter that we would hope, anyway, would be known to the Minister)—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: This is not the Health Commission Act—the parent Act—which has a 'general control and direction' provision in it.

The CHAIRPERSON: That was discussed yesterday.

The Hon. R.I. LUCAS: There was no discussion by me at all yesterday. I think that that interjection was out of order. I refer also to the South Australian Totalizator Agency Board, and the Betting Control Board.

The Hon. J.R. Cornwall: We are talking about the Health Commission here.

The Hon. R.I. LUCAS: I am talking about the Health Commission Act. Have a look at that.

The Hon. J.R. Cornwall: I have been looking at the Health Commission Act for 4½ years.

The Hon. R.I. LUCAS: You are trying to change that in the Health Commission Act.

The Hon. J.R. Cornwall: Exactly, and this is consistent.

The Hon. R.I. LUCAS: It might be consistent, but it is not the Health Commission Act. You are trying to make the point here, in relation to the amendment being moved by the Hon. Mr Burdett, that in some way he is attempting to circumscribe you as the Health Minister in quite a different way from other Ministers in South Australia in relation to the statutory corporations under the controlling authority: that is, in some way you are being forced to have a general control and direction provision whereas everyone else has a control and direction and does not have that word 'general' which you seem to find so offensive. I am pointing out that you have the Health Commission, the Housing Trust, the State Transport Authority and a whole range of important statutory authorities and corporations. I could go on. There are a number of significant statutory corporations in South Australia which have a general control and direction provision in relation to the control of the Minister over the statutory corporation. One of the intentions in having statutory authorities as distinct from departments is to provide some measure of 'arm's length' from the Minister of the day.

If you want a department, have a department, but you cannot have your cake and eat it, too. You cannot have your Health Commission at arm's length. We have seen the way you have used the provisions. When you want the power to direct someone in something like the Streaky Bay matter, for example, you say in the Chamber, 'I have directed an officer to go up to Streaky Bay and look at the situation.' When we criticise you for what goes on in the Health Commission, you say, 'I can't control what goes on in the Health Commission. It is an independent body.'

The Hon. J.R. Cornwall: No, I don't. That's your line, mate. I have been consistent. I have never said that.

The Hon. R.I. LUCAS: No, you haven't. You say, 'I can't direct the person to do this.' On different occasions you have tried to take whatever happens to be the most propitious approach which will serve to support the argument that you are putting at the time. There is no way that the Minister can stand up in this Chamber and try to indicate that in some way he is being hard done by, singled out and subjected to a general control and direction clause, because many other Ministers in the Government in relation to statutory corporations have exactly the same provision.

The Hon. C.M. Hill: And they're all happy with it.

The Hon. R.I. LUCAS: They are happy and are prepared to work with it. It is only the Minister of Health who, in relation to the sensible amendment of the Hon. Mr Burdett, will seek, when we to get to the Health Commission Bill, to try to remove that general control and direction provision.

The Hon. J.R. Cornwall: No, one word.

The Hon. R.I. LUCAS: You are trying to remove the word 'general'. As I said, there is no way in which you can sustain the very feeble argument that you have tried to put in the Chamber in the Committee stages in relation to this provision. Whilst you might jump up and down and say very strongly that you will fight to the end to defeat the amendment, let me say that I will certainly be fighting just as strongly to support the Hon. Mr Burdett to make sure that his amendment goes through.

The Hon. J.R. CORNWALL: I do not intend to get into a personal slanging match with young Mr Lucas. He is normally offensive and personal when he is on his feet, and that is not the way in which this debate ought to be conducted. He says that there is no difference between the Festival Centre Trust and the Health Commission. That is the thrust of the Hon. Mr Lucas's argument: that there is no difference between the South Australian Timber Corporation and the South Australian Health Commission.

God help us if Mr Lucas and his colleagues are ever in government if that is their attitude! There is no difference between an arts body, a timber corporation, a commercial operation—

The Hon. R.I. Lucas: The Housing Trust.

The Hon. J.R. CORNWALL: Yes, the Housing Trust which is in the business of providing public housing and does it extremely well. He compares those bodies, just to name three, with the very complex and difficult operations of the Health Commission, which has an annual budget of $800 million.

We have to stop this fantasy that somehow the commission can and must work at a great distance from the Minister of the day and, in turn, at some great length from 200 health units out there. 'Autonomy' is a word that these strange people keep returning to, until of course there is any sort of trouble. Since this debate about general direction and control is open, let us go back to the events at the Lyell McEwin Hospital in 1981-82, which was substantially before I became Minister.

The Hon. R.I. Lucas: Here we go!

The Hon. J.R. CORNWALL: Here we go, and they squirm as they are entitled to, but they did not mind slandering senior public servants.

The Hon. M.B. CAMERON: On a point of order. I think that we are getting a little away from the amendment. If this debate is going to degenerate into that sort of comment, we will get nowhere.

The CHAIRPERSON: I think it is relevent as to whether it should be 'general control' or 'control'.

The Hon. J.R. CORNWALL: I will not go over the ground again. Suffice to say that it is a nonsense argument to suggest that the Minister of Health is responsible for everything that happens in the system and the Opposition does this consistently.

The Hon. C.M. Hill: He has to be accountable for it in this Parliament.

The Hon. J.R. CORNWALL: Indeed, accountable and responsible.

The Hon. C.M. Hill: In this Parliament—that is part of the system.

The Hon. J.R. CORNWALL: Quite right and nobody argues with that.

The Hon. C.M. Hill: What are you trying to limit this for?

The Hon. J.R. CORNWALL: You are trying to limit the Minister's power. You say that the Minister should have no power to direct in practice.

Members interjecting:

The Hon. J.R. CORNWALL: I will produce written opinions for you from successive Crown Solicitors which interpret 'general' as meaning that there is no specific power to direct. The point I make is that, if you are going to come here and consistently blame the Minister of Health, under the ministerial conventions—under the Westminster system—for everything that moves out there in a very large, complex and difficult but excellent health system, then the Minister in turn must have the power to direct.

The Hon. R.I. Lucas: Make it a department if you're worried.

The Hon. J.R. CORNWALL: If you want to canvass the matter of a department, I had Ken Taeuber, a very distinguished former senior public servant in this State and well known to all members, view the operations of the Health

Commission. He recommended quite unequivocally that we should be a department. The Taeuber review recommended that we should dissolve the commission and revert to being an administrative unit; in other words, become a department. We looked at all the advantages of being a commission and we examined how we could have the best of both worlds and, in the event, that is what is proposed in another Bill which is before this Chamber, but the principle is exactly the same. If the Minister is to be held responsible under the Westminster convention in an area as complex and as difficult as health, he must at the end of the day have power to direct.

In relation to Streaky Bay, the Education Department, through the Department of Housing and Construction, which in turn negotiated contracts with a private contractor, had the Streaky Bay school treated for white ants. The moment any difficulty was perceived, it was my fault. Into the Council they came, heads like mice, and it was all the Minister of Health's fault, because of something that happened some time last year involving a contractor (indeed it may well have been a subcontractor) on the West Coast and resulting from a contract which was negotiated by the Department of Housing and Construction on behalf of the Education Department.

The moment there was any perceived problem at all it was the direct responsibility of the Minister of Health. You cannot have it both ways. I do not resile from the fact that health in the State, in this country and around the western democracies, has in the past decade or so, for better or worse, become a very sensitive and highly politicised area. I do not believe that this is likely to change in the foreseeable future: it will happen well after my time. There is very little likelihood of that change taking place between now and the year 2000.

In all the circumstances, I am appealing for the flexibility of a commission. We are referring specifically in this Bill, and in this clause, to the commission. We should retain the commission with all its flexibility while at the same time giving the Minister the reasonable powers available to all of his colleagues who have departments, that is, the power to direct.

The Hon. J.C. BURDETT: The Minister has asked why he is any different from the Minister of Education, the Minister of Water Resources, or any other Minister. In case he has not noticed, I will tell him (and this is not on a personal basis); it is because they operate through departments and he chooses to continue to operate through a commission. It may well have been that this Bill, in particular, would have been better handled by a department, as it has been in the past: that is another issue. I have not bothered about that matter, but if the Minister chooses to operate an essentially practical Bill like this, dealing with sanitation, notifiable diseases and all sorts of practical things of this sort, through a commission then it must operate as a commission. If it operates as a commission, it is quite sufficient if it is under the general direction and control of the Minister. The choice is whether the Minister has a department or a commission. There is no point in calling it a commission and operating it as a department. That is what the Minister is seeking to do. It is for that reason that I have moved this amendment.

The Hon. M.J. ELLIOTT: Regardless of the structure, or what the body is actually called, I believe that the Minister has direct responsibility, and so I am not as fussed about the presence of the word 'general' as is the mover of the amendment. Therefore, I will not be supporting the amendment.

Amendment negatived; clause passed.

Progress reported; Committee to sit again.

[*Sitting suspended from 6 to 7.45 p.m.*]

PUBLIC FINANCE AND AUDIT BILL

Adjourned debate on second reading.
(Continued from 31 March. Page 3596.)

The Hon. C.J. SUMNER (Attorney-General): In reply, I thank members for their contribution to the debate and for their support of this Bill. I will endeavour as far as possible to answer the questions which they have raised concerning particular provisions, but I expect that it may be necessary to deal further with some of these issues in Committee. The Hon. Mr Davis has questioned the provision in the legislation which gives the Auditor-General power to examine the accounts of any publicity funded body. I point out that it is only in exceptional circumstances that the Auditor-General will take on this task. His responsibilities with respect to the Government's own accounts are sufficient to keep him and his officers virtually fully occupied. The circumstances in which he might be asked by the Chief Secretary to examine the accounts of an outside body would involve circumstances where the Chief Secretary had reason to believe that a Government grant had been misused.

If Parliament were to insist that the Auditor-General's powers with respect to these bodies should be circumscribed it would in effect be restricting his ability to investigate the misuse of Governemnt funds. Alternatively, if Parliament were to set some financial limit on the amount of the grant in respect of which the Auditor-General could undertake investigations, it would in effect be indicating that it was prepared to write off all grants below that amount in the event that the grants were misused. The Government does not believe that any restriction should be placed on the Auditor-General's powers in this regard. I stress once again that the Auditor-General's powers with respect to bodies which receive grants from the Government would be exercised only in extraordinary circumstances.

The Hon. Mr Davis also expressed concern about the proposed new Treasurer's Instructions. As was pointed out in the second reading explanation, the major issues of principle concerning administration of the public finances are dealt with in the Bill before the House. Other important issues of principle will be dealt with by regulation and will therefore be subject to the normal subordinate legislation process. The Treasurer's Instructions are designed to cover the many minor procedural matters involved in the handling of public money. For example, they will deal with procedures for collecting and recording funds received through the mail, the circumstances under which bankcard may be accepted be Government departments, procedures for the issue of receipts and the form of those receipts, procedures for the supervision and control of cash registers and a thousand other minor matters.

The Government is quite happy to make available to the honourable member the table of contents of the draft Treasurer's Instructions so that he can satisfy himself concerning the matters to be dealt with in this way. We believe it would be a misuse of Parliament's time and its committees to have these sorts of issues dealt with by the subordinate legislation process. I would have thought it was fairly obvious to most honourable members that there must be some capacity for Government to manage the detail of the procedures involved in its finances. Clearly, that happens in Government departments every day of the week, and to suggest that all the

procedures that might exist with respect to the Government's day to day handling of money ought to be laid down in a legislative form is, in an era of deregulation, being, to say the least, somewhat over bureaucratic. Nevertheless, as I said, the Government is prepared to make available the table of contents of the draft Treasurer's Instructions. I seek leave to table this document.

Leave granted.

The Hon. C.J. SUMNER: However, if the Public Accounts Committee, for example, were to express interest in the Treasurer's Instructions, the Government would very readily make copies available and would be interested to receive any suggestions which the committee cared to make. The Hon. Mr Davis spoke at some length about the reporting requirements relating to statutory authorities and contrasted the situation in this State unfavourably with the situation in New South Wales and Victoria. I point out that beginning with next financial year most statutory authorities will be required by the Government Management and Employment Act to present their annual reports to Parliament by 30 September of the ensuing financial year. Under the Bill now before the Council, they must present their financial statements to the Auditor-General within two months of the end of the financial year and the Auditor-General must report to Parliament on those accounts. The Government therefore believes that the criticisms raised by the honourable member have been dealt with more than adequately by the new Government Management and Employment Act and by the Bill now before the Council. There is no need for this Bill to deal further with the question of reporting by statutory authorities.

The Hon. Mr Griffin asked for some clarification of the types of authorities which might be considered for prescription in accordance with the definition of a public authority. The Government does not expect that it will be necessary to prescribe many such authorities. However, an example of an authority which would not fall within the definition unless it were prescribed is the recently constituted committee to inquire into the need for a racing commission. It is appropriate that the Auditor-General have power to examine the manner in which such a committee deals with the funds made available to it. The Government believes that it should have the power to prescribe such authorities so this investigation can take place.

The Hon. Mr Griffin also queried whether the use of the term 'public money' in the definition of a publicly funded body is meant to extend to money made available by the Federal Government or by other State Governments. That is not the intention of the definition. The Government would use its powers under this provision only with respect to bodies which receive funds from the South Australian Government. The Hon. Mr Griffin asked whether any person or corporation sole is likely to be included within the definition of an instrumentality of the Crown under clause 7 of the Bill. The only example of which Treasury officers are presently aware is the Minister of Emergency Services, who is a corporation sole in charge of the Metropolitan Fire Service. It would be necessary to make a regulation under this provision to enable the Metropolitan Fire Service to continue to deal as it presently does with contributions from insurance companies, for example, without paying them into Consolidated Account.

The Hon. Mr Griffin also raised a question about clause 11 of the Bill which deals with the investment powers of the Treasurer. It is the present intention of the Government to invest its funds with SAFA. However, the Government does not believe that it should be restricted to this single avenue of investment and clause 11 provides a wide-ranging investment power. Should the Government wish to invest directly by purchase of a financial instrument such as a bank endorsed bill, this would be an example of an investment in a prescribed manner. An example of a prescribed person or a person of a prescribed class might be a finance company or a merchant bank. However, I should stress again that it is the Government's intention to invest its funds with SAFA.

The Hon. Mr Griffin raised a question concerning subclause 4 of clause 12. The Governor's Appropriation Fund provides authority for the Government to spend in any financial year up to 3 per cent in excess of the amounts set out in the annual Appropriation Act. Should the Government later in the year introduce a supplementary budget which provides authority for the expenditure of funds already spent under the authority of the Governor's Appropriation Fund, this subclause merely restores the Governor's Appropriation Fund by the relevant amount.

Clause 17 is almost identical to section 32k of the old Public Finance Act which section was introduced as a new section by the Tonkin Government in 1982. An example of the sort of contract or arrangement likely to be excluded by the Treasurer by notice published in the *Gazette* would be a minor leasing arrangement such as rental of a photocopier or other office equipment. The Government agrees that some identifying characteristics should be included in any such notice. These characteristics will vary with the type of contract or arrangement in question. When introducing section 32k of the old Public Finance Act in 1982, the then Premier and Treasurer explained that the purpose of the definition of guarantee was 'to enable the Governor to prescribe certain kinds of arrangements that may not technically come within the normal concept of guarantee, as guarantees for the purpose of the new provisions'. To date no such prescription has been necessary.

The term 'semi-government authority' is wider than the term 'prescribed authority' in the old Public Finance Act and so extends somewhat the range of bodies which must (if proclaimed) seek the approval of the Treasurer to enter into credit arrangements. Therefore bodies such as the universities and Roseworthy Agricultural College would be included if proclaimed.

The Hon. Mr Griffin suggested that, every time a statutory authority enters into a credit arrangement, details of the arrangement should be published in the *Government Gazette*. The honourable member would be aware that many private sector financiers guard most jealously the innovative proposals which they put to both public and private sector bodies for the raising of funds. The inclusion of a requirement such as that proposed by the honourable member would ensure that statutory authorities no longer were offered opportunities to raise funds in these ways, and their borrowing costs would rise. In any case, the notion that the Treasurer should be required to *Gazette* all his actions with respect to credit arrangements or guarantees is at odds with the whole thrust of the Government's deregulation initiatives and its drive to eliminate red tape.

All these arrangements are subject to scrutiny by the Auditor-General, just as the other activities of the Government are, and we see no need to make a special feature of them by requiring that they be published in the *Gazette*. The Hon. Mr Griffin has raised a question about clause 22 of the Bill. He has sought confirmation that the annual report of SAFA will disclose the bodies with which it has invested and those which have invested with it. I confirm that SAFA's annual financial statements will provide details of its borrowings and investments.

The Hon. Mr Griffin has suggested that clause 27 of the Bill should be amended to provide that membership of the Northern Territory Legislative Assembly or of the Legislative Assembly of the Australian Capital Territory would be a disqualification for holding the office of Auditor-General. The Government would not oppose such an amendment, if the honourable member believes the matter to be of sufficient importance. The Hon. Mr Griffin has also suggested that clause 28 should be amended to make clear that the Deputy Auditor-General acting as Auditor-General is in the same position in relation to the Executive arm of Government as is the Auditor-General. The Government believes that the Deputy Auditor-General would have the same protection as the Auditor-General when acting in the higher capacity and that, therefore, there is no need for such an amendment.

The honourable member has suggested that where the Auditor-General has investigated the accounts of a publicly funded body at the request of the Chief Secretary, the Auditor-General should not require the publicly funded body to pay a fee. The Government agrees with this suggestion in principle, and it is most unlikely that the Treasurer would approve the charging of a fee in these circumstances. It is probably worthwhile pointing out that, if the actions of a body that is being investigated have in fact caused the investigation, it would seem a little odd, to my way of thinking at least, that the Government could not claim some recompense for the work that the Auditor-General has been put to. That is not in the briefing note, but that is my opinion.

The Hon. Mr Griffin has expressed concerns similar to those of the Hon. Mr Davis concerning the Treasurer's Instructions. He has suggested that publicity concerning those instructions ought to be by way of notice in the *Government Gazette*. As with the Hon. Mr Davis, I am happy to have tabled a summary of the types of matter to be dealt with by Treasurer's Instructions. Once the honourable member has seen that list I think he will agree that it would be unnecessary and inappropriate to publish them in the *Government Gazette* or to subject them to formal scrutiny by a Parliamentary committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Progress reported; Committee to sit again.

SUBORDINATE LEGISLATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 3601.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions in support of this important Bill. A number of questions were raised that I will now address. The Hon. Mr Griffin raised the question of what regulations would not be laid before the Parliament and therefore would be exempted from the operation of the Bill pursuant to section 16a *(a)*. Examples of such regulations not required to be laid before Parliament are the Law Society rules, prison rules and statutes under the Adelaide University Act.

The Hon. K.T. Griffin: Are they rules or regulations?

The Hon. C.J. SUMNER: They are subordinate legislation in the broadest sense of the word.

The Hon. K.T. Griffin: Should they then be described as subordinate legislation rather than regulations?

The Hon. C.J. SUMNER: Subordinate legislation, as I understand it, is a generic term covering virtually anything that is subordinate to the principal legislation, that is, the Act. In fact, it covers regulations, rules of court, by-laws, local government and possibly even proclamations and the like, technically. I would need to check the definition. The term 'subordinate legislation' as I have always understood it, refers to anything done by virtue of the power in a principal Act. I am not sure whether there is any necessity to distinguish between rules, by-laws and regulations. The Government felt that the best way to handle it was to provide that certain things which were not tabled in Parliament and which were really related to the operation of almost semi-private corporations, such as universities and the Law Society, ought not to be subject to the automatic revocation process as we are not really dealing with the affairs of Government in that sense.

The second query raised by the honourable member dealt with section 16a *(b)*. The query was that that provision did not make it clear that, with the regulations under the Act, whether it is the regulations relating only to the internal affairs of an authority or the Act that relates to the internal affairs of the authority. That may be a drafting issue that could be given further attention in the Committee stages. The section does clearly refer to exempting regulations relating to the internal affairs of an authority and refers to the regulations.

The other query by the honourable member was whether there ought to be some clause that preserves the rights and liabilities that have accrued prior to the expiry of the regulations. He raised a query as to whether section 16 of the Acts Interpretation Act adequately covers that situation.

I am advised by Parliamentary Counsel that the preservation of the rights and liabilities under an expired regulation is adequately covered by the Acts Interpretation Act. Again, that may be an area which the honourable member will wish to pursue in the Committee stage.

The other query with respect to section 16 *(a)* again was that it would be possible by regulation to exempt virtually any regulation, or regulation of a prescribed class, from the operation of the Act. Can it be argued that that negated the whole concept of automatic expiry? This has been included, really, as a safety net clause so that exemption may be given by regulation where it is apparent that nothing will be achieved by repealing. It is anticipated that the clause would be rarely used. However, I believe that it is reasonable that that power exist, if this legislation is to operate with the flexibility which I think is consistent with good Government. The Government certainly intends that the regulations be reviewed, but I think the section to which I am referring provides the flexibility to deal with difficult situations which may arise from time to time and it would be inimical to good government if we had to go through the revocation procedure and then go through a procedure of remaking the regulation, etc.

As I say, I do not anticipate that that will be used often. In the interests of good and efficient government it is important that the possibility of that exemption remain in the legislation. No doubt, if members are concerned that the Government is using it to subvert the Act, that can be challenged in the Parliament and, no doubt, made the subject of public comment and criticism. I say at this stage that the Government is firm in its resolve to ensure that these regulations are reviewed, rationalised, consolidated and simplified and, where they no longer have a use, they are not renewed.

This mechanism is an essential part of that process to provide that Government departments set about the busi-

ness of ensuring that their regulations are in that updated form if they continue to be justified. A decision to exempt a particular regulation would only come about as a result of a Cabinet decision—that is, an overall Government decision—that there was a particular problem with a regulation or a class of regulations being automatically repealed. It is fair to say at this time, given the large number of regulations that exist in Government, that it is probably not possible to foresee every circumstance which might arise, and I therefore feel that this particular exempting clause is necessary.

The honourable member raised the question of consultation of those affected by regulations. The Government's proposal is that administrative processes will be established which will require agencies to involve those affected by the regulations very early in the review process. Obviously, I consider that as being a fundamental part of this process. No doubt, there will be some problems as time goes by, but the overall intention of the Government is to involve the people affected by the regulations, whether it be a particular business or the community generally, in consultation about a re-write of the regulations at the earliest possible moment.

In fact, at the meeting I recently had with representatives of the business community, at which I put forward the Government position on deregulation, which was contained in a paper that I tabled in this Chamber, I put to them very strongly that the success of this process will depend, to a fair extent, on their active participation in it.

So, the Government is providing the mechanism to enable this to happen, but it will require not only the Government but also those groups affected by the regulation to act and to be actively involved in the process of looking at the regulations and deciding whether they should continue, and if they do continue, whether they continue in a simplified, rationalised and consolidated form. That is certainly very much the intention of the Government and the Deregulation Adviser will be responsible for formulating those administrative processes which we feel ought to be followed in the automatic revocation process. As I say, no doubt in the course of the implementation of this Bill some difficulties will arise, but the general intention of the Government is for full consultation. We see it as not just something that it useful, but something that is essential.

The honourable member then raised the question of reviews of principal legislation. Obviously, the question of principal legislation is in a separate category, because Acts of Parliament have to be passed by Parliament with the support of the community and, to have an automatic revocation process of all Acts of Parliament—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Griffin said that he was not suggesting that and that is fair enough, but I think anything like that would create chaos in the business of Government. Nevertheless, I have no doubt that, as regulations come up for review, there will also be a look at the principal Act and that is what I would like to see so, if there is concern about the principal Act, that would then perhaps be picked up with a review of the regulations. I think it is fair to say that that process, to some extent, is already in train with the establishment of the Commercial Tribunal and the rationalisation of consumer legislation which is before Parliament at the moment in the form of examination of the Second-hand Goods Act in the consumer affairs area, for instance, to see whether or not that Act ought to continue to exist.

As there is a review of regulations, there will be an ongoing review of the principal Act, but obviously not with an automatic revocation. I suppose that one would not expect the Government to think to consider that a Bill that had been passed by Parliament two or three years ago ought to be up for review. One would not expect that to be the general situation, although I must concede that, in relation to the Second-hand Goods Act, that is one area where we are examining the usefulness of an Act very shortly after it was passed.

In respect of local government by-laws, officers of the Department of Local Government are canvassing views on the appropriateness of an automatic revocation process for local government by-laws. I assume that is happening. At this stage I have not really asked the Minister of Local Government to canvass that matter with local government. At this stage there is no proposal before the Government, but obviously it is something that can be further considered after we take into account the views of local government.

The honourable member raised the question of universities. Statutes and by-laws made by universities will be exempted under section 16a of either paragraph *(a)* or *(b)*. The Hon. Mr Lucas raised the question of the percentage of regulations to be abolished. The aim of this deregulation initiative is to rationalise, simplify and consolidate, where appropriate; that is, to streamline regulations, or to identify alternatives to the particular method of regulation where that is considered necessary.

The success of the initiative, as I have said, will depend on the consultation process between agencies and those affected. I submit that the measure of success will not be how many obsolete regulations have been abolished in number turns but the overall effect that they have as a part of this process. I think that the danger of looking at pure statistics in this matter can be well demonstrated by the situation in Victoria, where after the election of the Labor Government in 1982 a committee of the Parliament was established to look at statutory authorities. It claimed to have abolished some 1 000 statutory authorities; in fact, I think it was more than that. However, it involved a large number of statutory authorities, and therefore that is a good statistic.

What, of course, is not realised in bare statistics is that a lot of those statutory authorities were similar ones, such as local water boards, of which there were a large number in Victoria. They were abolished as part of that process. So, I do not think that one can look at and directly compare one State with another in terms of the actual number of Acts and regulations that might not be proceeded with. It is fair to say that in Victoria they were able to get rid of a number of sets of regulations as a result of this process.

The Hon. K.T. Griffin: It depends, also, what one puts into the category of a statutory authority.

The Hon. C.J. SUMNER: In that context that is correct. The honourable member makes that point quite rightly. If at the end of this process on regulations we are able to show that there are fewer regulations consolidated or removed than in Victoria it does not mean that the program has been unsuccessful, but it may mean that there are different situations in different States. The Government is determined to try to ensure that the regulations are rationalised, consolidated and simplified. Even if this process does that, it will be a significant achievement. In addition, we hope, if there is an unnecessary regulation, that it can be removed.

The reporting to Parliament provision was raised by the Hon. Mr Lucas. Agencies will be required to include in their annual report to the Parliament a section summarising the status of current regulation reviews and the outcome of reviews completed. I trust that I have answered the questions raised by honourable members.

Bill read a second time.

In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 April. Page 3689.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill. The principal objects of the Bill are essentially three. The first object is to provide for a levy of $5 on persons expiating offences, $20 on persons found guilty of a summary offence, and $30 on persons found guilty of indictable offences, such levies to be paid into the Criminal Injuries Compensation Fund which Parliament established last year.

The second object is to increase from $10 000 to $20 000 the maximum amount payable to a victim of crime, and the third object is to widen the discretion of the Attorney-General in respect of the payment of compensation where compensation from another source such as workers compensation has been paid to the victim. The Criminal Injuries Compensation Fund was established by an amendment to the principal Act passed at the beginning of 1986.

Presently, moneys recovered by the Attorney-General from criminals, moneys provided by Parliament and the prescribed percentage of the amount paid into general revenue in the preceding year by way of fines imposed are part of the Criminal Injuries Compensation Fund. I am not sure that in fact a percentage has been prescribed of the amount paid into general revenue in the preceding year by way of fines imposed, and I would like the Attorney-General to give some indication as to whether that prescription has been made and, if so, the extent of moneys paid as a result of that prescription.

This Bill adds a levy. The second reading explanation indicates that at present the Government intends to exempt from the levy certain offences such as those under local government and university by-laws. I would like to explore in greater depth the sorts of offences which are to be exempted. For example, are parking type offences under the Road Traffic Act to be included and attract the levy, or are they to be excluded? Are offences under licensing type legislation—that, is occupational licensing type legislation for, for example, failure to maintain a proper licence or to file a proper return—to be the subject of a levy?

Are corporate affairs offences, such as failing to lodge an annual return, to attract a levy? The Attorney-General introduced yesterday a Bill relating to certain expiation offences. To what extent are other expiation fees also to attract the levy? One could think of a wide range of offences which may be called victimless offences and which may relate to occupational type legislation or to the filing of particular documentation and, if that is not done, penalties will flow.

I would like to get from the Attorney-General some appreciation as to what sort of offences are to be included and what sort are to be excluded. There is no indication in the second reading explanation as to how much is expected to be raised by the levy. I already have on notice questions to try to get some idea of the numbers of offences for which convictions have been recorded in the last three years.

That will be relevant in determining how much is to be collected by the fund from that source. It is not clear whether or not the levy is on each conviction or only on the convicted person, no matter how many offences have been the subject of conviction on the one occasion. The Bill suggests that, if a person defaults in payment of a fine, the levy is to be treated in the same way, namely, that it may be served out by a default prison sentence. That needs clarification, particularly in the light of another Bill introduced yesterday dealing with community work orders in relation to defaults in payment of fines.

It would be interesting to know whether, if someone does default in paying a fine, even after serving a prison sentence in default of payment of that fine, the levy is still to be paid. What about community work orders? If the penalty or punishment imposed by a court is a community work order, is it envisaged that there will also be a levy, and will that then be treated as though it were a fine?

In effect, this legislation imposes what might be regarded as a minimum monetary penalty in many cases. One cannot say that it is an onerous minimum penalty but, nevertheless, it fits within that concept. I should also say that this proposal of the Attorney's does pick up a proposal I made prior to the State election to investigate the concept of a levy scheme. There is value in going in that direction. I agree with the general principle that those who commit criminal offences ought to be required not only to make restitution but also to contribute towards the rehabilitation and support of the victims, and anything that can be done to bring home to the criminal the consequences of his or her criminal acts *vis-a-vis* a victim is to be encouraged.

It should not be taken as an indication that the Opposition does not support the concept: we support it but we believe that it needs much clarification as to the way in which it is to be administered and as to the sorts of offences that are to be covered by it. It seems to me that the regulation making power to exempt certain offences from the levy, whilst not totally appropriate because it is a regulation making power, is nevertheless preferable to a regulation making power that imposes the levy; that is, it determines the ambit rather than determines what is to be excluded.

The second object of the Bill is to increase the maximum amounts of compensation. The sum of $10 000 maximum was fixed in 1977: it is now to be increased to $20 000, and that is supported. Up to the present time compensation has been paid largely by taxpayers at large in the last resort, and it still will be to a significant extent.

It has to be recognised that any criminal injuries compensation scheme is, in essence, a fund of last resort, and ultimately is paid by the taxpayers. My recollection is that in the past financial year something close to $1.3 million was paid out of General Revenue, and with the increase to $20 000 one can see some quite significant escalations in that sum, together with the wider discretion of the Attorney-General to pay out for other expenses relating to criminal injuries.

The principal reason for the Attorney-General's discretion is the controversy over his decision not to allow an injured police officer to recover criminal injuries compensation after having been awarded workers compensation. This part of the Bill will now allow the Attorney-General to take into consideration amounts awarded from other sources; and, where the compensation from other sources is not adequate to compensate for pain and suffering, the Attorney-General can pay an amount (up to $5 000) in his discretion to cover that deficiency.

I support the Attorney-General having that discretion: I think it is appropriate. The sort of decision which attracted publicity recently in relation to the injured police officer will rarely occur if the discretion which this Bill confers is granted. The other area of the Attorney-General's discretion is to allow the Attorney-General to make payments to a

Government or non-government organisation or agency for a purpose that will, in the Attorney-General's opinion, advance the interests of victims of crime.

When I proposed the Liberal policy on victims prior to the last State election, I had in mind that out of any compensation fund the Attorney-General ought to be able to make payments to victims to meet emergency expenses. The assistance which best serves the interests of victims is assistance which is given immediately after the criminal act occurs. Frequently that assistance may extend to the cost of transporting the person concerned to a friend's home or the replacement of damaged clothing—the sorts of things which, in the context of a particularly vicious criminal act, are matters of considerable concern to victims. Also, support to agencies which provide assistance to victims of crime in this and other contexts is to be commended. Therefore, I support that discretion in the Attorney-General.

There is only one matter of major concern, and that relates to proposed new section 15. Section 15, among other things, gives the Governor power to make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act. That is a provision no-one can object to: it is usual. Then there is power for any regulation to amend this statute for the purpose of altering a monetary amount, not being a penalty, fixed in the Act. That means fixing the upper limit of $20 000 and fixing the amount of $5 000, which is in the discretion of the Attorney-General in relation to the non-economic loss of a victim, and it relates also to the levy.

I hold a very strong view that those amounts should not be amended by regulation. If there is to be any amendment, it should come to Parliament in an amending Act of Parliament. In that way Parliament can express its view as to whether or not the maximum amounts for compensation should be lifted, and also whether or not the levies on the expiation fees and criminal convictions should be increased. We must remember that within the Criminal Injuries Compensation Fund there is both a revenue component from General Revenue and levies on those convictions and expiation notices.

It is quite conceivable that, as money becomes tight, Governments may be induced to put through a regulation which seeks to increase the amount collected by way of levies and dilute the amount which comes from General Revenue. In addition, there is no limit on the amount of any increase in the levy. I think it is important even though regulations come before Parliament and are subject to disallowance, that there is an opportunity for the Houses of Parliament to scrutinise the way that the levies are administered, the way the compensation fund has been administered and the way that the exemptions by regulation have been dealt with. It is in that context that I do not believe that a regulation making power such as that in proposed new section 15 (2) is appropriate.

I will be most vigorous in my attempts to have that power deleted. I suggest to the Attorney-General that there is some safeguard for the Government of the day and the Attorney-General of the day for those matters to come before Parliament, anyway. If they can be changed by regulation, it is easier to do it that way—still subject to disallowance, of course—but it is in full or not at all. It is much easier to put up a regulation and slip it through or yield to pressure from Treasury to put through a regulation than it is, I suggest, to bring up a statute amending a monetary amount and have it go through the parliamentary process. I think in the interest of justice and in the interest of adequate parliamentary scrutiny it is important for us to ensure that this part of the Bill is amended. Subject to those observations, I indicate that the Opposition supports the Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his contribution and in particular for his and the Opposition's support for this important and significant measure. I propose to answer the honourable member's questions so far as I am able now, and it may be that other issues that he raised may have to be explored during the Committee stage (which I propose to proceed with on the next day of sitting). The general principle with respect to the application of the levy is to provide that it will apply to traffic offences definitely, and generally to offenders convicted in courts of summary jurisdiction, as well as to offenders convicted in higher courts.

The areas of general exclusion which, we feel, ought to exist are such things as local government by-laws, parking offences, university by-laws and the like. But generally the levy ought to apply with respect to offences created by legislation which has a general application. That being the case, it would apply to licensing legislation and corporate affairs offences but would not apply to local government and parking matters. The honourable member may wish to explore that further in Committee. It would certainly apply to expiation offences, that is, traffic infringement notices to start with and probably also those that would be covered by the expiation Bill that is currently before the Parliament.

The honourable member asked how much the Government expects to raise from the levy. In round figures—from traffic infringement notices, $450 000; from offenders convicted in courts of summary jurisdiction, $1.1 million; and from offenders convicted in higher courts, $270 000. In fact, the figures that have been calculated on the basis of the information supplied from, I think, the Court Services Department, are as follows:

	Number of Offenders	Proposed Levy	Revenue Raised
Traffic infringement notices	93 469	× $5	$467 345
Offenders convicted in courts of summary jurisdiction	75 000	× $20 (less 25 per cent not collected)	$1 125 000
Offenders convicted in higher courts	12 000	× $30 (less 25 per cent not collected)	$270 000

The total of all those figures is $1 862 345, presumably less the 25 per cent not collected. But those figures are only indicative: there is obviously no way in which at this point in time we can calculate precisely how much will be added to the Criminal Injuries Compensation Fund as a result of this provision, but those calculations have been broadly based on statistics provided by the relevant Government departments.

The honourable member has said that this provision applies to some extent in the nature of a minimum penalty. I believe that is true, albeit a fairly minimal minimum penalty. However, the Government considered that if we were to introduce a provision such as this, then it ought to be as comprehensive as possible and it would be unfair, for instance, to impose a levy on a person who receives a traffic infringement notice where there was a comparatively minor offence but not impose the levy on a person convicted in the higher criminal courts where the offence might, in fact, be much more serious than a traffic offence, and where it might have involved significant personal violence.

The proposal was to make the provision as all embracing as possible. Prisoners will be expected to pay the levy, which

is not much, I suppose, in their terms from the so-called earnings which they receive in prison.

It is also expected that those subject to community work orders will be required to pay the levy which, I assume, in most cases will be either $20 or $30. The reason is simply that the Government's view is that it be equitable that the levy apply as broadly as possible and that particular groups ought not to be exempt from the levy because that would create inequities and injustices in the application of it.

The honourable member referred to immediate payments to victims. That has to some extent already been provided for by the *ex gratia* payments which can be made by the Attorney-General and which are already provided for in the Criminal Injuries Compensation Act. Obviously this Bill will enhance the possibility of being able to do that. The honourable member was correct in his assumption that the amount of criminal injuries compensation paid out at present is in the vicinity of $1.2 million or $1.3 million a year.

The only issue the honourable member really took up was the hoary chestnut of regulation powers, which the Government seems to want to insert in most legislation these days and which the Opposition and the Democrats seem to want to object to. I do not want to canvass those arguments at this stage. Suffice it to say that I will consider the honourable member's comments. It may be that as the levy contributes in a sense to Government revenue, albeit in a specific fund for compensation for victims of crime, nevertheless it is appropriated for that purpose. The honourable member's argument may have some merit but at this stage I will consider his views and address the matter further in the Committee stages. I thank the honourable member and the Opposition for supporting the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

REGISTRATION OF DEEDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 3690.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill, which does three things. It provides for plans deposited in the General Registry Office to be corrected or varied in a manner similar to the way in which plans under the Real Property Act can be corrected or amended. It seeks also to provide a definition of the term 'duplicate original' which is presently used in the Act but which appears to be ambiguous. The Bill also deals with the promulgation of regulations in a more modern manner.

As I understand it, difficulties are presently experienced where plans are deposited at the General Registry Office but cannot be amended or corrected. Those plans relate largely to properties that are to be the subject of lease, such as in a shopping centre or office development. While there are some reservations about the potential for correction of ancient documents which have been lodged at the General Registry Office, the proposal is primarily directed towards contemporary documentation.

I think that the Registrar-General and his staff have a respect for such documentation deposited over a long period of time at the General Registry Office and that they would in fact (as they always have) exercise the power only in those cases where it is absolutely necessary. There is no objection to that proposal.

The second proposed amendment, in relation to the definition of 'duplicate original', is a matter of clarification and presents no difficulty. In respect of the amendment relating to the regulation making power, the present provision is that the Registrar-General of Deeds, with the approbation of the Governor, may make regulations. That is not consistent with current practice, and the amendment brings that part of the Act into line with current practice—and on this occasion it might surprise the Attorney-General to know that with respect to a regulation making power, I am prepared to accept the proposition in the Bill. I support the second reading.

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

VALUATION OF LAND ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from from 1 April. Page 3690.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading, but I wish to raise some questions about the way in which this Bill, if passed, will operate in practice. I shall raise these questions in the hope that the Attorney will be able to obtain some advice and provide a reply next week.

The Bill allows for changes in the method used for the determination of site value and unimproved value of individual units in a deposited strata title plan. The Attorney-General's second reading explanation indicated that the changes will ensure more equitable valuations of the individual units and provide for a more equitable apportionment of rates and taxes. At present, as I understand it, the site value and unimproved value are determined by reference to the value of the whole parcel of land over which a series of strata titles has been issued, with the individual value of each unit being determined by the unit entitlement of each unit in relation to the aggregate unit entitlement of all units defined on the strata plan.

The Bill provides for the unimproved value or site value of the whole parcel of land to be assessed, or the capital value of all units to be assessed and for the unimproved value or site value of a unit to be calculated as the value 'that bears to the unimproved value or the site value of the parcel, the same proportion as the capital value of the unit bears to the aggregate capital value of all the units defined on the plan'. I have had discussions with the Land Brokers Society which asked whether in consequence of the Bill there is any intention to enable a change in the value of the respective unit entitlements in consequence of this method of valuation. I find it difficult to appreciate the relationship under the new system of valuation with the establishment of unit entitlements as between the various strata titles within the development. I would like the Attorney-General to clarify that aspect of the application of the Bill.

The Law Society made the point that this proposal will reduce the value and therefore the tax payable where the owner of a unit allows the unit to become run down, and will increase the value and tax of an owner who maintains and cares for his or her own property.

The Law Society in making its submission, which I must say was made by a member of the Law Society but not with the full support of the Law Society (only because time did not permit a formal consideration of the Bill), suggests that the main effect of the Bill will be to substantially increase the cost of valuation of a block of units. For example, a block of six units now only requires one valuation—the

unimproved or site value—but after the amendment seven valuations will be required—the site or unimproved value of the parcel plus the valuation of each unit. In the majority of cases it can be expected that the different methods of valuation will arrive at the same or practically the same result.

The Law Society has suggested that the present method of valuing units be retained but, where the Valuer-General considers that the present method is inappropriate or where a strata corporation so requests, the method of valuation proposed in the Bill be used. That is a variation of what the Government has in mind in this legislation. It is substituting one method of valuation for another, but it may be appropriate to consider an alternative. The method of valuation has effect for the purposes of council rating, E&WS rating and land tax purposes. It may be that there is some consequence of the operation of the new scheme with which I am not familiar. I do not profess to be an expert in valuation, but the comments made by the two bodies to which I have referred seem, on the face of it, to have some substance. Subject to those matters being clarified, I am prepared to support the Bill but ask that the Attorney-General in due course obtain comment on the matters to which I have referred.

The Hon. C.M. HILL: I have a query in regard to the Bill and would like the Attorney to give me some explanation in answer to this query when he replies, or in the Committee stage. It has been put to me by a person who owns home units, which are under the strata title system and are leased, that this changed method of valuation in this Bill might incur an increase in land tax. People in these situations, aware that these people have to pay land tax, find that taxation exceedingly high, and I do not think it is in the Government's interest to have that land tax increased by any change in the method of assessment.

I do not think that the owners deserve an increase in land tax because of the present rates which they are charged. I do not have any quibble with the principle that if an improved unit is redecorated, added on to or improved in value, assessment on the improved basis is increased as compared with a unit in the same block of units when no such extra work has been done. In other words, what would result would be a more equitable assessment on the improved basis. I want to know if that will vary the unimproved value or the site value of those units because, as I see the situation, if it does increase the amount of the site value, a higher land tax will apply. That is the last thing the people want and the last thing that this Parliament should want, so I ask the Minister whether the assessments for land tax purposes can be increased as a result of the new method of valuation introduced by this Bill.

If I have not made myself clear or there is any doubt about what I am saying, the matter can be pursued in the Committee stage, but I think that we ought to be sure that site value—or the unimproved value—should not increase or be able to be increased simply because the improved value of the unit increases because of additions, redecoration or renovation. I ask the Minister whether he will explain that situation at some stage of the debate.

The Hon. C.J. SUMNER (Attorney-General): I thank members for their lucid contributions to the debate and seek leave to continue my remarks later. I will then be able to get answers.

Leave granted; debate adjourned.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 3691.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. As I understand it, the Bill was designed to deal with one specific problem which has been around for the past 10 years, involving a mortgagee who is overseas, where a mortgage has been paid out, as the mortgagor believes, in full but, notwithstanding repeated correspondence to the mortgagee in the foreign country, the mortgagor has received no reply and under the present provisions of the Real Property Act is unable to obtain a discharge of the mortgage and deal with the land free of the encumbrance of the mortgage.

I have sympathy with the mortgagee in those circumstances. Of course, it is only one case but, notwithstanding that, as legislators we have an obligation to ensure that, even in those isolated instances, the law works for the people and is not dogmatically adhered to where some inconvenience or even injustice might apply. I am prepared to support a proposition that will enable the mortgagor in these circumstances to be able to deal with his land. However, I suggest that the amendment does not adequately deal with the problem. I believe that the mortgagee ought not be disadvantaged by the Minister's exercising his or her discretion and that there ought to be a mechanism by which notice is given to the mortgagee of the Minister's intention to discharge that mortgage.

I believed (but I was mistaken) that there was no protection for the personal covenants of the mortgage, but my attention has since been drawn to the fact that the principal Act specifically provides that any discharge by the Minister should not be a discharge of the personal covenants, and I am now satisfied with that aspect of the matter.

I am satisfied also that the reference in the principal Act to 'the Treasurer' should be amended to 'the Minister', because all matters administered by the Lands Titles Office relating to the Real Property Act should probably be with the one Minister, and in those circumstances adequate protections are still built into the principal Act. In order to provide for a procedure by which a mortgagee will be notified of the intention to exercise the power, during the Committee stage I will propose an amendment to ensure that that occurs. Subject to that, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Discharge of mortgage by Minister in certain cases.'

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

Page 1, after line 29—Insert new subsections as follow:

(1a) The Minister must not execute a discharge of mortgage pursuant to subsection (1) *(d)* unless—

(a) the Registrar-General has sent by certified mail to the mortgagee at his or her last known address a notice stating that the Minister proposes to discharge the mortgage pursuant to subsection (1) *(d)* at the expiration of the prescribed period unless the mortgagee establishes to the satisfaction of the Minister that he or she is justified in refusing to execute a discharge of the mortgage;

and

(b) the prescribed period has elapsed since the notice was sent.

(1b) The prescribed period is—

(a) in a case where the notice is addressed to the mortgagee within Australia—one month;

(b) in any other case—two months.

This amendment to add additional subsections (1a) and (1b) to provide that the Minister is not to exercise his or

her discretion to discharge a mortgage unless the Registrar-General has sent by certified mail to the mortgagee at his or her last known address a notice of the Minister's intention to discharge the mortgage and that notice of intention to do that should allow one month if the address is in Australia and two months if the address is overseas within which the mortgagee may respond and establish to the satisfaction of the Minister that the mortgagee is justified in refusing to exercise a discharge of the mortgage.

I gave consideration to a further proposition in order to protect the mortgagee against the Minister's exercising a discretion where there may not be a sufficient reason, but I believe that there is already adequate power in the Supreme Court to ensure that a Minister does not wrongly exercise his or her discretion, and in those circumstances I do not want to take the matter further. The other point about the clause and the amendment is that if a mortgagee does not reply to correspondence the question is whether or not that is a refusal to execute a discharge of a mortgage or mere failure.

I am a bit concerned about including the words 'failure or refusal to execute a discharge of a mortgage' because that would open matters up quite significantly. I am cautious about doing that. I think that, if there has been a lot of correspondence which has been unanswered, it may be appropriate for the Minister to reach the conclusion that there has been a refusal and, if there is no response to the notice I think that that is a reasonable safeguard. I think that this amendment will tidy matters up.

The Hon. C.J. SUMNER: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

BILLS OF SALE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 3691.)

The Hon. K.T. GRIFFIN: I support the second reading. The provisions mirror those in the Real Property Act Amendment Bill. They deal with similar circumstances in relation to bills of sale as in relation to mortgages. I think all members know that bills of sale are securities over chattels registered at the general registry office and mortgages are securities over real property. In the circumstances, I will be moving at the appropriate time an identical amendment to that which I have just moved in relation to the Real Property Act. To enable that to be done, I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Minister may discharge bill of sale in certain circumstances.'

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

Page 1, after line 26—Insert new subsections as follow:

(1a) The Minister must not execute a discharge of a bill of sale pursuant to subsection (1) *(d)* unless—

(a) the Registrar-General has sent by certified mail to the grantee at his or her last known address a notice stating that the Minister proposes to discharge the bill of sale pursuant to subsection (1) *(d)* at the expiration of the prescribed period unless the grantee establishes to the satisfaction of the Minister that he or she is justified in refusing to execute a discharge of the bill of sale; and

(b) the prescribed period has elapsed since the notice was sent.

(1b) The prescribed period is—

(a) in a case where the notice is addressed to the grantee within Australia—one month;

(b) in any other case—two months.

These subclauses are in identical terms to the amendment to the Real Property Act Amendment Bill except that instead of a reference to the mortgagee there is a reference to the grantee.

The Hon. C.J. SUMNER: We accept it.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

RETIREMENT VILLAGES BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 3194.)

The Hon. C.J. SUMNER (Attorney-General): I indicated previously, when this Bill was introduced, that there were a number of issues relating to the Bill upon which work remained to be done and further consultations were to be undertaken. I propose to inform the Council of those consultations and the amendments proposed. Honourable members will have the opportunity to consider my comments and the proposed amendments over the coming weekend, and the issues can be fully examined in Committee next week.

There has, since the tabling of the first exposure draft of the Bill, been extensive consultation with interested organisations and individuals. A series of meetings has been convened at the Corporate Affairs Commission over the past few weeks involving representatives of all major interest groups to discuss this Bill and the amendments that are appropriate to ensure that the Bill, on its introduction, whilst meeting the Government's policy needs, allows the industry to adjust to these policy changes with minimal disruption.

There have been 25 written submissions received on the Bill, and these have been examined by the Corporate Affairs Commission together with the comments that were made in this House by members during the course of the second reading debate.

The Hon. C.M. Hill: You should have had those consultations before you brought in the Bill.

The Hon. C.J. SUMNER: That is an absolutely ludicrous statement to make.

The Hon. C.M. Hill: Why?

The Hon. C.J. SUMNER: Well, simply because I said at the time I brought the Bill into the Council, as the honourable member well knows, that it was brought in to lay it on the table so that consultations could occur.

The Hon. C.M. Hill: That's not the way to legislate.

The Hon. C.J. SUMNER: I think it is that sort of inane interjection that does you no credit whatsoever. I said that the Bill had to be introduced in that form because that was the form it was in at that stage. I wanted to bring it into Parliament so that the whole world knew what the Bill was and they could make their comments on it. I said that in the second reading explanation.

The Hon. C.M. Hill: I don't care what you said. I'm just saying that you should have consulted first.

The Hon. C.J. SUMNER: You have been in Parliament long enough—one cannot win with people like you. The Bill is publicly exposed for honourable members so that they can comment on it, and you go crook.

The Hon. C.M. Hill: No, you don't. You circulate a draft to those interests.

The Hon. C.J. SUMNER: That is ridiculous.

The Hon. C.M. Hill: It's been done since time immemorial.

The Hon. C.J. SUMNER: That is a ridiculous comment. I am doing the right thing by bringing the Bill in to enable people to comment on it.

The Hon. C.M. Hill: You went about it the wrong way.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I did not go about it in the wrong way. The Bill was introduced with the specific purpose at the time to enable consultation. I would have thought that that was a sensible way to go about it. That is enough inanities from the grandfather of the Council.

The Hon. C.M. Hill: Never mind that; you do the right thing and don't be so immature.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It was a perfectly reasonable thing to do.

The Hon. C.M. Hill: I don't think it was.

The PRESIDENT: Order! Mr Hill. Repeated interjections are out of order.

The Hon. C.M. Hill: Well, he's abusing me.

The Hon. C.J. SUMNER: So I ought to, because of your inane comments, after I have done precisely the right thing with respect to the Bill. I introduced it so the whole world knows about it. If you do not introduce the Bill into Parliament he complains that we have gone about some secret exercise.

The Hon. C.M. Hill: Don't talk such rubbish.

The PRESIDENT: Order! These interjections must cease.

The Hon. C.J. SUMNER: You are abusing the Hon. Dr Cornwall because he has not consulted with the local government people.

The PRESIDENT: Order, Attorney, I am on my feet. These interjections will cease. If there are any further interjections, Mr Hill. I will name you.

The Hon. C.J. SUMNER: Having said that, Madam President, allow me to repeat that the honourable member is behaving in an inane and infantile manner, knowing—

The Hon. C.M. Hill: You know you've got me in a corner and—

The Hon. C.J. SUMNER: That is all right. I specifically said at the time the Bill was introduced that it was to be laid on the table for consultation, and that seems to me to be a perfectly reasonable and open process to follow. As a result of consultations, Parliamentary Counsel has now prepared a number of amendments which seek to accommodate, without derogating from the Government's policy commitments, the concerns that have been identified. These amendments have now been tabled.

I understand that, as a result of the discussions held by the Corporate Affairs Commission with interested parties, the Bill with the proposed amendments together with some minor adjustments that I will indicate in Committee is now in a form that is acceptable to these interested groups. The groups that I referred to are representative of the broad spectrum of both administering authorities which provide the services of retirement villages and residents under the Act.

I will comment in a moment on the matter of the exemption policy to indicate how certain religious and charitable organisations that receive recurrent funding under the Commonwealth Aged and Disabled Persons Homes Act 1954 are to be accommodated to avoid duplication on their part in having to comply with two 'regulatory arrangements'. The exemption policy is also to be available to deal with those nuances of possibility which it is not possible to foresee in an industry that by its nature is complex and evolving. The exemption policy will be exercised in a manner consistent with the commitment of the Government to meet the policy requirements as outlined in this legislation.

I will now deal with a number of the points that have been made by members during the course of the debate and some matters that were raised by other submissions on the Bill. The Hon. Mr Burdett and the Hon. Diana Laidlaw have both stated that 'retirement village scheme' as defined is very wide. This is intentional as it is necessary to bring within the reach of the legislation all retirement villages where a payment is made for the right to occupy a residential unit. Consideration will be given to settling a threshold that will be the operative point at which the legislation is to apply.

The definition does include all of the items referred to by the Hon. Mr Burdett; that is, it not only includes privately operated schemes which are resident funded but also schemes which are operated by church and charitable organisations. It includes non resident funded schemes, and it also includes independent living units and hostel units where there is the payment of a premium.

It would also include nursing homes where there was a substantial premium for entry into the nursing home and the resident was occupying a residential unit, as defined by the Act. It is also to be noted that the exempting power under section 4 enables the Minister to exempt those organisations that should not be caught.

The reason for including each of these entities within the reach of the legislation is to deal with those circumstances where older people are being required to pay substantial amounts, for example, $5 000 and upwards, for accommodation in premises which are possibly no more than boarding houses and then finding that they are being ejected within a short period of time and losing their substantial entry payment.

The Hon. Mr Griffin has referred to the problems that may be associated with the inclusion of strata title villages within the reach of this legislation. The only strata title villages that are caught within the reach of this legislation are those that clearly constitute a retirement village scheme, where there is an arrangement under which the administering authority is entitled to buy back the unit from the resident or there is a fetter imposed on the right of the resident to freely transfer the fee simple interest in the unit.

If these types of arrangement were not to be dealt with in the context of the Bill, it would be possible to structure retirement village schemes in a way that completely avoided a number of the protection issues that are sought to be implemented by this Act. For example, an administering authority may improperly seek to force the owner of a unit, that is, a resident, to vacate the unit through alleged noncompliance with undertakings in a management contract with the administering authority. Accordingly, it is imperative that strata title retirement village schemes be dealt with within the context of this legislative initiative but within the limited ambit that I have mentioned.

The Hon. Mr Griffin also raised the issue of the position regarding the South Australian Housing Trust. The Bill as drafted will not bind the Crown and accordingly the South Australian Housing Trust will not be subject to the legislation. Where the Crown is in a joint venture arrangement with some other party, not being an agency of the Crown, and the latter is the manager of the retirement village and the agency of the Crown is the owner of the realty on which the village is constructed, the manager will be required to comply with the appropriate parts of the legislation.

The Hon. Mr Burdett has drawn attention to the very wide exemption power granted to the Minister under clause

4 of the Bill. As explained a moment ago, the approach taken in this legislation is to cover the field and then to proceed to grant appropriate exemptions. As will be appreciated, there are widely varying arrangements relating to this industry and the only responsible way of meeting the policy needs of ensuring security of tenure, disclosure of relevant information and an appropriate disputation resolution mechanism is to ensure that all entities providing what is a retirement village scheme within the definition of this Act are brought within its reach. It is to be noted that all exemptions are to be gazetted. This will ensure that there is no preferment granted to any one retirement village as against another that is not made public. The Government is publicly accountable in ensuring equity and fairness within the retirement village market.

I will indicate the type of exemption to be granted to religious and charitable organisations that meet certain criteria that it is understood will be applied pursuant to the Commonwealth Aged and Disabled Persons Homes Act 1954. These exemptions will be granted to avoid duplication between the Commonwealth requirements pursuant to contracts made for recurrent payments under the Aged and Disabled Persons Homes Act and the regulatory requirements of the South Australian legislation. However, where there is, under the Commonwealth arrangements, a gap, in that the South Australian policy commitments are not being met, then the South Australian legislation will apply.

The Government is aware that certain religious and charitable organisations that are members of the Voluntary Care Association are currently negotiating with the Commonwealth Government to settle arrangements that will apply for funding of retirement villages under the Commonwealth Aged and Disabled Persons Homes Act.

In the interim period it is proposed to grant a 12 months exemption from the operation of this Act to religious and charitable institutions in relation to those hostel units that are the subject of recurrent funding pursuant to an agreement with the Commonwealth. It is only that limited category that will be within the ambit of this exemption pending finalisation of their discussions with the Commonwealth. This exemption is granted on the basis that there is a sunset provision that it will expire on 30 June 1988. If the relevant provisions of the Commonwealth legislation have not been settled by that time with appropriate protection to residents, the provisions of the South Australian Act will be applied to those organisations with any exemptions as may be appropriate.

The Hon. Mr Griffin raised a number of concerns with respect to clause 7 of the Bill. Each of the matters that he raised has been addressed in the draft which is currently before the Parliament. The Bill provides for the Residential Tenancies Tribunal to have the authority to determine, in the event of there being a dispute, when a resident is to have his or her right of occupation terminated. That tribunal has available to it the resources of a wider infrastructure of social security support, both governmental and otherwise, which can be accessed where circumstances so require. For instance, where a person is medically unable through mental incapacity to continue to reside in a unit, the resources of the Guardianship Board can be utilised to determine what is the appropriate course to be taken. This overcomes the difficulties that have been identified in relation to the nomination of medical practitioners.

The Hon. Mr Griffin refers to the circumstance where there is a young unemployed child or a handicapped child living with a resident in a village. This is a matter that can be dealt with contractually between the administering authority and the resident concerned and is not proposed to be dealt with in the context of this Bill. The Hon. Mr Griffin refers to the matter of control by the administering authority over additional occupants and the charging of additional accommodation fees or rent. This is a matter that again is to be determined in accordance with the contractual arrangements that apply at the time of entry to the village. As will be noted, all contractual arrangements must be in writing and must be fully disclosed to the resident before entry to the village. The definition of 'retired person' has been amended to provide for a person who is of age 55 and who has retired from full-time employment.

The next matter that was mentioned was that of clarification of 'business day' in clause 3. This has been done. The definition now states that 'business day' means any day except a Saturday, Sunday or public holiday. The Hon. Mr Elliott raised concerns with the definitions of 'administering authority'. The matters that he raised were, as I understand it, matters that were dealt with in a paper circulated by SACOSS. The Corporate Affairs Commission has discussed these matters with SACOSS and the current definition fully meets the earlier concerns that the organisation held. He also refers to the question of definition of 'residential unit' and the need for the inclusion of a definition of 'hostel care' and 'infirmary care'. The definition of a 'retirement village scheme' when coupled with that of the definition of 'premium' will mean that where a person pays a substantial sum for 'hostel' or 'infirmary care' and that is being provided in a way which is within the definition of what is meant by a 'residential unit' then that will be within the reach of the Act.

With respect to clause 6 of the Bill, The Hon. Mr Elliott has suggested that, where the village in question is directed at people from some ethnic community, the contract should be prepared in their language. He also comments on the need for contracts to be in 'large print and in plain language'. The Bill does not seek to deal with either of these matters and they are accordingly matters for the administering authority of the particular village. It will also be noted, as was raised by the Hon. Mr Elliott, that the amendments as now proposed do indicate the types of documents that are to be made available to an intending resident. There is provision for 'other prescribed documents' to be included in this group, and the type of documentation that is envisaged at this time (but without limiting what may be prescribed), will be information in relation to the financial position of the village, for example, balance sheet and profit and loss account. The other matters referred to by the honourable member relating to the obligations to the resident to be met by the administering authority are matters that can be detailed in the relevant contractual document which must be disclosed prior to the resident taking up occupation.

The Hon. Mr Burdett has suggested that the arrangements in clause 8 may well be a disincentive to owners to provide accommodation for the elderly in resident funded villages. From discussions that have been held both within this State and in other jurisdictions, the Government does not believe that this will occur. For the information of members, I indicate that Victoria has legislative arrangements which are similar in effect to that being proposed in the context of this Bill, and Queensland has exposed for public comment similar arrangements. The Hon. Mr Griffin has drawn attention to the provisions of clause 8 which require premiums to be paid into a trust account. This is a deliberate policy on the part of the Government to protect intended residents of retirement villages.

I am aware of the type of circumstance to which the honourable member refers where in some charitable or

community based schemes the intended resident is asked to contribute towards the cost of construction of the unit concerned. It is in this very circumstance that history in this State has shown that residents are most vulnerable. In fact, there have been two schemes where, had this been permitted, the residents would have lost a major proportion of the funds that were invested. The Government believes that it is a small price to pay to have the funds held in trust pending the completion of the unit for occupation. In extreme circumstances where the situation was such that it could be demonstrated that there was absolutely no risk to the intending resident, it may be possible to provide for an exemption. This would be an exceptional circumstance, having regard to the experience already had in this State.

The Hon. Mr Griffin also refers to the cost that can be incurred by an administering authority where there has been default on the part of a resident to take up residence after substantial modifications have been made to a unit. This Bill does not seek to abrogate the common law rights for breach of contract that are available to either a resident or an administering authority in the event of a breach. The Bill does, however, provide in clause 8 for the circumstance where there has been a failure by either party to honour their commitments. The aggrieved party will be entitled to the interest that has accrued on the trust account.

The problems that were associated with the earlier draft of clause 9 of the Bill were subjected to comment both within the Council by the Hon. Mr Griffin and other members and in a number of submissions that have been received. Clause 9, as members will note, has been redrafted to clarify each of the points that has been raised by the Hon. Mr Griffin, and it is now clear that the charge on the land relates only to the refundable premium. It does not relate to the 'service contract'. Members will also note that the provisions for the enforcement of an existing mortgage in the event of default is one of the elements that has been dealt with in clause 7 of the Bill. In short, there is no attempt in this Bill to usurp the priority which may be held by a currently existing mortgagee.

The Hon. Mr Griffin refers to those charges which relate to matters arising under the Local Government Act such as unpaid rates. With respect to charges that were not noted on the title prior to the commencement of the Bill, those charges would take a priority position which was subsequent to that of the residents. With respect to clause 9 there was a considerable degree of objection to the provision concerning the divergence between an oral understanding and a written agreement which was to be interpreted in favour of the resident. For the information of members, this was included on the basis of advice given to the Corporate Affairs Commission that there were some villages that had suggested to residents that they make a donation which in the event of their leaving would be refundable. This arrangement apparently allowed villages adopting this strategem to attract Commonwealth funding in a way that would not otherwise be available. However, under the Bill before the Council all contracts relating to the acquisition of a residential right are required to be in writing.

The Hon. Mr Elliott has drawn attention to the difficulty that is experienced in some villages where the resident is unable to effect a sale of their unit after having vacated the village. This is a matter which causes some concern to residents and is an issue that is outside of the control of the Government. The right of the resident to invite offers for the acquisition of a particular unit ought not to be denied, and this is a matter that can be dealt with contractually between the resident and the administering authority. In fact, attention has been drawn to this particular matter in the check list annexed as a schedule to the Act.

As members would know, there are occasions when it is very difficult to effect a sale of any 'real estate' related property and it would be imprudent on the Government's part to seek to intrude in this area other than to ensure that the resident is aware of the circumstances under which arrangements for the sale of a property may be undertaken and the resident's right to introduce interested parties to an administering authority. The right of the administering authority to refuse to accept a particular resident is a matter again that must be left to the administering authority concerned. However, it would be appropriate in any contractual arrangements to provide that the administering authority should not unreasonably refuse to authorise a sale to a person introduced by a resident which person was otherwise able to satisfy the criteria for admission to the village.

The Hon. Mr Elliott refers to the resident's rights being a priority over future mortgagees. This does not, as he suggests, destroy the possibility of mortgaging the village. One of the difficulties with this legislation is to understand that the financing arrangements that are applicable to a retirement village are fundamentally different to those that apply to any other real estate type development. A retirement village exists over a period of time and a financier has an opportunity to recoup his investment over a longer period if the short-term prognosis upon which he advanced the moneys does not in fact turn out to be as hoped. This is very different to that of financing a home or a block of home units where the financier's opportunity to recoup his moneys is limited to the first sale or the mortgagee sale as the case may be. In a retirement village, where the original prognosis for repayment to the financier does not occur, the financier is able to reschedule his loan and to receive repayment over a longer period of time in accordance with the 'rollover' of the premises within the village itself. In one sense, a financier is better placed in relation to a retirement village, because while the village continues the long-term possibility of being able to recover the investment finance remains.

A reference is made in clause 11 to residence rules which are 'unreasonable or oppressive'. This has been amended to provide for residence rules which are 'harsh and unconscionable'. The Hon. Mr Griffin has requested advice as to the operation of this particular provision. The harshness or unconscionable aspect of the residence rule could apply to a particular resident and in that situation, as I will indicate in a moment, the Residential Tenancies Tribunal will be the appropriate arbitral forum.

The Hon. Mr Griffin has made reference to clause 11 (3) and suggests that there is a need for the notification of a particular period of notice to be given to any existing mortgagee, chargee or encumbrancee. There is no need for a period of notice as it is not possible for the owner of land to allow any resident to take up occupation until such time as there has been an endorsement on the title and accordingly the position of residents will be protected if any encumbrancee, mortgagee, etc. refuses consent.

Reference was made by the Hon. Mr Griffin to clause 15, and he sought clarification of 'being concerned in the administration or management of a retirement village'. This type of provision is taken from the Companies Code where it has an established meaning and I believe that it would not give rise to any difficulties of interpretation by the courts in the context of this legislation. Comments have been made in relation to the regulation making power under this proposed Bill. The regulation making power is quite extensive. However, I believe that it is necessary to provide

for this arrangement to ensure that the various possibilities that can arise can be adequately dealt with.

The matter of endorsement on the certificate of title has been discussed with the Registrar-General, and he has indicated that he does not see any difficulties. The Law Society of South Australia has made a number of comments in relation to the legislation which have been made available to the Corporate Affairs Commission. I understand that each of the matters of concern to the Law Society has been met and those that have not been specifically taken up have been the subject of comment in my speech tonight.

One of the major amendments that has been included in this legislation is to incorporate the Residential Tenancies Tribunal as the tribunal for the resolution of disputes. The Residential Tenancies Tribunal is given broad powers to deal with disputation relating to security of tenure and is also given jurisdiction to deal with any other disputes arising out of the resident's contractual relationship with the administering authority or any disputation arising between the resident and the administering authority relating to the latter not having complied with the provisions of this Act. The legislation provides for meetings of residents to be held annually and at those meetings it is the responsibility of the administering authority to produce accounts relative to the position of the particular village concerned. There are, however, within this State some administering authorities, for example, Southern Cross Homes Incorporated and Elderly Citizens Homes of South Australia Incorporated, which have multiple sites.

I am advised that the Elderly Citizens Homes have 86 sites and Southern Cross Homes have 23 sites. In this type of situation it would be unreasonable to require those organisations to undertake the additional cost that would be involved in producing separate accounts for each specific village. In fact, the method of operation of those two entities (there may well be others) is such that it would be inappropriate to require them to do other than produce consolidated accounts of their operations at residents meetings. This is an example of how the exemption power in the legislation will be exercised in what I indicated when I introduced this Bill will be a sensitive and balanced manner. I indicated earlier that there will be full consultation with regard to all matters relating to this legislation, and I have requested the Corporate Affairs Commission to consult with interested parties relating to the formulation of the regulations under this Act and of the exempting policy that is to be applied.

Subject to the agreement of the Council, I propose to deal with the Bill in the following manner: in Committee I will move the amendments which I have circulated to the Bill *pro forma*, but not proceed with them further this evening. That will enable the Bill to be reprinted so that it will be available for members in its fully amended form next Tuesday. Members can move their amendments to the reprinted Bill, which will be an easier process than having to go through the amendments which I have tabled today.

The Government deserves to be congratulated on the manner in which it has exposed this Bill to the public and not just to interested groups. The Bill was introduced prior to Christmas and has laid on the table in the public arena since then. It was introduced specifically for that purpose; to enable members and interested groups to comment and to enable the Corporate Affairs Commission to discuss issues with those people who are concerned. I commend the Corporate Affairs Commissioner and his officers for the extensive work that they have done in discussions with members and the various interest groups that have a concern about this legislation.

Hopefully, we have now arrived at a position where there is substantial agreement although there may be some amendments that members wish to move to the consolidated Bill when it is considered in Committee next week. I thank most members for their support of the Bill.

Bill read a second time.

In Committee.

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

That the Bill be amended *pro forma.*

The Hon. K.T. GRIFFIN: I indicate that I support this procedure. The Attorney informally consulted with me about the matter. I think that this is the best course to follow and that it will be an appropriate way by which members can come to grips with the substantial amendments that have been made to the Bill. I hope that, although it is intended that we proceed with this Bill next Tuesday, members will be circulated with a copy of the Bill before that time, if it is at all possible.

The Hon. C.J. SUMNER: I agree with that, if it is possible. I am sure that the table staff will see to it that the Bill is circulated at the earliest opportunity.

The CHAIRPERSON: I am sure that we can trust the table staff to do their utmost to achieve this, but we cannot ask the impossible of them.

Motion carried.

Bill reported *pro forma* with amendments.

FISHERIES (GULF ST VINCENT PRAWN FISHERY RATIONALISATION) BILL

The House of Assembly intimated that it agreed to the alternative amendment made by the Legislative Council in lieu of amendment No. 1 and did not insist on its disagreement to the Legislative Council's amendments Nos 2 to 5.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES (REPEAL AND VESTING) BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This is a Bill to repeal the Amdel Act 1959 as amended to allow the restructuring of the organisation as an unlisted public company. The Bill will also transfer part of Amdel's assets to Amdel Limited.

The Amdel Act of 1959 established Amdel as a tripartite partnership of the South Australian Government, the Commonwealth and the Australian Mineral Industry Research Association. These three shared operating expenses in the initial years. The invitation to the Commonwealth and AMIRA was extended because of the incapacity of the South Australian Government to continue to keep the laboratories fully and gainfully employed.

Since its establishment, the three partners have continued to share in the development of Amdel. Following the sharp down-turn in the mineral industry in 1971, a review of Amdel's activities was undertaken which resulted in some amendments to the Amdel Act. The amendments were aimed

at developing a market-oriented corporation with a flexibility and capacity to adjust to market conditions and to expand its activities beyond the mineral related area.

In the past ten years Amdel has produced chequered results. Although sales have grown strongly, surpluses have been very small and have demonstrated a cyclical nature. This reflects the continuing reliance on the mineral sector. The restructuring of Amdel is aimed at achieving a number of significant improvements in its finances, overall management and in its business opportunities. Specifically these are:

(a) the injection of a significant amount of new equity capital;

(b) removal of the existing unwieldy management structure of a Council and a Board of Management;

(c) improving the commercial direction of the company;

(d) providing new business opportunities in areas outside the mining sector.

The proposal is aimed at improving the overall performance of Amdel to ensure it remains a valuable contributor to the scientific and technological development in South Australia and to remove any demands on the State Budget.

The Bill proposes a new unlisted public company valued at $9 million. This will be made up of a valuation of the existing company at $5.4 million with new equity contributions of $3.6 million. The existing organisation has been valued by consultants and their methodology and conclusions have been assessed and approved by the Auditor-General.

In allocating the existing company between the three groups who have contributed to its current development, a final position was reached which allocated 42 per cent to the South Australian Government, 42 per cent to AMIRA and 16 per cent to the Commonwealth. This allocation represents the contributions of each group in terms of cash, plant and equipment, land and buildings and reinvested surpluses.

Under the restructuring, the shareholdings will be:

	Per cent
South Australian Government	25.25
Commonwealth	9.50
AMIRA	25.25
Enterprise Investment Group	11.00
SGIC	7.5
Advent Western Pacific	11.5
AMP (South Australia)	5.0
Staff	5.0

These arrangements will ensure that more than 50 per cent of the shareholding in the company is held by the public sector and that the shareholding of South Australian interests will also exceed 50 per cent. Apart from these factors the structure of Amdel Limited will offer two further protections to the interests of the South Australian community.

The first is that four of the seven Directors of the Amdel Limited Board will come from the public sector. The South Australian Government will provide two, the Commonwealth Government one and the Enterprise Investment Group one. The second is the veto capacity afforded by the size of the South Australian Government's shareholding in terms of any changes to the articles of the company.

The major physical asset of Amdel is the property at Flemington Street, Frewville. This has been valued at $7 880 000 by the Valuer-General. The bulk of this property will be transferred to Amdel Limited. Surplus land will be retained by the South Australian Government to protect Department of Mines and Energy calibration equipment and to complement other public land holdings adjacent to Amdel. The estimated value of the retained land is between $300 000 and $500 000 and, as a result the Valuer-General's estimate should be reduced by a like amount.

The property at Thebarton will not be transferred to Amdel Limited but will be retained by the South Australian Government and will be leased to Amdel Limited. It should be noted that any low level contamination that exists at Thebarton is not the responsibility of Amdel, but is a consequence of the activities of the former State Government laboratories which occupied this site prior to the creation of Amdel. In these circumstances, it is appropriate that the Government should retain ownership of this land.

The proposal for restructuring was first mooted in late 1984. Since that time on-going consultation has been conducted with unions with members at Amdel. The process of consultation has involved further reviews and studies at the request of these unions. The Government believes every endeavour has been made to protect the rights and interests of Amdel's employees. This has been achieved through guarantees offered by both the company and the State.

Employees at Amdel are currently guaranteed redeployment into the Public Service in circumstances, where they are excess to the organisation's requirements. This option has been used on two occasions by Amdel and has placed strain on the State Budget. The acceptance of the restructuring proposal is partly aimed at ensuring a viable future for Amdel which will remove the necessity for redeployment. In these circumstances, Amdel has been required to guarantee employment for all regular employees of Amdel as from 1 December 1986.

This guarantee will be offered to all employees individually. It stands in front of the continued redeployment guarantee of the South Australian Government which remains in the event of a complete failure by the company. The accrued rights of employees in terms of sick leave, recreation leave and long service leave are guaranteed by Amdel Limited and are covered by the legislation.

Clauses 1 and 2 are formal.

Clause 3 defines the two bodies involved in the transfer effected by this Bill.

Clause 4 transfers the whole of Amdel's undertaking (including all assets and liabilities) to the new public company. The two exceptions are the Thebarton land and part of the Frewville land which will vest in the Minister of Mines and Energy. Subclause (3) transfers the staff of Amdel to the company and makes it clear that the transfer does not prejudice an employee's salary or accrued leave rights. Subclause (4) dissolves the statutory corporation.

Clause 5 provides that the Registrar-General must register the new company as the proprietor of Amdel's land, and will do so without fee.

Clause 6 exempts the transfer of Amdel's assets from stamp duty.

Clause 7 provides that staff of Amdel who are, at the commencement of the Act, contributors to the South Australian Superannuation Fund continue to be contributors to that fund.

Clause 8 provides that references to Amdel in any document must be read as references to the new company. Legal proceedings may be continued by or against the new company.

Clause 9 repeals the Australian Mineral Development Laboratories Act 1959.

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

LIFTS AND CRANES ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments but had made an alternative amendment.

PUBLIC AND ENVIRONMENTAL HEALTH BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3609)

Clause 6—'Delegation.'

The Hon. M.B. CAMERON: I move:

Page 3—
Line 22—Before 'council' insert 'local'.
Line 23—Before 'council' insert 'local'.

These amendments are consequential on a previous amendment moved by me.

Amendments carried.

The Hon. M.B. CAMERON: I move:

Page 3, after line 23—Insert new subclause as follows:
(4) The commission must not revoke a delegation made to a local council under this section without first consulting with the local council.

This is an eminently sensible amendment because councils may well have incurred expense in hiring staff for the purpose of conducting a power conferred on them by delegation. I ask the Committee to support the amendment.

The Hon. J.R. CORNWALL: The Government opposes the amendment for some very good and cogent reasons. First, it is quite inconsistent with any policy of delegation to prevent the person delegating from revoking that delegation. It is quite inconsistent. Such a power is central to the concept and appears in all Acts dealing with delegation. If the amendment was forced upon us (but I do not believe it will be, because I have an abiding faith in Mr Elliott) the result would possibly be that the Health Commission would not delegate to councils at all. It would be unwise to delay in a siuation where it was going to be constrained in a quite different manner from any other body or organisation under any other legislation. It is most unlikely that it would delegate.

Secondly, if they did wish to delegate they would impose a fixed time limit on the delegation so that it would expire and need to be remade. That would be a time consuming and extremely wasteful exercise. For those reasons, all of which are valid and sensible, it seems to me, we vigorously oppose the amendment.

The Hon. M.B. CAMERON: I am somewhat surprised. We do not want the power for the delegation to be taken away. All we are asking is a very simple process of consultation before it is removed, so that the local government body which may have incurred expense in getting staff, and in taking certain steps under the delegation, at least has some consultation before it is removed. That seems to be a very reasonable move. It does not stop them taking away the delegation. It is not as if we are saying 'you cannot take away the delegation'. We are saying merely that those there should be some consultation.

The words at the moment are 'at will', and that bothers councils which may well have hired very expensive staff and find it difficult to remove them. So, there ought to be some discussion beforehand. All we are ensuring is that that discussion takes place. I would have thought that that was fairly reasonable, and I am somewhat surprised that the Minister is not accepting this amendment.

The Hon. M.J. ELLIOTT: I think that what the Hon. Mr Cameron is asking for is probably perfectly reasonable. I suppose the only weakness in the clause is that consultation could be so minimal that one might write a letter saying, 'If you do not like it, please let us know,' and someone writes back saying, 'We do not like it' but still does it, anyway. So, what the Hon. Mr Cameron is asking for is unenforceable in a real sense.

The Hon. M.B. Cameron: It is a guideline.

The Hon. M.J. ELLIOTT: I guess it is a guideline. I certainly could not see what the Minister was getting upset about—it was as if we had come to the end of the line on this matter and this was going to upset the whole Bill. It was certainly not going to do any such thing. My greatest concern with this clause was that a council might not be able to give up something that it no longer wanted. However, I have been assured that if a council wished to do so, it could. That was my understanding before: as I said, it could only act as a guideline. It is almost unenforceable, and I am not sure what the Minister was getting upset about.

The Hon. J.R. Cornwall: I was not getting upset.

The Hon. M.J. ELLIOTT: I am sorry; you just sound upset sometimes. I am persuaded by the Hon. Mr Cameron on this vital clause

Amendment carried; clause as amended passed.

Clause 7—'Authorised officers.'

The Hon. M.B. CAMERON: I move:

Page 3, line 25—Before 'council' insert 'local'.

This is a consequential amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 3—
Line 26—Leave out 'A' and insert 'subject to subsection (2a), a'.
After line 32—Insert new subclause as follows:
(2a) Where it is unreasonable for a local council to be required to appoint a qualified person as an authorised officer, the local council may, with the consent of the Commission, appoint a person as an authorised officer even though he or she does not comply with subsection (2).

This amendment has caused me some difficulty, because there is concern that unqualified people could well be appointed under it. However, there are some real difficulties in certain areas of the State where local government is perhaps not able to afford a fully qualified person. I know of one particular council that has trained two people and, having got them to the stage of being qualified, they have left immediately and joined a more financially substantial organisation, leaving them back where they started. They then find it difficult to find a qualified person to act during the interim period.

It is said that they do not have to act and that they can refer their powers back to the commission. That is not always feasible. It would be difficult for the commission to provide the services required. There are times on a day-to-day basis when the service of a person is required. By ensuring that this cannot be done without the consent of the commission, it may well overcome some of the fears associated with this amendment which have been voiced to me and no doubt to the Minister and others by the Association of Health Surveyors. I understand their concern.

There is a divergence of problems in relation to this matter. The first is that they want qualified people in the field. Also, there are the practical problems of local government in the more isolated areas of the State. In fact, they do not necessarily have to be isolated. I know that councils can form groups and appoint an available person to perform these duties. I assume that wherever possible the commission would persuade them to do so by not immediately granting them the power to appoint an unqualified person. I hope that this would happen in most cases, but there may

well be circumstances in the short term where it is necessary to appoint an unqualified person. That person may be going through the process of becoming qualified and it might be useful to appoint him in the interim.

I have moved this amendment knowing that there are diverging opinions about this matter. However, I think that by keeping the matter within the control of the commission we are ensuring that there will not willy-nilly be appointments of unqualified people.

The Hon. J.R. CORNWALL: The Government opposes the amendment; so, I might add, does the Australian Institute of Health Surveyors. It is quite unacceptable that unqualified people should be appointed to exercise the powers of an authorised officer under this Bill. Public and environmental health issues are becoming increasingly complex and difficult. One of the major thrusts of this legislation is to significantly upgrade the role of the health surveyor or the public and environmental health officer. At the moment, increasingly health surveyors require knowledge in a diverse range of areas including biology, chemistry and toxicology, to name but three.

Given that the Local Government Association at least expresses a strong interest in the development of human services, it is our intention in the longer term that the environmental health officer could be involved in the development of community and social health programs in local government areas. It seems extraordinary in the circumstances, therefore, to be inserting an amendment which will enable a council to employ an unqualified officer.

The Hon. M.B. Cameron: With the commission's consent.

The Hon. J.R. CORNWALL: Nevertheless, it detracts significantly from what we are trying to do. I add that South Australia is lagging rather badly behind a number of other States in this area. Western Australia, for example, has already moved to a situation where its health surveyors are now graduates. There is a degree course for health surveyors in Western Australia. There is also a degree course now, from my recollection, in New South Wales. The trend is towards more appropriate qualifications, better qualifications, producing a graduate, or at least somebody at diploma level, who has the ability and/or the potential to play a far broader role and a far more technical and specialist role, on the other hand, in a wide range of areas. Health surveying is no longer just about cockroaches in kitchens, and it does seem to me to be a shame to do this in order, I guess, to try to assuage the concerns of some of the smaller councils.

Really, I must say that their fears are more imagined than real, because they have at least two very realistic options open to them. If they are not large enough to employ a fully qualified health surveyor on a full-time basis, they can certainly contract with a nearby council or councils to provide public and environmental health services or advice. They can organise themselves to become a member of a controlling authority established under the Local Government Act which provides health services on behalf of all member councils. They are two realistic options. There is a third: they can surrender their powers to the Health Commission, which would then provide all necessary services. I do not believe that that is a very realistic option. If I could speak for the commission in this matter, since under this proposed legislation at least I will have powers of direction and control, we—speaking collectively and individually—would be somewhat less than happy to have to go to the District Council of Lacepede to conduct its health surveying services.

However, it is certainly the case that we want to see councils involved more and more, both in the metropolitan area and in the rural areas, in joint ventures, not only with the commission and the Government but also with neighbouring councils. If the policies enunciated by the Local Government Association about human services and about councils' involvement in those sorts of services locally are to be practical rather than just rhetorical sorts of things that they talk about at the annual general meeting, I think we must move in the direction of having people with more formal qualifications rather than less.

The Hon. M.B. CAMERON: I do not disagree with anything the Minister said. I accept that. I know that the District Council of Lacepede went to some trouble to train a person in connection with the Food Act, and once that Act was passed that person came in under the grandfather clause; then, immediately he became qualified, he left, and that left that council in a very difficult position. If no neighbouring council is prepared to provide the services or join with the authority, it is virtually left relying on the commission. I am sure, as the Minister said, that the commission would not be too happy with that.

The Hon. J.R. Cornwall: Amalgamation would be—

The Hon. M.B. CAMERON: I will leave the Minister to suggest that to the District Council of Lacepede.

The Hon. J.R. Cornwall: I am speaking in general terms.

The Hon. M.B. CAMERON: I wonder whether it would help the Minister if we used the words 'or conditional' so that they have consent or conditional consent. In giving consent for a person to operate in an intervening period, they can lay down certain conditions; for example, any person who is appointed has to become qualified within a certain time. It really can create quite a difficult situation, and I have had some fairly vehement representations on this matter from three country councils, because of that problem; because they have not been able to appoint anybody, they are reliant on the commission. It is not even sensible to suggest that the commission can provide services on a day-by-day or week-by-week basis.

It would drive the commission mad if Lacepede District Council was constantly ringing up and asking it to come down because there were rats in the local bakery and it wanted the commission to examine the situation and take action. This can be a difficult problem for a local council. I agree with what the Minister said about qualified people, and I agree totally with the Australian Health Surveyors Institute, that we must get to that point quickly. Although I would not want to see it on a long term basis, there will always be special cases needing some consideration by the commission. As it really can be a difficult problem for an individual council, I would like the Minister to think again about this matter.

The Hon. M.J. ELLIOTT: As the Hon. Mr Cameron talked about the word 'consent', I should like to know whether he has altered his amendment to deal with consent or whether it actually involves consultation.

The Hon. M.B. CAMERON: I sought leave, when moving the amendment, to change it to consent.

The ACTING CHAIRPERSON (Hon. G.L. Bruce): Leave was granted.

The Hon. M.J. ELLIOTT: Before the Bill was introduced and even before I knew of the existence of the negotiations that led to it, I visited a couple of country councils that were having significant problems in regard to health surveyors. Lacepede council was one that I visited, and its problems are real. I agree with the Hon. Mr Cameron that everything the Minister and the health surveyors are seeking to achieve are matters which I support. However, to have a Bill that is so inflexible that it cannot pick up the odd case—

The Hon. M.B. Cameron: The Food Act is not flexible.

The Hon. M.J. ELLIOTT: That is disappointing. With the insertion of the word 'consent', the Minister does not have to give his consent. That being the case, I would like to think that the Minister has the flexibility available, should he be convinced in some exceptional circumstances that it is justified. I support the amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 3, line 34—Before 'council' twice occurring insert, in each case, 'local'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 8—'The Public and Environmental Health Council.'

The Hon. M.B. CAMERON: I move:

Page 4, line 14—Before 'council' insert 'local'.

The amendment is consequential.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 4, lines 15 and 16—Leave out 'Institute of Health Surveyors' and insert 'Australian Institute of Health Surveyors (South Australian Division)'.

This amendment is identical to the amendment on file of the Minister, and it inserts the name of the institute to which the Minister was aiming to refer.

Amendment carried; clause as amended passed.

Clause 9—'Term of office of members.'

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

Page 4, lines 28 and 29—Leave out subclause (1) and insert new subclauses as follow:

(1) Subject to this section, a member of the council will be appointed for a term of three years.

(1a) Of the first members of the council to be appointed, the following will be appointed for a term of two years—

(a) one of the persons appointed on the nomination of the Local Government Association of South Australia;

(b) one of the persons appointed on the nomination of the commission on account of their qualifications and experience in the field of public and environmental health;

and

(c) the person appointed on the nomination of the Australian Institute of Health Surveyors (South Australian Division).

Clause 9 (1) provides:

A member of the council will be appointed for a term not exceeding three years.

My amendment proposes that members be appointed for a term of three years. I suggest that it is appropriate to have a fixed term, especially when it is a fairly short term like this of three years. It gives a member the security of a fixed term and therefore a measure of independence. A shorter term creates insecurity of tenure and renders a member subject to influence because he is worried about his reappointment. I have frequently raised this issue before in relation to the appointment of boards, councils, committees, and so on. As far as I can recall, similar amendments have been always accepted.

The Hon. J.R. CORNWALL: The Government opposes the amendment. In my experience while he has been a member of the Opposition, the Hon. Mr Burdett has been consistent in moving these amendments whenever the question of board membership has come up. However, the Hon. Mr Burdett did not hold that view when he was Minister. Not surprisingly, the Radiation Protection and Control Act provides for '. . . a term of office not exceeding three years'. That is identical wording to that proposed in this Bill. So sometimes when things are the same they can appear different—or is it *vice versa*? I suppose it depends on whether one is in Government or in Opposition.

The Hon. M.B. Cameron: You've changed your mind.

The Hon. J.R. CORNWALL: I have been known to be pragmatic and flexible at times, but never on matters of principle.

The Hon. M.B. Cameron: Really? I will find one.

The Hon. J.R. CORNWALL: No. I said that I have been known to be pragmatic and flexible. I have absolutely no objection to staggering membership and, in fact, I do it all the time. Undoubtedly I have more boards to overview, appoint, help or support or any other—

The Hon. M.B. Cameron: Or sack.

The Hon. J.R. CORNWALL: No, I have never sacked a board, I am pleased to say. One board did resign *en masse*, but I have never found it necessary to sack a board and I doubt that I ever will. All of the incorporated health units has a board or committee of management—the IMVS (which has a council), the Drug and Alcohol Services Council, the Intellectually Disabled Services Council, and so on. So one way or another I have dealings, directly and indirectly, with something in excess of 200 boards.

A great deal of my time is taken up with poring over submissions as to who should be on a board, who should not be on a board, who would like to be on a board and the people who, by pressure of business, are forced to resign from a board. Unfortunately, I have just received Molly Byrne's resignation from the Controlled Substances Advisory Council and as Chairperson of the Tea Tree Gully Community Health Centre because of the demands of her appointment—an excellent appointment—to the State Bank Board. I am not quite sure that her appointment to the State Bank Board, from my perspective, was such a good idea. We always take into account the idea that we appoint principally for continuity, so it is very foolish in the event to appoint an entire board for three years as a matter of commonsense and practice, and we would rarely do such a thing.

Of course, the Bill says, 'For a term not exceeding three years', so the appointment could be for one, two or three years—and that would certainly be my intention. We can achieve what the Hon. Mr Burdett wants to do administratively, and that is the way that we would proceed. Spelling it out in the legislation reduces flexibility. I would far prefer that the Minister of the day is given flexibility for appointments to what I regard as a very important council and, in fact, one of the most important that I am likely to have the good fortune to appoint during my next two terms as Minister of Health.

The Hon. M.B. CAMERON: All I can say is that the Minister has just convinced me that I must strongly support the Hon. Mr Burdett's amendment. He has given me a very clear indication that that is the way it ought to go because that is the way it will be done. I find that very convincing.

The Hon. J.C. BURDETT: The amendment takes into account a provision for the terms of office of the first members of the board to be staggered so that all members do not go out at the same time. A term not exceeding three years could be three months, six months or anything else, and that is quite ridiculous. It takes away from members any independence: they would be worried all the time about whether they would be reappointed, and they would not have security of tenure. It has been the practice of this Council for quite some years to accept amendments of this kind, and I see no reason why we should depart from that practice now. The Minister has given no special reason.

The Hon. M.J. ELLIOTT: I supported the direct control and direction of the Minister in debate on a previous clause. In supporting that, I wish to ensure, as far as possible, the independence of the various boards under the Minister's

control. I believe that the proposal for a fixed term of three years is excellent, and I support it.

Amendment carried.

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

Page 5, line 2—After 'Act' insert '(but a person who is to fill a casual vacancy in the office of a member will only be appointed for the balance of the term of the person's predecessor)'.

This amendment provides that a person who is to fill a casual vacancy in the office of a member will be appointed only for the balance of the term of that person's predecessor. This amendment is substantially consequential on the amendment that has just been carried, because it is fairly obvious that, if there is a fixed term, and if there is a casual vacancy, the person appointed fills the balance of that term. In any event, I suggest that that is appropriate.

The Hon. J.R. CORNWALL: Really, I just wonder why the Hon. Mr Burdett does not have an amendment on file to direct the Minister to use blue toilet paper.

The Hon. J.C. Burdett: Oh, come on!

The Hon. J.R. CORNWALL: No 'Oh, come on!' at all. It is the normal practice, the custom and the accepted thing. I cannot argue with the amendment, but it is a damn fool of a nitpicking thing.

Amendment carried; clause as amended passed.

Clauses 10 to 12 passed.

Clause 13—'Powers and duties of relevant authorities.'

The Hon. M.B. CAMERON: I move:

Page 6—
Line 16—Before 'council' insert 'local'.
Line 22—Before 'council' insert 'local'.
Line 26—Before 'council' insert 'local'.
Line 28—Before 'council' insert 'local'. Before 'council's' insert 'local'.
Line 30—Before 'council' insert 'local'.
Line 36—Before 'council' insert 'local'.

These amendments are consequential.

Amendments carried; clause as amended passed.

Clause 14—'Delegation.'

The Hon. M.B. CAMERON: I move:

Page 6, line 39—Before 'council' insert 'local'.

This is a consequential amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 6, line 41—After 'Part' insert '(including, in the case of a local council, powers or functions delegated to the local council by the Commission)'.

I understand that this amendment will ensure that councils can subdelegate the powers that they are delegated to an authority which they set up in terms of an area authority. The situation that the Minister spoke about with Lacepede may well finally occur within an area. They must have subdelegation power.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 6, after line 41—Insert new subclause as follows:
(1a) A local council may delegate to a controlling authority any of its powers, functions or duties under this Part (including powers or functions delegated to the local council by the Commission).

That is consequential on the previous amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 7, line 4—Before 'council' insert 'local'.

That is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 15—'Prevention of insanitary conditions on premises.'

The Hon. M.B. CAMERON: I move:

Page 7, line 9—Leave out 'the occupier' and insert 'an owner'.

This amendment is consequential on the previous definition that was moved to insert 'owner' as well as 'occupier'.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 7, line 10—After 'condition' insert 'or allowing the insanitary condition to occur'.

The Minister and I have the same amendment on file.

Amendment carried; clause as amended passed.

Clause 16—'Offence in relation to insanitary conditions on premises.'

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

Page 7, line 36—After 'condition' insert 'or allowing the condition to occur'.

This is identical to the amendment standing in the Hon. Mr Cameron's name.

Amendment carried; clause as amended passed.

Clause 17—'Control of offensive activities.'

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

Page 8, line 6—After 'who' insert ', without reasonable excuse,'.

This amendment rectifies an omission of drafting, in particular the defence that a reasonable excuse should be provided for a person charged under this provision as occurs in all similar provisions of the Bill where a person fails to comply with the notice. I am surprised that the Hon. Mr Burdett did not pick that up.

The Hon. M.B. CAMERON: The Opposition accepts that amendment.

Amendment carried; clause as amended passed.

Clause 18—'Discharge of wastes in a public place.'

The Hon. M.B. CAMERON: I move:

Page 8, after line 11—Insert new subclause as follows:
(1a) A person who, without lawful permission, discharges waste into premises of which he or she is not an owner is guilty of an offence.
Penalty: $10 000.

This amendment clarifies the situation in relation to waste and is an amendment that would make clearer just what occurs with the discharge of waste.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 8:
Line 12—Leave out 'the occupier' and insert 'an owner'.
Line 13—Leave out 'occupier' and insert 'owner'.

These amendments are consequential on a previous amendment.

Amendments carried.

The Hon. M.B. CAMERON: I move:

Page 8, line 15—After 'discharge' insert 'or potential discharge'.

This applies to preventing the discharge of waste and also the potential discharge of waste, it thus allows for something to be done about a potentially dangerous situation.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 8, line 16—After 'place' insert 'or other premises'.

This amendment ensures that the provision covers not only a public place but other premises. It relates to discharge of waste into a location other than a public place—it might be into private premises. I ask the Committee to support this amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 8:
Line 18—Leave out 'occupier' and insert 'owner'.
After 'place' insert 'or other premises'.

These amendments are consequential on previous amendments.

Amendments carried; clause as amended passed.

Clause 19—'Private thoroughfare.'

The Hon. M.B. CAMERON: I move:

Page 8, lines 37 and 38—Leave out the definition of 'owner'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 20—'Provision of adequate toilet facilities.'

The Hon. M.B. CAMERON: I move:

Page 8, line 43—Leave out 'the owner or occupier' and insert 'an owner'.

Page 9, line 8—Leave out 'occupier' and insert 'owner'.

These two amendments are consequential on previous amendments.

Amendments carried; clause as amended passed.

Clause 21—'Pollution of water.'

The Hon. M.J. ELLIOTT: I do not intend to proceed with the amendment that I have on file, as the drafting of it has failed to address what really constitutes an act of pollution. Nevertheless, I wish to make a couple of comments about the clause at this stage. We might find that some water course or reservoir, already has a high organic load and that the individual actions of several people, for instance, might add to the organic load to such an extent that the water then becomes unsafe for human consumption.

Quite clearly something needs to be done about it. Does each individual act constitute a pollution in that it goes over what is considered safe for human consumption? Does the collective act constitute pollution? I am not quite sure that we have properly defined what is an act of pollution and similar sorts of things could happen with salt loads and other impurities in the water. I was trying to address that question and I do not think the amendment I had on file sufficiently catered for it.

The other issue arises in clause 21 (2). No doubt exists in my mind that if the water supply is being polluted action must be taken and, if that action must be drastic, so be it. The Minister said that this is a health Bill and he is quite correct. It would be wrong for us not to recognise that other consequences can arise out of this Bill. If for one reason or another we must stop people carrying out an activity, which may be an agricultural activity that has gone on for a considerable number of years, perhaps even generations, while this Bill copes with the health aspects it fails to cope with the basic rights of the people who may be required to desist from the activity in which they have been involved. If this Bill remains silent on that aspect it would be slightly deficient. I will be seeking to discuss the clause later.

The Hon. M.B. CAMERON: I share the concerns of the Hon. Mr Elliott on this clause. I wish to take further advice on the matter because, before attempting to amend the clause, I would like to clarify the position as to what it can or cannot do. It concerns me that the clause could be used to override the Planning Act in relation to the Onkaparinga Valley. Getting down to the nitty-gritty, that is what the Hon. Mr Elliott is concerned about and what I am concerned about. I would be very concerned if under this Act we find that individual dairy farmers, horse owners, hobby farmers or whatever could be directed as to what they shall or shall not carry in terms of stock on their land.

This clause may not cause any problem in that regard, but I want to take advice on that. If it means that an individual farmer or person cannot take an action that would cause a problem in the water supply, such as tipping a drum of cyanide in it, that is a different matter. It could be that the definition of 'pollution' covers that. The definition we have for 'pollution', in relation to water, connotes a degree of impurity that renders the water unfit for human consumption. Provided the clause does not relate to farmers selectively but is to be used to stop an individual farmer or group of farmers taking an absolutely ridiculous action that would lead to pollution of the water supply, it could be that by Tuesday we may decide that there is no need to recommit and that the clause is acceptable. Unless that situation can be clarified, I will support a recommital and ask the Minister to agree to that until we are assured that it does not relate to such matters. I will seek legal advice on that.

The Hon. PETER DUNN: Perhaps the Minister could answer my questions just briefly. This appears to be a fairly slow-acting clause. It talks about 'in the opinion of the authority, writing and advising,' so it appears fairly slow. Is it aimed at stopping a person from distributing phosphates which may wash into the water and cause algae to grow? Is it to stop people from, say, poisoning rabbits with 10-80? What is the significance of the clause? I would have thought that if one wanted rapid action one would have to do it more quickly, and if one wanted slower action such as that implies, it would be better done through environment and planning provisions.

The Hon. J.R. CORNWALL: I thank the Hon. Mr Dunn for that question. I want to put a number of things on the record in the most constructive way possible. I think that, first, we need to explain the basic philosophy underlying public health legislation. That philosophy has always been, since the middle of the last century, that the authorities are charged with a duty to provide some basic things, and the most basic of all is clean water in and dirty sewerage out. I think I said last night, fairly late in my second reading reply, that they were the basic principles on which the great advances in terms of human longevity were made in the nineteenth century.

The great advances in the last 150 years have not come about because of high technology, antibiotics or all the 'gee whiz' things that have occurred in our lifetimes. The great advances in terms of literally doubling life expectancy came about because of vaccination and because of simple sanitation. It is an absolutely basic and fundamental tenet that the public health authority must have the power to direct in any situation in which the quality of potable water is threatened.

It is not and never has been intended that that be some sort of *de facto* planning power, nor has it ever been intended that we would take over any powers presently conferred under the Water Resources Act 1976. The sorts of situations the Hon. Mr Dunn describes, in which the nitrogen content or the nutrient content of a reservoir or watershed were being affected because of the use of fertilisers, faecal contamination, animal husbandry practices or agricultural practices, are the sorts of things which would be controlled using the Water Resources Act and, in the longer term if it became necessary, one would presume, the Planning Act.

The sorts of powers we must have as a public health authority are powers to move swiftly in individual cases where the quality of a potable water supply is threatened. That is the basic, underlying philosophy and principle. It is a principle which we cannot compromise because, as I explained, it goes to the heart of what sanitation and the public health measures arising out of sanitation principles are all about. Certainly, section 61 of the Water Resources Act creates the offence of suffering or permitting waste to come into contact directly or indirectly with waters as defined by that Act.

However, I have had this matter looked at, and legal advice available to me suggests that clause 21 is a more comprehensive provision and that the Water Resources Act is limited in its operation. In particular 'water supply' is defined in the Bill as including any natural or artificial accumulation or source of water. By comparison the definition of 'waters' in the Water Resources Act is implicitly limited in its scope: for example, it would not cover water

in tanks, piped water or water in channels. Also, the provisions of the Water Resources Act are for the conservation, development and protection of the waters of the State.

By comparison, clause 21 (6), I believe it is, is to protect the public health. We come back to that principle of public health being not only the primary but indeed the sole objective under this legislation. I think that members will see that these are two completely separate aims: the Water Resources Act is for conservation, development and protection of the waters of the state and the public and environmental health legislation is to protect the public health. So, those are two quite different and separate aims.

In many ways, when one looks at the matter and considers it in depth they could well be seen to be mutually exclusive. I am spending a little time on this matter because I want members to be able to cogitate on it between now and next Tuesday, when I am optimistic that we will be able to come to an amicable agreement on this matter.

Clause 21 (2) provides that where an authority is of the opinion that a water supply may be polluted in consequence of a particular activity it can require that action be taken to prevent the pollution occurring, or it can order the activity to cease. In other words, a person must cease polluting the water supply unless he or she has reasonable excuse for so doing. By comparison, under section 61 of the Water Resources Act, a person can only be threatened with prosecution.

So, on the one hand we are proposing that, in an individual circumstance—not because there is a class of agriculture, horticulture or farming being conducted over a wide area but basically in a particular circumstance—where something is occurring which may well have come up in the relatively short run and which is causing pollution, we can say, 'Stop it at once'. By comparison, under the Water Resources Act they would initially only be threatened with prosecution, and the whole thing is rather more convoluted in practice.

It should also be pointed out that the Water Resources Act refers only to the discharge of waste. By comparison, clause 21 prohibits all acts that pollute water supplies. For example, a person spraying crops adjacent to a water supply may well be polluting that water supply if the spray drift falls into the water. However, it is unlikely that such a person would be discharging waste within the meaning of section 61 of the Water Resources Act.

To summarise, the provision of an unpolluted and clean water supply is one of the traditional and fundamental bases of public health. To suggest that such a provision has no place in the Public and Environmental Health Bill is to misunderstand this important and very basic fact. Water is one of the principal aspects of our environment, and it is important that its quality can be guaranteed under this Bill.

It is interesting to note that the Chairman of the committee on the health aspects of water quality is not a senior officer with the E&WS Department but is in fact the Executive Director of the Public Health Division of the South Australian Health Commission. So, water looms very large in the public health arena. Members will note that clauses 21 and 22, which allow sources of water supply to be closed if water is polluted appear together under the general division 'Protection of water supplies'. Both clauses are considered to be important protectors of water quality in the community, and the Government would have to resist any move to amend them in any significant way, certainly in any way which would tend to weaken them.

There are very clear appeal provisions. Clause 25 (1) provides that any person aggrieved by a decision has an avenue of appeal. The appeal in the first place is to the Public and Environmental Health Council and, if an appellant remains dissatisfied, it is then to the Supreme Court. What we have tried to do is enshrine in the new legislation the primacy, if you like, of ensuring a pure and potable water supply to the extent that that is possible in the South Australian environment, while at the same time providing avenues of appeal to ensure that nobody is unfairly set upon or disadvantaged.

The other thing that I should mention for members' consideration during the weekend is the question of the authority concerned, and in this situation we are talking principally about local councils. Concerns have been raised that the powers conferred by this clause might be used as *de facto* planning or land use controls. That can happen if there is an urban spread and somebody wants to put the piggery out of business because we now have $150 000 brick veneers edging out onto the periphery. It is always possible, I guess, that a council might use the powers under the proposed legislation as *de facto* planning or land use controls.

In practice, for this to occur would require the local council to, either of its own volition or at the urging of some third party, abuse its powers under this clause. It is neither the spirit nor the intent of the legislation and, if a council were to act in that way, or if a council were to collude with a third party to act in that way, it would be acting quite improperly and illegally.

Whilst I am not so naive to believe that this scenario could not become a reality, I am sufficiently confident about the integrity of health authorities—and the Hon. Bob Ritson mentioned this on a number of occasions during his contribution—based on their history and record and also on my personal experience with them now over a number of years, to be satisfied that such abuses are most unlikely to occur. Also, as I said before, clause 25(1) provides any person aggrieved by such a decision with an avenue of appeal, first to the Public and Environmental Health Commission, and then, if the appellant remains dissatisfied, to the Supreme Court. I have given that reply at some length, and I apologise if I have gone on a little. However, it is important that those matters be on the record so that, when members get their copies of *Hansard* tomorrow (and they will wait for them with bated breath, I am sure, following that contribution), they will understand that this is a very important and basic philosophy underlying the approach to public health.

The Hon. M.J. ELLIOTT: I would now like to put something in *Hansard* for the Minister to read. If Adelaide's water supply was found to be dangerous to my health, I would indeed be extremely disappointed if clauses such as these were not invoked to carry out whatever action was necessary to make the water safe. So, I am not questioning the powers that are here. What needs to be recognised is that the appeal mechanisms which are in place here surely will look at whether or not it was right for the authority to have made the decision to stop a particular activity. It does not look at the consequences beyond stopping the activity itself.

I will illustrate this situation with an example that I think directly parallels it. When the State Government decided to prevent further vegetation clearance in South Australia, I believe that it wrongly invoked the Planning Act. It used it in a way that was never intended. The first parallel is that, in recent times, Governments have misapplied legislation.

The next important parallel, as I see it, is that, having made the decision to prevent people from clearing their vegetation, there were a number of people who were severely affected economically. Some were badly affected, and it is

only in recent times that the Government has shown sufficient flexibility and has now recognised that compensation was due to some people at much greater levels than it was originally giving.

The parallel is there, where a power has been invoked where it should not have been. People were not offered protection of the law. They managed via the Supreme Court to have that change in the law lifted temporarily, but then new legislation came into place and they were still left in a disadvantaged position. While the authority is invoking its ability to protect public health, if there is a cost it should be spread across the community, and it should not fall upon the shoulders of a small number of people, which it has the potential to do and which has occurred in a similar case.

The Hon. M.B. CAMERON: The problem is that in Adelaide our water supply is unique in that it comes through one valley that is heavily farmed at this stage, and anything that in any way appears to impinge on the ability of those people to carry out their activities makes them apprehensive. That apprehension is passed on to people like us, and so we watch closely to see that there is not another avenue becoming available for action to be taken against people who have been carrying on their normal activities.

For that reason and not because I disagree with anything the Minister said—I agree that it is commonsense to have that power to ensure that water supplies are not polluted in the ways that the Minister has outlined. I ask that we hold the third reading so that we can recommit the Bill if necessary. It will probably not be necessary, but let us look at it and let us be absolutely clear that there is not the potential for this Act in some way to override the Planning Act and the Waterworks Act. When the Minister uses words like 'most unlikely to occur' it makes me want to seek advice and make certain that it is clear.

The Hon. J.R. CORNWALL: When I use the words 'most unlikely to occur' it is in respect of a local authority. I cannot guarantee the total integrity of 125 councils simultaneously, although I have an abiding faith in local government, as anyone who knows me well would appreciate. All the time I am out and about singing the praises of local government. I have had much experience with local councils. It is important in these deliberations that will occur over the next four days that members know what the existing provisions are. Section 96 of the existing Health Act has been there since 1898, for almost 90 years, and it has never to my knowledge caused any difficulties. That section provides:

(1) Wherever the pollution of any water supply becomes or is likely to become injurious to health, the local board—

that is in practice the local council—

shall for the purpose of preventing such pollution have within its district the rights of a riparian proprietor, and may enforce those rights by summary proceedings against the person in default, and may generally prevent the pollution of any water.

I would have thought they were fairly significant powers. The section continues:

(2) Any person so in default shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars for a first offence, and for every subsequent offence to a penalty of double the amount of the penalty imposed on the then last preceding offence.

So it is like playing roulette and having the black come up 10 times in a row: it is $200, then $400, then $800, then $1 600, and so it goes on. As I said, section 96 of the Health Act has existed for 89 years. It gives local councils 'the rights of a riparian proprietor'. They are sweeping powers indeed. As an old rural boy from way back, I would have thought that the Hon. Mr Dunn would know all about riparian rights, but obviously he comes from the dry country. Perhaps the Hon. Mr Cameron can explain it to him over the weekend. Section 96 (1) of the Health Act concludes:

. . . and may enforce those rights by summary proceedings against the person in default, and may generally prevent the pollution of any water.

Members should not be alarmed, because we have had this power for a long time. It has been exercised sensibly and we will continue to do that as a public health authority.

Clause passed.

Clause 22 passed.

Clause 23—'Action on default.'

The Hon. M.B. CAMERON: I move:

Page 10, after line 6—Insert new subclause as follows:

(5) Any costs and expenses reasonably incurred in exercising powers under subsection (1) in respect of land will be a charge against the land and may be recovered as if they were rates in arrear.

This amendment is consequential on the amendment I moved to include 'owner'. It gives a local council the right to recover costs and expenses against the rates when it cannot recover costs it incurs taking action against a property owner. It does not enforce immediate recovery, but it becomes a charge against the property. Of course, a property owner has an opportunity to collect the money from an occupier under the normal processes of the law.

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—'Grounds for, and manner of, appeal.'

The Hon. M.B. CAMERON: I move:

Page 10, after line 19—Insert new subclause as follows:

(2a) An appeal must be instituted within 14 days of the requirement being imposed under this Part unless the council, in its discretion, allows an extension of time for instituting the appeal.

I am absolutely certain that the Government will accept this amendment because it is quite sensible: it ensures that an appeal is conducted within a given time. At the moment no time limit is provided in the appeal mechanism, so I suppose that one could have unlimited time to lodge an appeal. My amendment provides that an appeal must be lodged within 14 days. It tightens up the time factor so that appeals can be heard and action can continue to be taken, if necessary.

Amendment carried.

The Hon. M.B. CAMERON: I move:

After line 25—Insert new subclause as follows:

(5) An appeal under this section must be dealt with as expeditiously as possible.

This amendment will ensure that the Public and Environmental Health Council deals with appeals as expeditiously as possible. I am sure that that will occur, anyway, but nevertheless the amendment clarifies the situation, and I ask the Committee to support it.

Amendment carried; clause as amended passed.

Clause 26—'Constitution of special committee.'

The Hon. M.B. CAMERON: I move:

Page 10:

Line 34—After *'(c)'* insert 'either'.

Line 37—After 'health' insert 'or the member of the council appointed on the nomination of the Australian Institute of Health Surveyors (South Australian division)'.

These amendments ensure that any person, including a person who is appointed to the council on the nomination of the Australian Institute of Health Surveyors (South Australian division) can be part of any review committee. If a person is worthy of being on the council, they should also be worthy of being one of the group of people who constitute a review committee for the purposes of appeal.

The Hon. J.R. CORNWALL: The Government accepts these amendments. However, it must be noted that in some cases an appellant could conceivably complain that he or

she was denied natural justice where the respondent council was represented by a member of the Australian Institute of Health Surveyors and a member of the review committee was also a member of the institute. So there is the potential for an allegation to be made or the appearance that someone was denied natural justice. However, having pointed that out, on balance I can accept the amendments.

Amendments carried.

The Hon. J.C. BURDETT: The term 'review council' under clause 26 (2) is used nowhere else, and it appears obvious to me that that is a printing error: the word 'review' should be removed.

The ACTING CHAIRPERSON (Hon. G.L. Bruce): That is a clerical error. I draw the attention of members to the fact that the word 'review' has been crossed out in some copies of the Bill.

Clause as amended passed.

Clause 27—'Proceedings of review committee.'

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

Page 10, after line 42—Insert new subclause as follows:

(1a) A party is entitled to appear personally, or by representative, in proceedings before a review committee.

The review committee entertains appeals against a requirement imposed under part III of the Bill, which provides that in certain circumstances (which are set out in the Bill) certain works can be carried out by a person authorised to do so where it is alleged that the requirements of that part have not been complied with. This applies to water and other matters. The cost of remedial works could be thousands of dollars. The amendment provides that a party is entitled to appear personally or by representative in proceedings before a review committee. The intention is to ensure access to counsel, to a legal representative, if that is desired.

It seems to me that, when we are dealing with claims that might easily involve tens of thousands of dollars, that is appropriate. The amounts could well exceed many claims that would be entertained by a magistrates court in its civil jurisdiction where a person would, of course, have the right to appear personally or by representative, in other words, to be represented by counsel. Of course, he does not have to be, but it seems to me to be approprite, in view of the extent of the claim that might be made, that a person should have that right. In many cases the claims will be quite small and that need would probably not arise. It is simply an appropriate right, a matter of natural justice.

The Hon. J.R. CORNWALL: I oppose this amendment. It would tend to destroy the intention that proceedings before the review committee essentially be fairly informal. If one were to accept that a party is entitled to almost automatically appear with a solicitor for any proceedings before the review committee, one would immediately start to be constrained by the laws of evidence, formal proceedings and expensive proceedings. It is perfectly true that, in some circumstances, many tens of thousands of dollars might be involved. It is also just as true that in many other cases some hundreds of dollars might be involved. It is desirable in our view that the review committee proceedings should be informal and be able to proceed in many ways as a select committee does, for example—not to follow strict laws of evidence but to act in a courteous albeit inquisitorial way to try to get to the truth of the matter under consideration.

I can understand in a sense what the Hon. Mr Burdett is trying to do and I note that he has proposed a new clause 28a which would enable appellants very substantial legal redress and representation in an appeal to the District Court. I indicate in advance that I intend to accept that amendment. However, my thinking will be coloured to some extent by whether this amendment before the Committee is successful. I would far prefer relatively informal proceedings before the review committee with the right of appeal to the District Court. If tens of thousands of dollars are under consideration, it is appropriate that there be an avenue of appeal to the District Court, where the appellant can be represented by as many legal people as he or she may wish, including learned silk. Let us not have the relatively informal proceedings of the review committee messed up by lawyers.

The Hon. M.J. ELLIOTT: Proceedings before the District Court are expensive and may not be available to people involved in matters involving just a couple of hundred dollars. I would like to see the review committee work as well as possible and, if there is any chance of a person getting assistance there, that would be preferable. It would be a good thing if many of the smaller matters were dealt with in that way. Such assistance need not be provided by a lawyer but simply by a person who is more articulate than the person appearing before the review committee. I accompanied some people to the Native Vegetation Authority, which holds simple committee meetings which are very informal. I guarantee that, for an ordinary person, such a committee meeting is incredibly imposing. It will aid the work of the review committee, not hinder it, if somebody who feels that he is not sufficiently articulate can take somebody along, be it a lawyer or not, to such a meeting. As such I support the amendment.

The Hon. M.B. CAMERON: I understand what the Minister has said. The real problem is that some people who may appear before the committee may not be as erudite and not as able to put themselves forward as clearly as the Minister, the Hon. Mr Elliott, the Hon. Mr Burdett or I can. That is where the difficulty arises. I am sure that the Hon. Mr Burdett does not intend this to mean that a person should rush off to get a QC to represent him at the review committee. That would bother me, too. There must be some way of indicating that a person can have a normal citizen represent them and not incur costs.

I know that the situation occurs at the moment with the Planning Appeal Tribunal. As I understand it, one cannot have legal representation there. I am not sure about that, but I certainly would not want the situation to arise where competition arose between the council and the person who was appealing to see who could get the best possible lawyer. It may be that we should cut lawyers out in some way—I do not know whether that is possible and, anyway, the Hon. Mr Burdett might not want that. Perhaps I could ask the Hon. Mr Burdett what sort of representation he has in mind.

The Hon. J.C. BURDETT: I have in mind appropriate representation, which in some cases involving some tens of thousands of dollars would be a lawyer, while other cases could involve a person who just wants someone to hold their hand and put the matter more articulately than that person could do themselves.

The Hon. J.R. CORNWALL: We are not poles apart on this matter by any means. The difficulty that I have is that if such a *quasi*-judicial body was created it is likely that the cost would be increased by tens or hundreds of thousands of dollars. We live in very difficult times, and I know how hard it is these days to get money out of my colleagues every time I go to Cabinet, or indeed how hard it is to stop them from taking it away. I do not want to be saddled with something in relation to which, when I go back to Cabinet looking for proclamation, saying, 'This is what we are setting up, we have this very modern, streamlined public health procedure, and we have this Public and Environmental Health Council, we have this review committee, we have

moved from the 1870s to the 1990s with one great bound', I have to say 'But I regret to tell you that, because of this amendment made in the Upper House, the budget for the Public and Environmental Health Council is going to be $375 000 a year more than the old Central Board of Health budget.' In those circumstances I would get speared out of the window of the eleventh floor.

I suggest that perhaps we could add the words 'in proceedings before a review committee by leave of the committee'. That would give the flexibility whereby if there was a case involving literally tens or hundreds of thousands of dollars it would be appropriate (and clearly the intention of the legislation) for the committee to give a person leave to be appropriately represented by a lawyer, if it was obviously a complex case with a lot of money involved. On the other hand, if it was a simple case with $200, $300 or $400 involved or, indeed, if someone needed an interpreter, for example, then it would be most unreasonable of the committee not to allow that person leave to be accompanied by a suitable representative, say, an interpreter. I just wonder if we add the words to the amendment 'by leave of the committee' whether we could not see honour done on all sides of the argument.

The Hon. J.C. BURDETT: I will change my previous amendment, so that I now move:

Page 10, after line 42—Insert new subclause as follows:
(1a) A party is entitled to appear personally or with leave of the committee by representative in proceedings before a review committee.

I will accede to the Minister's suggestion. I might add though that in regard to the worry about costs, it should be remembered that the review committee has no power to award costs, so that if a person did bring a silk before the review committee or something of that kind he would have to bear the cost in any event. There is no way that costs could be awarded against the other party. So, in itself that is a practical thing which would ensure that it would be only where a matter really did warrant it that learned counsel or QCs, or anyone like that, would be involved. However, the matters raised by the Minister are reasonable. The Minister has pointed out that, subject to what happens in relation to this amendment, he is prepared to support proposed new section 28a, which provides for right of appeal, in which case there would be legal representation.

The Hon. M.J. ELLIOTT: I am disappointed with both the Minister of Health and the Hon. Mr Burdett. The Minister of Health calls himself a social democrat.

The Hon. J.R. Cornwall: No, democratic socialist.

The Hon. M.J. ELLIOTT: You were a social democrat earlier today. I am extremely disappointed, because the Minister seemed to be very concerned about the cases that might involve large amounts of money, but did not seem to think that cases involving $300, $400 or $500 are very important at all. Those sums of money might be damn important to some people. Because they are inarticulate and cannot afford silk to help them—in fact, possibly it would be refused to them—they may be denied justice. I fail to see the fairness in that. Why should the amount of money have any effect at all? A small amount of money can mean quite a deal to some people. I am disappointed with the Minister of Health.

The Hon. Diana Laidlaw: It doesn't sound like social justice.

The Hon. M.J. ELLIOTT: It doesn't sound like social justice at all; it is not justice. I do not think it is just to allow the review committee to decide whether or not a person can have somebody else to help them in that committee. On what basis does it decide whether or not a person is allowed some form of assistance?

The Hon. J.R. Cornwall: Commonsense.

The Hon. M.J. ELLIOTT: Commonsense? Could it be because the members of that committee consider that the matter is trivial? That is like giving a judge the power to forgo certain legal rights that a person might have just because he or she thinks that the whole thing is trivial. As I said, I am extremely disappointed. I believe that any person should have a right to articulate help if they want it, whether or not they have to pay for it, and I do not think that the size of the sum in dispute is important.

The Hon. J.C. BURDETT: If this provision is inserted into the Bill by this amendment so that a party is entitled to appear personally or by representative, with the leave of the committee in proceedings before a review committee, I cannot envisage a case where, if a person made a request which appeared to be at all reasonable to be allowed representation by whatever sort of representative he or she thought was suitable, the committee would say 'No'.

The Hon. M.B. Cameron: They'd be guaranteed a bit of publicity if they did.

The Hon. J.C. BURDETT: Exactly. The committee would not dare say 'No'. If the provision is contained in the Bill, I cannot envisage a situation where a committee would say 'No'.

The Hon. M.B. CAMERON: I support the Hon. Mr Burdett and, as the Minister has now taken unto himself direct control of this whole organisation, I can assure the Committee that I personally would blame him every time somebody was denied representation. He has taken it unto himself, anyway.

Amendment carried; clause as amended passed.

Clause 28 passed.

New clause 28a—'Right of appeal against decision of council.'

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

Page 11, after line 15—Insert new clause as follows:
28a. (1) A right of appeal exists to the District Court against a decision of the council under this Division.
(2) On an appeal, the District Court may—
(a) vary or quash the council's decision;
(b) make any order that the justice of the case may require.

This new clause has already been spoken about and concerns the right of appeal to the District Court against a decision of the council under this division and the powers of the District Court. As the Minister and I came to an agreement about the representation before the Committee stage, I trust that his tentative support for this amendment will remain. It seems to me that it cannot hurt anyone and, as has been said I think by the Hon. Mr Elliott, it would be unlikely to be exercised except in a case where something substantial is involved. It seems to me that it can do nothing but good to allow an appeal to a District Court which may or may not be exercised in its discretion by the party in question.

The Hon. J.R. CORNWALL: I have already indicated that I will accept this amendment.

New clause inserted.

Clause 29—'Notification.'

The Hon. R.J. RITSON: I want to raise with the Minister the question of laboratory reporting. Subclause (1) provides:

Where a medical practitioner becomes aware that a person is suffering . . .

Subclause (3) provides:

No report is required under subsection (1) with respect to a particular case if the medical practitioner knows or reasonably believes that a report has already been made to the commission.

Is it a correct interpretation that a medical practitioner, being a pathologist who by virtue of examining microbiological material or reports from his laboratory (those reports

to be forwarded to the treating doctor), has an obligation to send in the notification, if it is a notifiable disease? Would a person not being a medical practitioner but perhaps being an extremely skilled microbiologist who wrote such a report, and as a result of his work became aware of the infectious disease, not have to send in a notification (that person not being a medical practitioner but a scientist)?

I raise this because it has been put to me by some people that there is a case for formalising, in certain instances, a clear requirement for laboratory reporting of some diseases. I was in Melbourne in January 1986 and there held discussions with the medical officer of the Sexually Transmitted Diseases Unit. I was talking to him in relation to the brothel legislation and to some of the problems that they were having with diseases, not only in the brothels but in the communities.

One of the things that the medicos in that clinic thought would have helped them target their educative programs was the question of more clearly defined obligations for laboratories to report. I do not want to make any confessions to incriminate myself as a general practitioner, but I have become aware over the years that there are certain cases where it is a bit more likely that reports will be sent in if the laboratory sends them in than if the treating doctor sends them in.

It is, of course, well to the forefront in the minds of general practitioners that rubella and a number of common diseases that come past their desks are notifiable, but where perhaps less common notifiable diseases present they are more likely to overlook the fact that they should report them. It may be that in the interests of privacy and confidentiality there would be disadvantages to the question of laboratory reporting in terms of a feeling of Big Brother intruding. However, there are two components to the question, one being the data collection *per se*, which can be done without names and addresses and simply with code numbers to give the Health Commission a clearer picture of the incidence of certain diseases, or there could be the more complete reporting of details by the laboratory either instead of or as well as the treating doctor to enable contacts to be traced.

In the context in which I discussed this with the Melbourne people, they were looking at sending counsellors, specially trained in being non-threatening and non-domineering, on to the streets of St Kilda to counsel people and urge them to seek treatment. They felt that laboratory reporting would assist them.

Without wishing to tell the Minister what to do, I ask him to consider whether in clause 29 (1) he has an implied condition of laboratory reporting which is not systematic because it is only where the medical practitioner becomes aware—that is perhaps the pathologist—and would not apply to situations where the technician or scientist becomes aware and sends a report direct to the treating doctor. The defence given in clause 29 (3) applies only when Dr No. 1 believes that the report has already been made to the Commissioner and not when he believes the report will be made to the Commissioner by the treating doctor. I do not expect great comment from the Minister except to ask whether he will take the matter on board and tell me whether any matters have been put to him by staff of the commission mooting the question of laboratory reporting of infectious diseases.

The Hon. J.R. CORNWALL: We have had laboratory reporting of infectious diseases in this State for a long time. It has been a significant advantage and has meant that we have had almost 100 per cent reporting of notifiable diseases.

The Hon. R.J. Ritson: Is that an administrative or statutory provision?

The Hon. J.R. CORNWALL: It is an obligation for the pathologist, the microbiologist or whatever division of speciality is involved. In practice the pathologist or microbiologist forwards the information directly to the central authority, notifies the disease and diagnosis appropriately. He usually tags the report form that goes back to the referring doctor so that he knows that the obligation to notify has been fulfilled. It may then be necessary, and is fairly frequently necessary, for the public health authority to follow it up with the referring doctor if more information is required, but in that way, by what is virtually a tripartite arrangement between the pathologist, the public health authority and the referring doctor, we have a very good system that works well. I am informed that we are confident that we get very close to 100 per cent notification.

The Hon. R.J. RITSON: I thank the Minister for that information and have one final question. Are some of the sexually transmitted diseases such as chlamydia (and some others which have been more recently a cause of concern and which have been increasing as a proportion of sexually transmitted diseases) monitored in this way by regulation or administrative action, or is it only the diseases in the schedule which are dealt with in this way?

The Hon. J.R. CORNWALL: The specific difficulty with chlamydia is that we cannot get accurate laboratory reporting, and it is not a notifiable disease primarily for that reason. It is a difficult organism to culture. We would like more information.

The Hon. M.B. Cameron: It's not difficult to catch.

The Hon. J.R. CORNWALL: So I am told. As the old cockies used to tell me when I first went into practice, 'There's no substitute for practical experience. All that book learning's not much good to you, son, unless you've had practical experience.' In this case, I am pleased to say that I speak purely on the basis of the reports that I have read in the literature. However, I am advised that there are difficulties in culturing chlamydia with any degree of certainty. Therefore, it is not possible to get an accurate picture of how common or widespread it is using the normal notification system. A number of other organisms are starting to show up amongst the STDs, of course, as the Hon. Dr Ritson knows better than any of us—because of his professional experience.

The Hon. R.J. Ritson: Not recreational.

The Hon. J.R. CORNWALL: No. They are a cause for considerable concern. May I give the assurance that, wherever it is possible to get a reasonably accurate picture through the notification mechanisms, it would be the intention of our public health authorities to ensure that that happened.

The Hon. M.B. CAMERON: I move:

Page 11, after line 33—To insert the following subclause:

(2a) On the receipt of a report under subsection (1) that relates to a person in a local government area, the Commission must—

(a) where there is an immediate threat to public health in the area—immediately communicate the contents of the report to the local council for the area;

and

(b) in any event—immediately send a copy of a report to the local council.

The effect of this amendment is to require that where a threat to public health occurs in a particular area the local council concerned will be advised and, in the event of the receipt of a certificate or notification from a medical practitioner, a copy of that medical certificate or notification will be sent to the local council. I know that the Bill says that these will be forwarded and notification will be made on a monthly basis, but some concern was expressed that this is not necessarily often enough and that a local council

can assist quite often in the prevention of the spread of a notifiable disease by knowing about it straight away.

For instance, if there was gastroenteritis at the local kindergarten, it might be easier for the local council to be notified immediately so that it could take immediate action the next day. It does seem to me to be a sensible requirement that the local council be notified and that a copy of any notification to the commission is also forwarded to the council.

The Hon. M.J. ELLIOTT: I have a question of the Hon. Mr Cameron. Does this mean that if someone in the District Council of Port MacDonnell was suffering from some form of venereal disease the local council must be informed about it? That is the way that I read the amendment.

The Hon. J.R. CORNWALL: I will try to meet the Hon. Mr Cameron in the middle on this amendment. I am reasonably happy to accept paragraph *(a)* where there is an immediate threat to the public health in an area to immediately communicate the contents of the report to the local council for the area. This happens by mutual arrangement now, anyway, so I am happy for that to be enshrined in the legislation. However, I am unhappy about paragraph *(b)*. I do not accept that. In practice, it means that the Health Commissioner would be required by statute to send all reports to local councils immediately. That would be in addition to the urgent cases, which I am accepting they should be notified about under paragraph *(a)*.

The reality in practice is that with over 4 500 cases notified annually it would impose a significant and unnecessary burden on the clerical or administrative staff of the Communicable Diseases Control Unit. That, again, would add significantly to the cost and would not add in any significant way to efficiency. Monthly reports are required under clause 34 *(a)* and, where they are not urgent cases, I submit that this is sufficient.

The Hon. M.B. CAMERON: That does meet my requirements. Therefore, I seek leave to withdraw paragraph *(b)* of my amendment.

Leave granted.

Amendment carried.

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

Page 12, line 2—Leave out 'notice' and insert 'malice'.

It seems a shame when this debate is going so well that I have to move an amendment which inserts 'malice'. However, I briefly explain that there is clearly a typographical error here and the phrase should read 'honestly and without malice' and not 'honestly and without notice'.

Amendment carried.

The Hon. R.I. LUCAS: I wish to pursue a question that I asked during the second reading debate which the Minister said I should pursue during the Committee stages. I asked a question last evening about information provided to me regarding AIDS category A sufferers at the clinic on North Terrace. Information provided to me indicates that some people in category A are not at an infectious stage but that some go through that stage of the AIDS illness. I seek a response from the Minister in relation to this matter.

The Hon. J.R. CORNWALL: It is perfectly true that in advanced stages of the disease, that is category A or full blown AIDS, the person has few if any viruses present because they have very few or no T cells. The virus, of course, grows in the T cells.

The simple fact is, as with a number of diseases, once the person is in an advanced stage or close to moribund, they are not actively transmitting. It is a theoretical question in a sense because the patient by that time is in such a depressed condition and very often close to death that they do not pose any threat in any case, whether or not they still have active numbers of the virus.

The Hon. R.I. LUCAS: In that case, does this part of the legislation still cover those AIDS category A sufferers who might no longer be infectious? Do these provisions still cover those persons who might be categorised as AIDS category A, which is a notifiable disease under the Minister's categorisation? If they are in the Minister's words 'no longer infectious' and therefore not a danger to public health, does this part of the legislation apply to those sufferers and, for example, to quarantining and assorted other provisions such as that? Does this legislation apply? Are these people free to move about the community, if that is at all possible (I concede that in most cases it is highly unlikely) or to go back to their home or die in the companionship of a friend?

The Hon. J.R. CORNWALL: This really is a bizarre line of questioning—quite bizarre. The simple fact is that we are talking about patients who are moribund—near death—whose immune systems are so depressed in this advanced stage of category A AIDS that they have no T cells and, as I said, because they have no T cells at that point, there are few or no viruses because the virus lives and thrives in T cells.

Mr Lucas, again for some unfortunate reason, and I hope it is not malicious—I hope it is ignorance rather than malice—again raises the matter of quarantine. There is not, has not been and will not be in any circumstances I can contemplate in the medium term, at least, any intention or any advice that we should quarantine AIDS sufferers, whether they be categories A, B, or C. If Mr Lucas cares to go to clause 31(1) *(b)*, he will see that the commission may, if it is of the opinion that it is in the interest of public health, keep a person at a suitable place of quarantine. There is no advantage in doing that with AIDS, and there is no intention of doing that with AIDS sufferers, any more than there is an intention, as directly implied by Mr Cameron in that disgraceful *Sunday Mail* article last Sunday week, of having them carry a notice around their neck or ring a bell. Let us get away from this nonsense and please get back to the bipartisan approach that is characterising the AIDS debate in most other States in this country and in most other countries in the world. It is quite reprehensible for these people to try to score cheap, lousy, heinous political points out of the AIDS situation.

Members interjecting:

The Hon. J.R. CORNWALL: Perhaps you have some funny hangups, sonny. Perhaps you have—

Members interjecting:

The ACTING CHAIRPERSON (Hon. G.L. Bruce): Order!

The Hon. J.R. CORNWALL: Is that right, ponce? Perhaps you have some funny hangups, sonny, but why you pursue—

The Hon. R.I. LUCAS: I rise on a point of order, Mr Acting Chairman. We had all be going quite swimmingly—

The Hon. J.R. CORNWALL: Until you got to your feet, you disgraceful thing.

Members interjecting:

The ACTING CHAIRPERSON: Mr Davis, Order! The Hon. Mr Lucas has a point of order.

The Hon. R.I. LUCAS: As I said, we were all going quite swimmingly. I asked two mild mannered, meek and sensible questions. I ask the Minister to withdraw the injurious reflections and the descriptions that he has used—two or three of them—about a member of this Chamber, namely, me.

The ACTING CHAIRPERSON: What were they?

The Hon. R.I. LUCAS: 'Sonny' and 'disgraceful thing'.

The ACTING CHAIRPERSON: Is the Minister prepared to withdraw 'disgraceful thing' and 'sonny'?

The Hon. R.I. Lucas: And another one that I will not repeat.

The Hon. J.R. CORNWALL: If there is any inference that he was related to me by calling him 'sonny', I would hasten to withdraw it. As to 'disgraceful thing', the truth is often the first casualty under our Standing Orders. It may be true, but apparently I am not allowed to use it, so I withdraw it.

The ACTING CHAIRPERSON: The Minister has withdrawn.

The Hon. J.R. CORNWALL: I think the performance of the Hon. Mr Lucas in this debate has been bizarre. He is pursuing—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: He has indeed. He is pursuing the question, by inference trying to pump up again the idea that we have some intention of quarantining AIDS patients. That is a monstrous lie, a monstrous distortion and it must be put to rest at once.

There is no advantage at all, on all the available evidence, in quarantining AIDS patients. The question of the notifiability of AIDS is quite a separate issue. It may be that at some time in the future the advice to me will be that we ought to make category C AIDS notifiable. Having discussed this with the Chairman of the South Australian AIDS Advisory Committee as recently as 8.30 p.m. this evening, I am able to tell the Committee that there is no advice to me at this moment that we should move to make category C AIDS notifiable in South Australia. There is no advice and, therefore, there is no intention.

Secondly I repeat, that there is not, and there has never been, any intention that we should quarantine AIDS patients. There is no practical point in that. What we will have to provide—and what we are developing—are our support systems for AIDS sufferers. At the moment, as I think I told members last night, there are five category A AIDS sufferers in South Australia and, I think from memory, another four category B sufferers, all of whom are being actively nursed and, to the best of my recollection, nursed outside the hospital situation.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: One may be in hospital, but there are clear guidelines about the nursing of AIDS patients. We need a lot of community compassion and commonsense. The last thing we need are bizarre questions about the state of T cells of category A AIDS patients who are *in extremis*, and as to inferences from the Hon. Mr Lucas or any of his colleagues that there is an intention to quarantine, as I said, I do not know of any other place in this country or any other civilised country where politicians are trying to score cheap political points. We have done very well in this State until recent weeks because we did have a bipartisan approach. It is disgusting and disgraceful that the Opposition has moved away from that position. I urge it, in the interests of AIDS control and of all the things that are decent by community standards, to get back to an informed bipartisan approach as quickly as it reasonably can.

The Hon. R.I. LUCAS: Now that the Minister has vented his spleen, we might be able to get back to asking some questions and receiving answers. In quick response to what the Minister just said—and I do not want to extend the debate—all I have done in the past 24 hours is speak on the Bill and raise questions in the Committee stage. I have made no public comment at all in relation to my questions on AIDS, notifiable diseases and the Government's intentions in relation to this issue—and I have no intention of doing so. It is quite wrong for the Minister to infer that that is the case.

The Hon. J.R. Cornwall: You're on the record; read *Hansard.*

The Hon. R.I. LUCAS: I did not say that I am not on the record; I said that I have not been out making public statements in the press and in the media in relation to the questions—

The Hon. J.R. Cornwall: This is a public place.

The Hon. R.I. LUCAS: If we cannot question the Minister in Parliament, where can we do it?

The Hon. J.R. Cornwall: You inferred that we intended to quarantine.

The Hon. R.I. LUCAS: You are an absolute joke. The second question that I raise with the Minister—

The Hon. J.R. Cornwall: You're not one for the repartee, apart from being a sleazebag.

The Hon. R.I. LUCAS: Ms Chairperson, I seek withdrawal from the Minister in that he called an honourable member a 'sleazebag'.

The Hon. J.R. CORNWALL: Ms Chairperson, in the Hon. Mr Lucas' case the appellation 'sleazebag'—

The Hon. R.I. Lucas: Unqualified.

The Hon. J.R. CORNWALL: Under Standing Orders I realise that I have to withdraw.

The Hon. L.H. DAVIS: On a point of order, Madam Chairperson, that is not a satisfactory withdrawal; it is a qualified withdrawal. The Minister should withdraw and apologise.

The CHAIRPERSON: I understand that the Minister said that he withdrew.

The Hon. L.H. DAVIS: Madam Chair, his initial remarks qualified the withdrawal, and that is not good enough and it does not uphold the standards of this Chamber.

The Hon. R.I. LUCAS: I do not want to waste the time of the Chamber. It is disappointing that the Minister is allowed to get away with something that members on this side would not be allowed to get away with. My second question relates to a statement made by the Commonwealth Minister for Health (Dr Blewett) I understand in Parliament this morning. Dr Blewett indicated that the estimate of the time lapse between the onset or attacking of the virus on a particular person and when that person might show up as antibody positive is a period of some six months (based on research available to the Minister) rather than the three months that we discussed last night. That means that a person having been attacked by the AIDS virus, having been tested, would show a false negative when undergoing a blood test within six months of the initial attack.

I seek a response from the Minister in relation to that. Is that information available to the Minister and, if so, will counsellors and staff at the AIDS clinic on North Terrace change their approach in relation to what we discussed last night, that is, persons who suspect that they might have exposed themselves to the AIDS virus should return for a blood test after three months on the basis that it is possible that they would show a false negative within three months? If that is now to be six months (based on what I understand Dr Blewett said), will there be a change in approach at the AIDS clinic?

The Hon. J.R. CORNWALL: The situation is that the great majority of people with AIDS virus infections will show up as sero positives by three months and, I am advised, some will show up as early as six weeks after contracting the infection. The great majority—probably of the order of 98 per cent—will be showing as sero positives by three months. I stress, as I always do in relation to public health

matters, that I am advised: I have no expertise in the area. From that point on it is something of a grab bag. It may take six months or significantly longer for the remaining 1 per cent to 2 per cent to develop sero-positivity.

Clause as amended passed.

[Midnight]

The Hon. M.B. CAMERON: I do not intend to proceed with new clause 29a.

Clause 30—'Power of commission to require a person to undergo an examination.'

The Hon. M.J. ELLIOTT: I move:

Page 12, line 6—Leave out 'suspects' and insert 'has reasonable grounds to suspect'.

This amendment is identical to those proposed by the Opposition and the Government.

Amendment carried.

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

Page 12, line 7—After 'a' insert 'controlled'.

Amendment carried.

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

Page 12, after line 10—Insert new subclauses as follows:

(1a) A person to whom a notice is given under subsection (1) may apply to a magistrate for a review of the decision to issue the notice.

(1b) On a review under subsection (1a) the magistrate may confirm, vary or quash the notice.

This amendment will provide a measure of protection (to which I referred in the second reading stage) for the civil liberties of those persons who might be subject to an order of the commission for an examination. Where the commission reasonably suspects that a person is suffering from a notifiable disease, the commission may, by notice in writing, require the person to present himself or herself for examination by a medical practitioner at such time and place as is specified in the notice.

I am concerned that, if someone wanted to object to such an order or notice in writing from the commission, they ought to have some form of protection in that regard. This amendment will allow the person who has been issued with that notice from the commission to apply to a magistrate for a review of the decision to issue the notice.

On a review, the magistrate may confirm the Health Commission's order, vary it or quash the notice. If this amendment is accepted by the Committee, it will provide a further protection for the civil liberties of those persons who might be subject to an order or a notice in writing from the Health Commission.

The Hon. J.R. CORNWALL: This is a silly, foolish amendment. I cannot understand why the Hon. Mr Lucas thinks that it is necessary. A person's civil liberties are already protected. I will read exactly what subclauses 30 (1) and (2) state:

(1) Where the commission suspects that a person is or may be suffering from a controlled notifiable disease, the commission may, by notice in writing addressed to the person, require the person to present himself or herself for examination by a medical practitioner at such time and place as is specified in the notice.

(2) If a person who has been served with a notice under subsection (1) fails to comply with the notice, a magistrate may issue a warrant for the apprehension and examination of that person.

If a person fails to comply with the notice, the commission must get a magistrate's order. There is no point in allowing a person to get in ahead of the commission by seeking the review as proposed. What the honourable member seeks to insert is foolish and achieves nothing. In either case, whether it is the commission or the person, the magistrate will have to decide the merits of the application. To impose two mechanisms to do the same thing seems to be both unnecessary and foolish.

The Hon. R.I. LUCAS: Let me explain it to the Minister and members of the Committee. The problem with clause 30 (particularly when viewed with clause 33, which provides for the right of appeal to the Supreme Court against a decision of the magistrate), as I raised last night, is that if someone refuses to comply with the order or notice from the Health Commission, it can have a warrant issued. By the time a person has wound himself up to appeal to a Supreme Court judge against the magistrate's warrant, to all intents and purposes, I am advised, in many cases the examination would already have occurred. One could have been dragged off under the provisions of subclause (3), which states that reasonable force may be exercised in the execution of a warrant. So, against one's will, one could be removed from one's premises and taken to a medical practitioner for examination. One may then seek to appeal against the magistrate's warrant to the Supreme Court. However, by the time that appeal has been organised, and is possibly successful, officers of the Health Commission together with the medical practitioner could already have subjected a person to an examination.

If I am subject to an order from the Health Commission in relation to this matter and I am totally opposed to it and completely convinced that there is no justice in the order or notice from the commission, my civil liberties ought to be protected. I do not believe that the right of appeal to the Supreme Court provides that protection. I am advised that the only way it can occur is by the provision of an early appeal to the magistrate against the original order of the Health Commission.

As I indicated last night, I toyed with the idea of requiring the Health Commission to give notice, as it has to, under the Venereal Diseases Act, of at least seven days before one has to be subjected to an examination. However, based on advice that I received, I accept that, whilst that might be appropriate for venereal diseases, it might not be appropriate for some of the notifiable diseases that are covered by this part of this Bill. So, I did not pursue the setting down of a statutory period of some seven days, as exists in the Venereal Diseases Act.

The only way that one can prevent the circumstances of being subjected to an examination before one has even had a chance to wind up and get an appeal to the Supreme Court is to provide that person with the opportunity to appeal against the original decision or order of the Health Commission that one be subjected to an examination, and that is the reason for this provision. It is quite separate from the existing clauses 1 and 2, and I suggest to the Minister and to the Committee that there is good reason and good sense for it. It does protect at least in some small way the civil liberties of a person who is convinced that they do not suffer from a notifiable disease and that it is a gross invasion of their own civil liberties and privacy to be dragged off, perhaps by reasonable force, to be subjected to an examination against their will.

The Hon. J.R. CORNWALL: This really is an astonishing performance. Let me make three points. First of all, it would be extremely unlikely (and in fact it is almost impossible to think of a situation) that the Health Commission, the central public health authority, would forcibly cart someone away on a magistrate's order with the knowledge that they were appealing to the Supreme Court. In a matter like this, where there is an appeal, I am told that it would be heard most expeditiously, probably the same day and probably by a judge of the Supreme Court in chambers. So, it is not a case of lodging an appeal and having it put on a list and

waiting for 12 months for it to come up: the matter would probably be heard on the same day, and almost certainly within 24 hours. To suggest that in those circumstances the Health Commission would forcibly drag someone away until an appeal had been decided is in the realms of cloud cuckoo land.

Secondly, the Hon. Mr Lucas in particular and one or two of his colleagues carry on as though the Public Health Division of the Health Commission is capriciously using its powers or about to capriciously do so on a daily or weekly basis. Again, that is really in fantasy land—it is straight out of Hans Christian Andersen. One cannot possibly have an intelligent debate with people who want to try to perpetuate those sorts of what could at best be described as myths and at worst could only be described in language that would be considered unparliamentary. The third point I want to make is to refer to existing regulation 105 under the Health Act. These people who have suddenly become *quasi* civil libertarians and *de facto* experts in public health law really should have done their homework.

The Hon. R.I. Lucas: I have it here.

The Hon. J.R. CORNWALL: If you have it there, you are being dishonest, which does not surprise me. Regulation 105 under the Health Act reads:

Any local board—

not the South Australian Health Commission, the central public health authority in this State, but any local board, in practice in other words, any local council—

may cause to be carried out such clinical, chemical, bacteriological and other examinations as may be neccessary for preventing the spread or recurrence of any infectious or notifiable disease.

That is far more draconian and far more sweeping that what is proposed in the Bill before us. Furthermore, it is a power that is given to local boards of health which, in this instance, could be constituted by the Lacepede district council, or any other district council or city council in South Australia—all 125 of them. In all the time that Mr Lucas has been in this place, I have never seen him get to his feet and complain that the public health legislation in any way infringed the civil liberties of any citizen in this State, but suddenly, when this Bill is introduced, which in many ways gives far more rights of appeal and protects individuals significantly better than the old legislation (some of which is 100 years old), then Mr Lucas and some of his contortionist friends, for reasons best known to themselves, try to make a civil liberties issue out of it. I cannot think of any area of the law in which that is less appropriate. The power is being and must be exercised quite appropriately by the Public Health Division of the Health Commission, which is the responsible body with the expertise.

The Hon. M.J. ELLIOTT: I have remained beyond the witching hour so that we might get this Bill cleared up before the weekend, but at the moment we are going nowhere with it. I appreciate the points made by Mr Lucas, but I think that the safeguards that we have inserted and some which will be raised in the next few clauses should be sufficient and that what he proposes is unnecessary. In some instances, it could be a hindrance, so I will not support his amendment.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 12, after line 17—Insert new subclauses as follow:

(5) Where—

(a) a person is examined pursuant to this section; and

(b) the examination discloses that the person is not suffering from a controlled notifiable disease,

the person is entitled to reasonable compensation from the commission.

(6) Compensation payable under subsection (5) may be recovered as a debt.

This proposition is not dissimilar to something which already exists under the Venereal Diseases Act. On a number of occasions we have mentioned that this Bill repeats what occurs in previous Acts and, once again, I believe that a compensation clause, where people have been wrongly treated, should be contained in the Act.

The Hon. J.R. CORNWALL: It might expedite matters if I indicate that the Government intends to support the Hon. Mr Elliott's amendment. On balance we think that it is a better amendment.

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

Page 12, after line 17—Insert new subclauses as follow:

(5) Where—

(a) a person is examined pursuant to this section; and

(b) the examination discloses that the person is not suffering from a controlled notifiable disease,

the person is entitled to reasonable compensation from the commission for costs and expenses directly incurred by the person in attending for the examination.

(6) Compensation payable under subsection (5) may be recovered as a debt.

There is only a slight difference between my amendment and that of the Hon. Mr Elliott. The Hon. Mr Elliott's amendment talks about the person being entitled to reasonable compensation. I restrict the compensation that could be payable to reasonable compensation from the commission for costs and expenses incurred by the person in attending for the examination. I believe that my amendment is more closely parallel to the compensation provisions of the old Venereal Diseases Act, which talked about a reimbursement of costs and expenses (I think it actually refers to fares, board and lodgings).

I believe that the amendment moved by the Hon. Mr Elliott is possibly a little too wide. It would open up possible claims for compensation wider than just costs and expenses incurred by the person in presenting for an examination, and that is compensation for perhaps mental anguish, pain and suffering, even stress—a whole range of wider criteria that might be used under the amendment of the Hon. Mr Elliott which, I believe, could result in an extra cost to the Health Commission. Given that the Minister has spoken passionately on occasions about some of the amendments resulting in increased costs to the Health Commission, what I am seeking to do here is to limit the amounts of compensation that might be payable by the commission to persons who might seek compensation. I am surprised and a trifle disappointed that the Minister is prepared to perhaps open the floodgates in relation to reasonable compensation in this provision.

The Hon. J.R. CORNWALL: Since I spoke initially to these amendments, I have taken further legal advice, particularly in view of the fact that Mr Lucas has moved his amendment in an amended form. I admit that perhaps I appear to be behaving a bit like a Democrat in this matter, but that is not so. In fact, I am behaving like an old pro and I am not allowing my intense personal dislike of Mr Lucas to cloud my judgment.

The Hon. M.J. ELLIOTT: Would it be possible to use the word 'reasonably' rather than 'directly'?

The Hon. J.R. CORNWALL: As I am concerned about compensation as it impacts on public health legislation, I prefer the word 'directly'.

The Hon. M.J. ELLIOTT: To simplify matters I withdraw my amendment.

The Hon. Mr Lucas' amendment carried; clause as amended passed.

Clause 31—'Power of Commission, in the interests of public health, to detain persons suffering from diseases.'

The Hon. M.J. ELLIOTT: I move:

Page 12, line 20—after 'a' insert 'controlled'.

The amendment is consequential.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 12, after line 43—Insert new subclause as follows:

(7) A person who is being detained pursuant to the decision of a magistrate under subsection (4) or the authorization of a Supreme Court judge under subsection (6) must be examined by a medical practitioner at intervals not exceeding—

(a) four weeks;

or

(b) such shorter period or periods as the magistrate or judge may determine having regard to the nature of the particular notifiable disease and the extent of the infection.

I am seeking in this amendment to give some guidance as to the sort of order that the magistrate might make. Since the person involved is to be put into some sort of quarantine, as some sort of protection to that person the magistrate should be given some clear guidance as to how long that person may be kept there and what should be taken into consideration.

The Hon. R.I. LUCAS: Before moving my amendment, I ask the Hon. Mr Elliott whether in paragraph *(b)* 'particular notifiable disease' is correct or whether it is meant to be 'controlled notifiable disease'.

The Hon. M.J. ELLIOTT: This clause relates only to controlled notifiable diseases, so it is correct as it is. I chose four weeks as a starting point, but depending on the disease the magistrate may decide that the period within which medical inspection must occur may be longer or shorter. Some diseases such as tuberculosis, where a person will not recover within four weeks, are different to other diseases where the recovery period could be relatively brief. The magistrate needs to take the notifiable disease into account in determining the period in which these checks need to take place.

The Hon. J.R. CORNWALL: I suggest that it would be wise to add the word 'controlled' in paragraph *(b)* so that it would read:

. . . such shorter period or periods as the magistrate or judge may determine, having regard to the nature of the particular controlled notifiable disease and the extent of the infection.

That is probably in the interests of good drafting, I am advised. I support the Elliott amendment. I will make some comparisons and explain why we support that on balance, although the two amendments are probably trying to achieve something similar.

The Elliott amendment has the effect that a person would be examined every four weeks or such shorter period as may be determined by the judge or magistrate. It takes account of the fact that the particular disease may be of short duration or, like tuberculosis, of long or very long duration. In that sense, I think the amendment takes care of the two possibilities and those in between. Under the Lucas amendment, a detained person may apply to a magistrate every 14 days or more. The magistrate orders the examination and the medical practitioner must report to the magistrate. So, I do not think that in practice that is as good or as workable an amendment, on the face of it, as the Elliott amendment.

Significantly more importantly—and this has been drawn to my attention by the head of the Communicable Diseases Control Unit who, after all, is one of the key players in the administration of the legislation—the medical practitioner in the Lucas amendment can be any medical practitioner, not a suitably qualified person who has specialised in infectious diseases. It can be any medical practitioner, whereas the net effect of the Elliott amendment is that the medical practitioner must be a suitably qualified person who specialises in infectious diseases. So, it is superior, in our view, on those two counts.

The Hon. R.I. LUCAS: Far be it from me to take a differing view from the head of the Communicable Diseases Control Unit of the Health Commission, but clauses 30 and 31, when referring to medical practitioners, make no mention at all of a medical practitioner who is an expert in infectious or notifiable diseases. The wording used by the Parliamentary Counsel in my amendment is consistent with the wording used by the Minister and his advisers in all the relevant provisions of this Bill. I move:

Page 12, after line 43—Insert new subclauses as follow:

(7) Subject to subsection (8), a person who is being detained under this section may apply in writing to a magistrate to be examined by a medical practitioner.

(8) An application may not be made under subsection (7) if the person has been examined by a medical practitioner within the previous 14 days.

(9) On the receipt of an application under subsection (7), the magistrate must appoint a medical practitioner to examine the person and report to the magistrate.

(10) On the receipt of a report under subsection (9), the magistrate must order that the person be released from detention if the magistrate is satisfied that the person need no longer remain in quarantine.

It is interesting to note that the Venereal Diseases Act provided two separate protections for those persons placed in quarantine under that Act. One was modelled along the lines of the Hon. Mr Elliott's amendment and one along the lines of my amendment. The problem that I see with the Hon. Mr Elliott's amendment—and, once again, one of the factors which the Minister has not addressed but which I would like to raise with him—is the question of the best guess of the total costs involved.

In relation to quarantining, a number of people might possibly not be interested in or wish to have a medical examination every four weeks, as indicated under the Elliott amendment. Under that amendment, it would be compulsory for anyone quarantined under clause 31 to be examined by a medical practitioner every four weeks or some lesser period. As I said, there may well be persons quarantined who might not want to be examined by a medical practitioner every four weeks or less. I believe that that would perhaps not only upset those persons who might be quarantined but also be against their wishes.

They may not wish to be examined every four weeks. There would also be costs incurred by the Health Commission in organising medical practitioners to examine people every four weeks or some lesser period. We are talking in terms of now, when we have nobody in quarantine, but who knows whether at some time in the future a new disease might result in some hundreds of persons being quarantined? In that case, the provision envisaged by the Hon. Mr Elliott and the Minister of Health would involve considerable expense being incurred by the Health Commission for medical examinations every four weeks.

The Elliott amendment talks in terms of 'must be examined by a medical practitioner at intervals not exceeding four weeks'. I do not understand the Minister's response, based on the advice of the head of the Communicable Diseases Unit of the Health Commission, as to one of the reasons why he opposes my amendment, because I do not indicate that the medical practitioner has to be an expert in infectious diseases. If the Minister looks at the Elliott amendment he will see that it is in exactly the same terms as my amendment. If there were two reasons for supporting the Elliott amendment, then I suggest that one of them has certainly gone, leaving the Minister with his other argument.

The final matter I raise in my amendment is that, rather than it being compulsory for medical examinations of the person quarantined to take place at regular intervals, a person would have the right to seek that examination by application to a magistrate. The person quarantined could initiate the medical examination, so it would be a voluntary choice made by that person. There is a provision in subclause (8) to ensure that an examination is not made every day, so there is protection there in relation to Health Commission costs. However, it does provide an option for a person who is quarantined. For those reasons, I urge the Committee to reconsider its position and to support my amendment.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas is showing his characteristic stubbornness in the face of reason. First, he talked of a situation where we might have hundreds of people in quarantine. I assure him that, if a situation ever arises in South Australia where some new and exotic disease in our midst requires the quarantining of literally hundreds of people, then it will almost certainly be handled under the Commonwealth quarantine legislation. I cannot envisage a situation where we would be invoking State laws to quarantine literally hundreds of people for an exotic disease.

The Commonwealth quarantine legislation, like most public health legislation, is relatively quite draconian. It is certainly like all Federal legislation in that it overrides State legislation, so that is really a hypothetical case. From a State point of view, the case advanced by Mr Lucas in this instance is a hypothetical one. Secondly, in relation to the Elliott amendment versus the Lucas amendment, the medical practitioner in the Lucas amendment is quite specifically appointed by a magistrate or judge. That is specified in the amendment; it is not in the Elliott amendment. It refers to a medical practitioner and practice. That would quite obviously be a doctor associated with the hospital, the health service—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No—or the place of quarantine, and in practice, of course, that would be a specialist in the area of controlled notifiable diseases. If one looks at the Lucas amendment (and Mr Lucas interjects and says that it would be so under his amendment), that is not necessarily so at all. Under that amendment, the doctor appointed by a magistrate could be anybody who was a registered medical practitioner—

The Hon. R.I. Lucas: Also with yours.

The Hon. J.R. CORNWALL: No. In practice, if one reads the Elliott—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Stop prattling on, young fellow. Shut up for a while. In practice, under the Elliott amendment, the doctor would be almost certainly and almost invariably associated with the health service—quite probably the public health service—and would be a specialist. There is no point at all in quarantining people on specialist medical advice—whether it involves a specialist pathologist or any other specialist (and that would be the person who would be recommending the quarantine) and then leaving it to the vagaries of a magistrates court where the magistrate may simply appoint a GP with no particular experience in quarantine matters, exotic diseases or pathology.

An honourable member: It is crazy stuff.

The Hon. J.R. CORNWALL: It is not crazy: it is practical. It is the advice I get from the head of the Communicable Diseases Control Unit. It is the advice I get—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: All right, the Hon. Mr Lucas is again denigrating the head of the Communicable Diseases Control Unit: he says that the advice is wrong. He says presumably the advice I am getting from our legal officer also in the public health division is wrong. His arrogance knows no bounds. His arrogance is matched only by his stupidity, at least in this matter.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: He says I should know about it. My speciality, my son, is intellectual arrogance. Do not try and practise intellectual arrogance unless you have some intellect. In your case, that is the one ingredient that is sadly missing.

The Hon. M.J. ELLIOTT: One point which the Hon. Mr Lucas made and which I though was worth further consideration was the question where the four-weekly examination was not necessary because the person still suffered from the disease and did not wish to be examined. Since we will obviously be recommitting this Bill next Tuesday, it might be possible to allow the person to opt out of the four-weekly examination, so we could look at that at the recommittal stage, I suggest.

The Hon. R.I. LUCAS: I concede that the numbers—perhaps not the logic—are with the Minister of Health. I welcome the last statement made by the Hon. Mr Elliott that, in the recommittal we will be involved in next Tuesday, we can make provision for someone who might not want to have their privacy invaded every four weeks. I will certainly be prepared to sit down with the Hon. Mr Elliott and with Parliamentary Counsel to see whether, with the Hon. Mr Elliott's amendment, we can include that provision for those persons who want that protection. I welcome that suggestion.

The Hon. J.R. CORNWALL: I do not believe that that is necessary. If Mr Elliott is concerned about that, then he could immediately achieve what he is after having his own amendment state 'authorisation of a Supreme Court judge under subsection (6) must, unless otherwise directed by the person being detained, be examined by a medical practitioner at intervals not exceeding four weeks'. You have taken the business in this matter out of the Government's hands for a week. You are making life almost impossible.

Members interjecting:

The Hon. J.R. CORNWALL: You know and you have known for weeks that I have to attend the Health Ministers conference in Fremantle on Monday and Tuesday 13 and 14 April and that I have to (or should, at least) attend the ministerial meeting on drug strategy in Fremantle on the Wednesday of that week. You have done all that you can do to obstruct legitimate Government business. We have not gone on at all with the South Australian Health Commission Act. You have refused—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: Are you all right, Peter?

The Hon. Peter Dunn: We are supposed to know that you have to go to Perth! Come on!

The Hon. J.R. CORNWALL: I have told you for weeks.

Members interjecting:

The Hon. J.R. CORNWALL: You know very well that the legislation has to go through in this session and you have been deliberately impeding it.

Members interjecting:

The Hon. J.R. CORNWALL: Okay, so we will come back on Tuesday and, if South Australia is not represented at the ministerial meeting on drug strategy in Fremantle, the State will know that it was because of the behaviour of the Opposition in this place. I wish to move the following amendment to the Hon. Mr Elliott's amendment:

After the word 'must' insert 'unless the person objects'.

The Hon. R.I. LUCAS: At first reading I am happy about the amendment to the Hon. Mr Elliott's amendment. If we are coming back on Tuesday and if there is a problem that at first blush we have not been able to pick up, we can always recommit. The protection that the Hon. Mr Elliott has suggested was the main driving force behind my amendment: it should not be compulsory for a medical examination to be made. While we have the numbers to push my amendment through now that the Democrats are no longer here, I will not pursue that course. To resolve the situation, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. J.R. Cornwall's amendment to the Hon. M.J. Elliott's amendment carried; amended amendment carried.

Clause as amended passed.

Clause 32—'Power of commission to give directions to persons suffering from diseases.'

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

After 'a' insert 'controlled'.

Amendment carried; clause as amended passed.

Clause 33 passed.

Clause 34—'Reporting to local councils.'

The Hon. M.B. CAMERON: I move:

Page 14—
Line 3—Before 'council' insert 'local'.
Line 7—Before 'council' insert 'local'.

The amendments are consequential.

Amendments carried.

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

Page 14, line 7—Leave out 'infectious' and insert 'notifiable'.

The amendment corrects a typographical error.

Amendment carried; clause as amended passed.

Clause 35—'Action to prevent the spread of infection.'

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

Page 14—
Line 11—Leave out 'an infectious' and insert 'a controlled notifiable'.
Line 23—After '(1)' insert 'or (2)'.

Amendments carried.

The Hon. M.B. CAMERON: I move:

Page 14 after line 25—Insert new subclause as follows:
(3a) For the purpose of exercising a power under subsection (1) or (2), an authorised officer may be accompanied by such assistants as may be necessary or desirable in the circumstances.

This will enable authorised officers to seek assistance and, in particular, police assistance. As I understand it, it is quite a useful tool for health officers if they have difficulty with such things as Alsatian dogs or difficult customers.

The Hon. J.R. CORNWALL: We support the amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 14—
Line 39—Before "council" insert "local".
Line 41—Before "council" twice occurring insert, in each case, "local".

These amendments clarify the fact that the word 'council' wherever occurring in this clause is preceded by the word 'local', and there is a consequential amendment.

Amendments carried; clause as amended passed.

Clause 36—'Person infected with disease must prevent transmission to others.'

The Hon. M.B. CAMERON: I do not intend to move my amendment to line 43.

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

Page 14, line 43—After "a" insert "controlled".

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 15—
Line 3—Leave out "$5 000" and insert "$200".
Line 6—Leave out $5 000 and insert "$200".

This amendment reduces the fine for head lice to what I regard as a reasonable and sensible level: $5 000 seemed to me to be overboard. It seems eminently sensible to reduce the fine for sending a child to school with head lice, according to the import of the provision. I ask the Committee to accept the amendment to reduce the fine to a sensible level which reflects the seriousness of the complaint.

The Hon. J.R. CORNWALL: I have never made it my practice to criticise Parliamentary Counsel or any of my senior officers, and I am not about to do so. However, next time I introduce in this place a Bill containing penalties, I shall scrupulously go through them and check them before the Bill is introduced.

Amendment carried; clause as amended passed.

Clause 37—'Inspections, etc.'

The Hon. M.B. CAMERON: Before I move the amendment standing in my name, I seek some indication and discussion about this matter. It was raised with me by local authorities on a fairly widespread basis that there is a problem if councils have to give reasonable notice before entering a premise. I ask members to listen closely to part of the submission from the Corporation of the City of Adelaide, which states:

Such a condition of entry would greatly restrict for example, inspections of insanitary living conditions and premises used as massage parlours.

Members can imagine that if councils had to give reasonable notice to massage parlours, by the time their inspectors got there, nothing would be happening. Perhaps the Minister and other members who have a view on this matter would like to put them forward before I move the amendment, because obviously other problems are associated with it. I am aware that health inspectors are not perfect but if an inspector overstepped his rights, the Minister, having direct control of this whole matter, would take action to see that it did not occur again.

I ask the Minister to give some indication of why he felt that it was necessary to include this provision when it does not appear in the old Act. What has occurred to bring about this change? Clearly there must be a problem, and I would like to know what that problem is. If there are no problems, perhaps the Committee should consider retaining the original wording of the Act.

The Hon. J.R. CORNWALL: I think it ought to be noted in *Hansard* that while speaking to this matter I had a wry smile on my face. We have heard through the course of this debate the protestations of some members opposite, with their recently found enthusiasm for civil liberties. Suddenly, members opposite are toying with the idea of inserting a provision which would allow an authorised officer (not necessarily a qualified one of course, following an amendment that was moved earlier this evening), perhaps an unqualified health surveyor, to enter and inspect a premises without giving reasonable notice or any notice at all. It seems to me that the proposition is quite incongruous, and it certainly appears to conflict with the Opposition's stated concerns about civil liberties.

I think that the Government will have to oppose it. I do not mind the public health authorities being given an abundance of power in these public health matters, as I know that they will exercise them with due caution, and most judiciously; however, I would be concerned if the situation pertained whereby in relation to every council in the State a health inspector could enter and inspect any premises without giving any notice whatsoever. I am a little concerned about that, for a number of reasons.

The Hon. R.I. LUCAS: My Leader has asked me to quickly indicate my position on this clause. I see some sense in the present drafting of the clause, but I think that the point made by the Hon. Mr Cameron in relation to brothels or massage parlours—

The Hon. J.R. Cornwall: They don't exist—you people said that they don't exist. When Ms Pickles tried to get a bit of order in the ring, so to speak, you treated her with contempt.

The Hon. M.B. Cameron: You couldn't get the numbers.

The Hon. J.R. Cornwall: She had me.

The Hon. R.I. LUCAS: She didn't have Michael Duigan and a few others. However, Ms Chair, I think that is extraneous to the matter before us. I had hoped that the Minister would respond to the point made by the Hon. Mr Cameron. I take it that in not directly addressing the issue put by the Hon. Mr Cameron the Minister is not concerned that the drafting of this provision will hinder the operations of the Health Commission and its officers in relation to policing the health aspects of massage parlours and/or brothels in South Australia. If that is not the case, I invite the Minister to respond.

The Hon. Mr Cameron has only canvassed the proposition at this stage. He has not formally moved his amendment, but I indicate that I consider that there is some merit in the proposal to protect the civil liberties of people in South Australia in relation to this provision. If the Minister of Health is not concerned about what I thought was possibly a very important point made by the Hon. Mr Cameron in relation to policing public health aspects of brothels and massage parlours, then perhaps this situation ought to be left as it is at the moment.

The Hon. J.R. CORNWALL: May I say, Ms Chair, that this appears to be a joke in poor taste. I think I can claim to be the catalyst: I was responsible in the first instance for considering this matter, in response to a question from the Hon. Mr Cameron, who in those days did not have too much regard for civil liberties. He had heard that a poor unfortunate drug addict, an intravenous drug abuser and allegedly a category C AIDS victim, was plying her trade as a prostitute at the bottom end of the market, and he wanted her locked up.

He wanted her detained and quarantined indefinitely. He pursued that matter. I said that the only way we could get any order and commonsense prevailing in relation to controlling AIDS and sexually transmitted diseases among prostitutes was to decriminalise prostitution. Ms Pickles made a valiant, determined and very sensible attempt to do that, but she was pilloried by the Opposition without exception.

Members interjecting:

The Hon. J. R. CORNWALL: One Liberal member—and one only—in another place. The whips were out and cracking in the Liberal Party. Only one Liberal member and none in the Upper House was prepared to support the Bill. For the Hon. Mr Lucas to get up in those circumstances and go through this charade talking about his concern for enforcing public health legislation in brothels which, as far as the Liberal Party is concerned are illegal and do not exist in this State, really is the height of hypocrisy. The contortionist has excelled himself in this matter.

The Hon. M. B. CAMERON: I understand the civil libertarian argument quite well and it impacts on me. However, we have this other problem. I do not know whether there is a form of words that can cover this situation. I am minded not to move the amendment, but I would like to see a form of words that gives health officers some ability to intervene. There must be some way around this. I understand what the Minister said earlier in private discussion and that related to the fact that there can be difficulties with health officers. I have been made aware of that fact by some local government people who have said that they have had health officers in the past who have been—

The Hon. J. R. Cornwall: Over zealous.

The Hon. M. B. CAMERON: Over zealous and I understand that. At this stage, I will not move the amendment, but I ask the Minister to accept that this matter may be reconsidered on Tuesday. If we can come up with a form of words in the meantime, then we will do that.

The Hon. J. R. CORNWALL: I would be happy with that suggestion.

The CHAIRPERSON: There is an amendment on file from the Hon. Mr Elliott, but he is not here to move it. Does anyone wish to move it in his place? I refer to clause 37, page 16, line 21, leave out '$2,500' and insert '$5,000'.

The Hon. J. R. CORNWALL: In view of the fact that clause 37 may be recommitted on Tuesday, if the Hon. Mr Elliott is keen enough, he can do it then.

Clause passed.

New clause 37a—'Councils may appoint officers of health.'

The Hon. M. B. CAMERON: I move:

Page 16, after line 23—Insert new clause as follows:

37a. A local council may appoint a person to act as the officer of health for its area.

This amendment is designed to enable the local council to appoint a medical officer. These people have been very valuable additions to local council deliberations on health matters and this enables the councils to appoint them. I imagine that a very limited number of councils would need them. In some isolated areas it gives these officers direct contact with the local medico and makes them feel part of the system. They certainly have been of tremendous assistance in the past, as I understand it.

The Hon. J.R. CORNWALL: This is nostalgia rather than a practical situation, or will be, I suspect, in the overwhelming majority of councils. The situation is that the Environmental Health Working Party, which comprised among other people the then President of the Local Government Association, Des Ross, recommended that there be no requirement for a council to appoint an officer of health.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I am aware of that, and that is why it is a fairly harmless amendment; it is not in fact a requirement. The recommendation of the Environmental Health Working Party was based on the conclusion that there was no longer any demonstrated need for such an appointee. Accordingly, no provisions were put in the Bill relating to officers of health. There is, of course, nothing in the Bill that precludes a council from appointing a person to advise it on health matters, in addition to any authorised officer that it might have appointed. Consequently, the intent of the proposed amendment is probably unclear. It does appear to be unnecessary. As I said, I think it is based on nostalgia. It does not appear to do any harm, and in the circumstances I would be prepared to accept it.

New clause inserted.

Clause 38 passed.

Clause 39—'Power to require information.'

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

Page 16, line 37—after "Commission" insert "or a local council".

Following representations from the Local Government Association, the Government sees no reason why the powers vested in the commission under this Bill should not also be vested in local government.

Amendment carried; clause as amended passed.

Clause 40—'Manner of giving notice.'

The Hon. M.B. CAMERON: I move:

Page 17, line 4—Leave out "the occupier" and insert "an owner".

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 41—'Reporting.'

The Hon. M.B. CAMERON: I move:

Page 17—
Line 7—Before "council" insert "local".
Line 8—Before "council" insert "local".
Line 12—Before "council's" insert "local".
Line 13—Before "council" insert "local".
Line 19—Before "council" insert "local".

These amendments are consequential.

Amendments carried; clause as amended passed.

Clause 42—'Offences.'

The Hon. M.B. CAMERON: I move:

Page 17, after line 34—Insert new paragraph as follows:
"(ba) the chief executive officer of a local council;"

This amendment will enable the Clerk of a council, as well as the other people listed, to lay a complaint. It seems to me to be reasonable, particularly if the health officer is absent. It might then be necessary for the Clerk to take that step.

Amendment carried.

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

Page 17, line 39—Leave out "two years" and insert "one year."

The general position is that summary proceedings (prosecutions) must be commenced within six months. There are circumstances where it is likely that an offence could not be detected within a reasonable period, so it is quite common to extend the period to one year, two years or three years in various Acts. It is a question of balance. On the one hand, in regard to summary offences—and these are made summary offences—it is considered that a person should not have the matter hanging over his head for too long a period.

On the other hand, if in the nature of the offence it is possible that the authorities might not detect it for a longer period then there are sometimes longer periods. In regard to the kinds of offences under this Bill, they are all practical matters—matters that are out in the open, matters that are there to be seen—unlike some other fraudulent offences and things of that kind. Two years seems to be too long. One year, as in the amendment, is still extending it beyond the general period of six months.

Amendment carried.

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

Page 17—
Line 43—Leave out 'is guilty of a further offence' and insert 'is guilty of a separate and further offence in respect of each day during which the act or omission continues'.
Line 44—Leave out '$5 000' and insert '$100 for each separate and further offence'.

Currently the Bill provides in clause 42 (4) that, where an offence continues, the person convicted is guilty of a further offence. The representations made to the Government are that this requirement should be replaced by the more stringent provision of a continuing offence. The Government has considered this issue and believes that, as with other legislation, it is appropriate to provide for a continuing offence in this case. It is proposed that where the offence continues the person is guilty of a separate and further offence in respect of each day on which the act or omission continues. The penalty will be $100 for each separate and further offence. I stress that continuing offences are provided for in public health legislation and that the threat of an accumulating penalty may be a necessary inducement for a person or company to rectify an unsatisfactory condition. I also stress that the amount of the penalty which might accrue is the maximum that the court would impose and, should it be obliged to consider such a case, it might and probably would impose a fine significantly less than the maximum.

Amendments carried; clause as amended passed.

Clause 43 passed.

Clause 44—'Regulations.'

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

Page 18, line 16—After 'class' insert 'in the metropolitan area or any township'.

When I spoke in the second reading debate I pointed out several examples (and this was one of them) where I considered that the regulation-making power was far too wide—much wider than could possibly be justified by the ambit of this Act. Clause 44 (2) *(d)* is qualified by clause 44 (3), which sets out the matters in regard to the keeping of animals which the regulations may provide. I also have an amendment on file relating to clause 44 (3). I realise that I can move only the one amendment relating to clause 44 (1) *(d)* at the present time, but, if I may, I propose to cover the whole amendment.

In the Bill clause 44 (1) *(d)* enables the Governor to make regulations which may prohibit or regulate the keeping of animals of a particular class. That is anywhere: it could relate to sheep in Mount Gambier, Ceduna or any other part of the State. Also it could refer to any kind of stock, and I cannot see how such a wide regulation-making power comes within the ambit of this Bill. Clause 44 (3) provides:

(3) 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;
(b) the inspection of any place where the animals are kept;
(c) the maximum number of animals that may be kept per unit area;
(d) the storage of animal food;
(e) the control of vermin;
(f) the disposal of wastes.

Under this clause, regulations under the Bill could provide the stocking rates for sheep in Ceduna or Mount Gambier. I suggest that that is quite crazy. No doubt the intention is that the clause is about anthrax, brucellosis, and so on, but that is not what is says.

That is not what is says. There is a Stock Diseases Act which covers stock diseases, but I suggest that it is wrong to give departments powers which they do not need in relation to the Bill in question or the Act which will result from it. I believe in parliamentary government and that the Parliament gives the departments the powers they need in relation to the Bill which is introduced in Parliament. I am saying nothing against Government departments, but I do not believe in giving them powers which are not within the ambit of the Bill with which we are dealing. These powers, in my submission, are far too sweeping and ought not to be given.

I can see some point in clause 44 (1) *(d)* regulating the keeping of animals in the metropolitan area or, as the amendment says, in a township as defined in the Local Government Act. I am assured by Parliamentary Counsel that that would include all the provincial cities and everything but broad acres. It is the same as the Clean Air Act.

The Hon. J.R. CORNWALL: It seems to me that we will not resolve this at 1.30 in the morning, and I think it would be sensible to consider it further on Tuesday. We will have to recommit the Bill for clause 21 and, possibly, clause 37. However, to assist members in their deliberations, I make the following points. The objection seems to be twofold: first, to the restrictions on the keeping of animals; and, secondly, the power that we seek under paragraph *(h)* to be able to make certain directions or impose certain require-

ments relating to the health effect of buildings, ventilation, and so forth.

Reverting for a moment to the animals, what the Hon. Mr Burdett's amendment seeks to do is restrict the regulations prohibiting or regulating the keeping of animals to the metropolitan area, to townships or the built-up areas. It is intended, where necessary, to make regulations concerning the health aspects of, for example, the keeping of pigs and piggeries, in order to eliminate health risks. That is the intent of clause 44 of the Bill. It is not intended to impose limits on primary industry: that is already dealt with quite adequately under agricultural and primary industry legislation.

There is no intention to restrict primary industry. It is necessary, however, in certain circumstances in the interests of good public health and sanitation to have powers to restrict animal husbandry which is causing a human health risk. It is ludicrous to say that we want to decide what is an appropriate stocking rate in Tatiara or what should be the number of sheep in the arid zone or the pastoral areas, but it is necessary in certain circumstances, obviously, where intensive animal husbandry is concerned and where there may be a risk or potential risk to the public health, to have some regulation or some power to regulate.

The effect of the amendment that the Hon. Mr Burdett has on file is to prevent health authorities from taking measures in country areas to eliminate risks to health associated with the keeping of animals. That is simply not acceptable. I do not want to get locked into any sort of mortal combat at this hour of the morning and do not intend to do so. However, I point out that, if the Hon. Mr Burdett wanted to insist on an amendment which would allow the keeping of animals in intensive husbandry conditions which were creating a public health risk to the populace at large, I think that he would be quite rightly roundly condemned.

However, I do not believe that the Hon. Mr Burdett intends that the amendment ought to go to that extreme. One would hope that we can ensure that the interests of public health generally, and the powers of public health authorities, can be protected, on the one hand, and that some resolution of the potential difficulty as he sees it can be resolved between now and Tuesday next. As the Bill stands, any regulations made under clause 44 are clearly subject to the scrutiny of the Parliament: they have to go through the subordinate legislation procedures. Of course, clause 44 (3) as it stands places limits on the extent to which the keeping of animals can be regulated, which is in the interests of those who may be subject to the regulations, so I recommend that between now and Tuesday clause 44 (3) be carefully examined.

I turn now to the question of buildings. With respect to clause 44 (2) *(h)*, members should note that regulating-making powers apply only to parts of the State not within a local government area. These are areas not covered by the Building Act, and in the circumstances I cannot see that a regulation requiring the commission to satisfy itself that adequate provision has been made for sanitation and ventilation in a proposed building is inconsistent with a policy of consolidating building standards. Indeed, if buildings were constructed in unincorporated areas that would satisfy the requirements of the Building Act, then I imagine that adequate provision for sanitation and ventilation would have been made.

It has been suggested to me tonight, during discussions and informal negotiations, that we may be able to achieve this by an amendment to the Building Act. I make clear that I am prepared to look at the suggestion. Provided the interests of public health are protected, it would not be a matter of great moment to me if we did it through the Building Act or the Public and Environmental Health Bill, so they are matters to which we have to give due consideration between now and Tuesday. I suggest that we make it clear that we intend recommitting clause 44 during the debate on Tuesday afternoon.

The Hon. J.C. BURDETT: I am not at all convinced by the Minister's argument with regard to the keeping of animals, but the pattern that has been established tonight is to leave outstanding matters until Tuesday, when further discussion can be had. Therefore, I will seek leave to withdraw my amendment so as to allow the clause to pass in its present form, on the understanding that I will be able to recommit the clause on Tuesday so that the matter can then be considered. I am doing this not because I am convinced by what the Minister has said, as I am not, but as a procedural matter to enable the Bill to complete its passage through the Council tonight for reconsideration of certain clauses to take place on Tuesday. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. M.B. CAMERON: I will not now be moving my amendment to leave out paragraph *(h)*. I move:

Page 18, line 40—Before 'council' insert 'local'.

I have done this on the understanding that we will be reconsidering this whole position, particularly in relation to buildings, on Tuesday next.

Amendment carried.

The CHAIRPERSON: The Hon. Mr Burdett will now not be moving his amendment, either.

The Hon. J.C. BURDETT: No.

Clause as amended passed.

First schedule passed.

New second schedule.

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

After the first schedule, page 20—Insert new schedule as follows:

SECOND SCHEDULE

CONTROLLED NOTIFIABLE DISEASES

Acquired Immune Deficiency Syndrome
AIDS—Related Complex
Anthrax
Cholera
Diphtheria
Ebola Fever
Hepatitis A
Hepatitis B
Lassa Fever
Leprosy
Lymphadenopathy Syndrome
Marburg Disease
Measles
Meningococcal Infection
Paratyphoid Fever
Plague
Poliomyelitis
Rabies
Salmonella Infection
Shigella Infection
Smallpox
Tuberculosis
Typhoid Fever
Typhus
Yellow Fever

The original second schedule is now to be redesignated as the third schedule.

New schedule inserted.

Third Schedule.

The Hon. M.B. CAMERON: I move:

Before 'council' in paragraph *(b)* insert 'local'.

Before 'council', twice occurring, in paragraph *(e)* insert, in each case. 'local'.

Before 'council' in paragraph *(d)* insert 'local'.

Before 'council' in paragraph *(e)* insert 'local'.

Before 'council' in paragraph *(f)* insert 'local'.

These amendments are consequential.

Amendments carried; third schedule as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT

At 1.40 a.m. the Council adjourned until Tuesday 7 April at 2.15 p.m.