LEGISLATIVE COUNCIL

Tuesday 24 November 1987

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

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

ASSENT TO BILLS

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

Canned Fruits Marketing Act Amendment,

Local and District Criminal Courts Act Amendment (No. 2),

Long Service Leave (Building Industry),

Motor Vehicles Act Amendment (No. 2),

Public Employees Housing,

Supreme Court Act Amendment,

West Beach Recreation Reserve.

QUESTIONS ON NOTICE

CHILD SEXUAL ABUSE

4. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: In respect of notifications of child sexual abuse in the years 1981-82 to 1986-87, what is the number of reports for each of the categories of persons for whom it is mandatory to report suspicion of abuse?

The Hon. J.R. CORNWALL: Data relating to the period before 1984-85 does not allow a full answer to the above question. Data presented is for the period from 1984-85 on.

Mandated persons are medical practitioners, registered or enrolled nurses, registered psychologists, registered teachers or teacher aides, kindergarten staff, police, child health or welfare agency staff, any social worker, registered dentists and pharmaceutical chemists.

No notifications of sexual abuse are recorded as having been made by registered dentists or pharmaceutical chemists.

In each of the years for which data is available, the most frequent source of notification of children sexually abused has been teachers or other school staff.

Social workers and medical practitioners constitute respectively the second and third most frequent source of notifications.

The table attached refers:

Sources of Notification of Children Allegedly Sexually Abused

(Mandated Sources Only)	1984-85	1985-86	1986-87
Medical Practitioner	31	46	69
Nurse	8	18	23
Psychologist	4	6	37
Teacher, Principal, Other School Staff	51	93	158
Kindergarten, Day Care Staff	—	8	16
Police	33	47	97
Other Child Health/Welfare	9	19	36
Social Workers	30	78	131
	166	313	567

5. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: In the years 1981-82 to 1986-87:

1. How many notifications of child abuse were received, and in each instance, how many of these notifications related to sexual abuse?

2. How many of the notifications of child abuse and child sexual abuse were substantiated?

3. What action was taken in relation to the notifications of child abuse and child sexual abuse that were substantiated?

The Hon. J.R. CORNWALL:

1. The numbers of children notified as abused each year were:

1981-82— 474
1982-83— 682
1983-84— 944
1984-85—1 699
1985-86—2 617
1986-87—4 027

The number of children notified as sexually abused in each year was:

1981-82— 116
1982-83— 159
1983-84— 230
1984-85— 355
1985-86— 770
1986-87—1 378

2. Substantiated cases of abuse of all kinds numbered:

1981-82— 427
1982-83— 573
1983-84— 816
1984-85— 524
1985-86— 699
1986-87—1 003

Data relating to sexual abuse for the period prior to 1984-85 is inadequate to permit an answer to the above question.

For each of the years for which data relating to sexual abuse is available, substantiated cases of sexual abuse numbered:

1984-85—153
1985-86—266
1986-87—409

3. Data for the period prior to 1984-85 is inadequate to permit an answer to this question.

In the period since 1984-85, actions taken in respect of substantiated cases of child abuse and child sexual abuse included:

- Counselling
- Specialist referral
- Other agency involvement
- Maltreater legally forced to leave the home
- Police involvement
- Recommendation of prosecution
- Removal of the child from the home
- Return of the child to his/her home.

It is common for several particular actions to be taken in each case.

There are differences of detail from year to year, and between sexual abuse and all kinds of abuse. Tables 1 and 2 attached refer.

ADDENDUM

TABLE 1—ALL CONFIRMED ABUSE

(More than one action per case is possible)

	1984-85	1985-86	1986-87
Counselling	440	569	775
Specialist Referral	183	273	422
Other Agency Involvement	367	450	681
Maltreater Legally Forced to Leave the Home	31	31	50

Police Involved	133	207	318
Prosecution Recommended	63	85	141
Child Removed from the Home	147	227	277
Child Returned to the Home	49	59	89

ADDENDUM

TABLE 2—ALL CONFIRMED SEXUAL ABUSE

(More than one action per case is possible)

	1984-85	1985-86	1986-87
Counselling	131	217	336
Specialist Referral	87	152	234
Other Agency Involvement	67	133	194
Maltreater Legally Forced to Leave the Home	15	22	39
Police Involved	91	162	257
Prosecution Recommended	39	72	118
Child Removed from the Home	37	84	86
Child Returned to the Home	8	19	19

AUDITOR-GENERAL'S REPORT

98. **The Hon. I. GILFILLAN** (on notice) asked the Attorney-General:

1. In relation to page 4 of the Auditor-General's Report, 1987, where the Auditor-General states that there was a fall in actual State taxation receipts of $4.9 million, and in recoveries of interest, $3.5 million when compared with budget estimates for 1986-87, will the Attorney-General please explain how these deficiencies occurred?

2. On page 136 of the Auditor-General's Report, 1987, the item 'Annual depreciation of fixed assets, $2.381 million appears in the Recurrent Operations of the Department of Marine and Harbors:

(a) Will the Attorney-General indicate whether this amount of $2.381 million is actually collected, through charges? (See note 9 of the Report.)

(b) If so, where does the $2.381 million go?

3. *(a)* Would the Attorney-General indicate the amount of depreciation accounted for by all agencies and explain how that is handled?

(b) Does the Government intend to change the method of handling depreciation in any agencies in the future?

(c) If so, how?

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

1. The Government has gone to some lengths to explain in detail the variations against budget for recurrent receipts in Table 1 of Attachment III to the Financial Statement of the Premier and Treasurer.

Details of the variations from budget with regard to taxation revenues are outlined in Table 1 on pages 69 and 70 of the Financial Statement.

Recoveries of interest are no longer a separate heading under the new Estimates of Receipts presentation. It should be noted that the new presentation is significantly more detailed and informative than in previous ?. If you refer to Table 1 of Attachment III, pages 70 and 71, the major variations for recoveries of interest are identified. To assist the member I have submitted a table which simply extracts the interest recovery elements from those two pages.

2. The amount of $2.381 million for depreciation of fixed assets is a notional cost incorporated in the Auditor-General's Report.

This cost is not included in the Department of Marine and Harbors fee structure and is therefore not collected through charges.

3. *(a)* There are a variety of methods adopted by agencies in accounting for depreciation. These methods vary according to the status of the agency, e.g. statutory authority, department, the funding arrangements through which it operates (e.g. partly or fully funded through Consolidated Account, funded through a special deposit account), the nature of the agency's activities and the environment in which it operates.

Details of the depreciation practices adopted by each agency may be obtained from the financial statements included in the Auditor-General's Report, 1987. In some cases the amount of depreciation is shown as a separate item in the financial statements but is included in the cost of other activities.

(b) and *(c)* The Government has recently commenced an investigation of various asset management issues. The method of calculating depreciation as assets in agencies will be one of the major issues addressed in that exercise.

TABLE 1

1986-87 RECEIPTS—VARIATIONS FROM BUDGET

	1986-87 Budget $'000	Actual $'000	Variation on Budget $'000	%	Comments on major variations between Budget and Actual
Recoveries					
Electricity Trust of South Australia—Interest	33 470	33 013	−457	−1.4	Reflects revised timing of interest payments and restructure of ETSA debt.
Engineering and Water Supply Department—Interest	4 454	4 762	308	6.9	Higher than expected recoveries in relation to plant and machinery.
Interest on investments	42 000	43 301	1 301	3.1	Due to better than anticipated outcome on Consolidated Account and higher than expected levels of funds deposited with Treasury, both increasing funds available for investment.
Local Government Finance Authority—Interest	5 800	5 194	−606	−10.4	Due to later than anticipated make-up of capital during 1986-87.
State Bank—Interest	6 904	2 670	−4 234	−61.3	Reflects the conversion of loan funds to capital through the year earlier than anticipated, offset by increase in return on capital to the Government.

	1986-87 Budget $'000	Actual $'000	Variation on Budget $'000	%	Comments on major variations between Budget and Actual
Woods and Forests Department—Interest	4 000	4 499	499	12.5	Due to greater than budgeted level of loans, earlier than anticipated draw-down of those funds and lower than estimated deposit account interest credits.
Other minor amounts	6 618	6 286	−332		
	103 246	99 725	−3 521		

CITICENTRE BUILDING

99. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare:

1. Is the building on Town Acre 86 to which the Minister proposes the South Australian Health Commission and the Department for Community Welfare will collocate sometime in the middle of next year, the same $40 million Citicentre project identified by the *Sunday Mail* (18 October) as the project which will 'spear-head development . . . and attract record rentals for the Mall's dead-end'?

2. If so, what is the rental price being sought by the developers of Citicentre, Baillieu, Knight, Frank?

3. What is the amount of rental currently paid for the floor space occupied by the sections of the Health Commission and the Department for Community Welfare which it is proposed will be collocated in the Citicentre building?

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

1. Yes. However, the reference to 'record rentals for the Mall's dead-end' in the article in the *Sunday Mail*, relates only to retail rentals being sought for shop premises on the Ground Floor level of the building development.

2. The rental price sought by the developers for the office component of the building development on Town Acre 86 is $155 per m² per annum net plus outgoings estimated to be $55 per m² per annum. Part of the offer on rental to the Government for the office component of Town Acre 86 is the alternative of approximately one year rent-free, or a contribution of an equivalent sum of money towards the fitout cost associated with the commissioning of the building. The rental figure of $155 per m² will hold constant throughout 1989 as a rent review would not occur until mid-1990. The cost for the space required by the Health Commission and Department for Community Welfare is estimated to be $1.705 million per annum.

3. The amount of rental currently paid for the floor space occupied by sections of the Health Commission and the Department for Community Welfare which it is proposed will be collocated in the Citicentre building is $1.863 million. The standard of accommodation of existing space occupied is lower than that which will be available in the Citicentre building.

CHILDREN'S COURT

100. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General: In respect of the years ended 30 June 1985, 30 June 1986 and 30 June 1987:

1. How many 'in need of care' applications were made to the Children's Court?

2. What was:
   (a) the shortest period of time;
   (b) the longest period of time;
   (c) the average period of time,

between the application being instituted and the decision being delivered by the Children's Court?

3. How many applications were withdrawn?

4. How many applications were dismissed?

5. How many applications were granted?

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

1.	1.7.84-30.6.85		116	
	1.7.85-30.6.86		165	
	1.7.86-30.6.87		239	
	TOTAL		520	
		Shortest	*Longest*	*Average*
2.	1.7.84-30.6.85	4 days	8.5 mths	2.28 mths
	1.7.85-30.6.86	1 day	9 mths	2.70 mths
	1.7.86-30.6.87	1 day	10.5 mths	3.08 mths
3.	1.7.84-30.6.85		22	
	1.7.85-30.6.86		27	
	1.7.86-30.6.87		53	
	TOTAL		102	
4.	1.7.84-30.6.85		1	
	1.7.85-30.6.86		NIL	
	1.7.86-30.6.87		5	
	TOTAL		6	
5.	1.7.84-30.6.85		93	
	1.7.85-30.6.86		133	
	1.7.86-30.6.87		186	
	TOTAL		412	

RADON GAS

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

1. What surveys have there been into levels of radon gas in South Australian homes?

2. Assuming surveys have been carried out, what levels have been detected?

The Hon. J.R. CORNWALL: A pilot study into radon concentrations in about 120 homes in the Adelaide metro-

politan area has been conducted by Mr D. Paix of the South Australian Institute of Technology. The data from the survey are still being analysed, but results are similar to those obtained in a similar survey conducted by Mr Paix in Melbourne.

The results of that survey, published in the Bulletin of the Australian Radiation Protection Society, Vol. 4 pp. 133-135 (October 1986) ranged from about 2 to 190 Becquerels per cubic metre with a median radon concentration of 55 Becquerels per cubic metre.

The measurements made by Mr Paix were based in each case on only approximately one week's exposure and therefore may not be representative of conditions throughout the year. The South Australian Health Commission has conducted measurements at 10 South Australian houses for a whole year. Results were in the range 4 to 110 Becquerels per cubic metre.

WAGE INCREASE

108. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General: With respect to each of the Attorney-General's Department, Court Services Department, Department of Public and Consumer Affairs and the Corporate Affairs Commission:

1. *(a)* What categories of workers have been awarded the 4 per cent second tier wage rise and when?

(b)—

(i) What offsets in productivity gains have been agreed in respect of each category of worker?

(ii) Over what period of time will they be achieved?

(iii) What is the measure of such offsets?

(iv) What is the gross cost and net cost respectively of such rise?

2. *(a)* What categories of workers have not yet been awarded the 4 per cent second tier wage rise?

(b) What negotiations, if any, are current with respect to such rise?

(c) When, if at all, is such rise likely to occur?

(d) What is the estimated cost to Government of such rise?

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

1. No categories of workers in the Attorney-General's Department, Court Services Department, Department of Public and Consumer Affairs and the Corporate Affairs Commission have been awarded the 4 per cent second tier wage rise.

2. *(a)* All categories of workers in respect to statutory bodies have not yet been awarded the 4 per cent second tier wage rise.

(b) Negotiations are continuing with the appropriate unions regarding the 4 per cent second tier wage rise for these workers.

(c) The date of operation of any agreement reached will be determined by the Industrial Commission in accordance with the wage principles and be prospective.

(d) The cost to the Government of the 4 per cent second tier wage rise for these categories of workers will depend upon the agreement reached.

109. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General: With respect to all statutory bodies for which the Attorney-General has responsibility:

1. *(a)* What categories of workers have been awarded the 4 per cent second tier wage rise and when?

(b)—

(i) What offsets in productivity gains have been agreed in respect of each category of worker?

(ii) Over what period of time will they be achieved?

(iii) What is the measure of such offsets?

(iv) What is the gross cost and net cost respectively of such rise?

2. *(a)* What categories of workers have not yet been awarded the 4 per cent second tier wage rise?

(b) What negotiations, if any, are current with respect to such rise?

(c) When, if at all, is such rise likely to occur?

(d) What is the estimated cost to Government of such rise?

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

1. No categories of workers in any statutory body for which the Attorney-General has responsibility have been awarded the 4 per cent second tier wage rise.

2. *(a)* All categories of workers in respect to statutory bodies have not yet been awarded the 4 per cent second tier wage rise.

(b) Negotiations are continuing with the appropriate unions regarding the 4 per cent second tier wage rise for these workers.

(c) The date of operation of any agreement reached will be determined by the Industrial Commission in accordance with the wage principles and be prospective.

(d) The cost to the Government of the 4 per cent second tier wage rise for these categories of workers will depend upon the agreement reached.

110. **The Hon. M.B. CAMERON** (on notice) asked the Minister of Health: With respect to the South Australian Health Commission:

1. *(a)* What categories of workers have been awarded the 4 per cent second tier wage rise and when?

(b)—

(i) What offsets in productivity gains have been agreed in respect of each category of worker?

(ii) Over what period of time will they be achieved?

(iii) What is the measure of such offsets?

(iv) What is the gross cost and net cost respectively of such rise?

2. *(a)* What categories of workers have not yet been awarded the 4 per cent second tier wage rise?

(b) What negotiations, if any, are current with respect to such rise?

(c) When, if at all, is such rise likely to occur?

(d) What is the estimated cost to Government of such rise?

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

1. No categories of workers in the South Australian Health Commission have been awarded the 4 per cent second tier wage rise.

2. *(a)* All categories of workers in respect to statutory bodies have not yet been awarded the 4 per cent second tier wage rise.

(b) Negotiations are continuing with the appropriate unions regarding the 4 per cent second tier wage rise for these workers.

(c) The date of operation of any agreement reached will be determined by the Industrial Commission in accordance with the wage principles and be prospective.

(d) The cost to the Government of the 4 per cent second tier wage rise for these categories of workers will depend upon the agreement reached.

111. **The Hon. M.B. CAMERON** (on notice) asked the Minister of Health: With respect to all statutory bodies for which the Minister of Health has responsibility:

1. *(a)* What categories of workers have been awarded the 4 per cent second tier wage rise and when?

(b)—

(i) What offsets in productivity gains have been agreed in respect of each category of worker?

(ii) Over what period of time will they be achieved?

(iii) What is the measure of such offsets?

(iv) What is the gross cost and net cost respectively of such rise?

2. *(a)* What categories of workers have not yet been awarded the 4 per cent second tier wage rise?

(b) What negotiations, if any, are current with respect to such rise?

(c) When, if at all, is such rise likely to occur?

(d) What is the estimated cost to Government of such rise?

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

1. No categories of workers in any statutory body for which the Minister of Health has responsibility have been awarded the 4 per cent second tier wage rise.

2. *(a)* All categories of workers in respect to statutory bodies have not yet been awarded the 4 per cent second tier wage rise.

(b) Negotiations are continuing with the appropriate unions regarding the 4 per cent second tier wage rise for these workers.

(c) The date of operation of any agreement reached will be determined by the Industrial Commission in accordance with the wage principles and be prospective.

(d) The cost to the Government of the 4 per cent second tier wage rise for these categories of workers will depend upon the agreement reached.

112. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: With repect to all statutory bodies for which the Minister for Community Welfare has responsibility:

1. *(a)* What categories of workers have been awarded the 4 per cent second tier wage rise and when?

(b)—

(i) What offsets in productivity gains have been agreed in respect of each category of worker?

(ii) Over what period of time will they be achieved?

(iii) What is the measure of such offsets?

(iv) What is the gross cost and net cost respectively of such rise?

2. *(a)* What categories of workers have not yet been awarded the 4 per cent second tier wage rise?

(b) What negotiations, if any, are current with respect to such rise?

(c) When, if at all, is such rise likely to occur?

(d) What is the estimated cost to Government of such rise?

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

1. No categories of workers in any statutory body for which the Minister of Community Welfare has responsibility have been awarded the 4 per cent second tier wage rise.

2. *(a)* All categories of workers in respect to statutory bodies have not yet been awarded the 4 per cent second tier wage rise.

(b) Negotiations are continuing with the appropriate unions regarding the 4 per cent second tier wage rise for these workers.

(c) The date of operation of any agreement reached will be determined by the Industrial Commission in accordance with the wage principles and be prospective.

(d) The cost to the Government of the 4 per cent second tier wage rise for these categories of workers will depend upon the agreement reached.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Casino Supervisory Authority—Report, 1986-87.

Listening Devices Act 1972—Report, 1986.

Riverland Development Council—Report, 1986-87.

Regulations under the following Acts—

Classification of Publications Act 1974—Acre Industries.

Criminal Injuries Compensation Act 1978—Levy Exemptions (Amendment).

Workers Rehabilitation and Compensation Act 1986—Licensed Gas Fitters (Exemption).

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

Pursuant to Statute—

Second-hand Motor Vehicles Act 1983—Regulations—Fees.

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

Pursuant to Statute—

Vertebrate Pests Control Authority—Report, 1986-87.

Veterinary Surgeons Board—Report, 1986-87.

Road Traffic Act 1961—Regulations—Flashing Yellow Light.

Surveyors Act 1975—Regulations—Coordinated Cadastre System.

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

Pursuant to Statute—

Department of Marine and Harbors—Report, 1986-87.

Department of Tourism—Report, 1986-87.

Electrical Articles and Materials Act 1940—Regulations—Insect Electrocutors.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

Reports—

Local Government Finance Authority of South Australia, 1987.

Outback Areas Community Development Trust, 1986-87.

Parks Community Centre, 1986-87.

South Australian Local Government Grants Commission, 1987.

Local Government Finance Authority Act 1983—Regulations—Lacepede and Tatiara Animal and Plant Control Board.

Corporation of Mount Gambier—By-law No. 5—Council Land.

Corporation of Port Augusta—By-law No. 91—Vehicle Movement.

QUESTIONS

ADELAIDE DENTAL HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Health a question about waiting lists for treatment at the Adelaide Dental Hospital.

Leave granted.

The Hon. M.B. CAMERON: The recent publication of the South Australian Dental Service's annual report for 1986-87 provides some interesting but worrying statistics about the Adelaide Dental Hospital. The report shows that the total number of patients waiting to receive dental treatment at the hospital has grown from 3 268, for the year ended 1985-86, to 4 082 in the year ended 30 June 1987. The rise represents a 24.91 per cent increase in the numbers of people awaiting dental treatment in that 12-month period.

The figures are particularly disconcerting in that during the three years, prior to 1986-87, there had been consistent reductions in the waiting lists of between 10 per cent and

16.5 per cent. It seems that while the dental hospital is getting on top of orthodontics, the waiting lists to receive other procedures such as conservative dentistry, prosthetics and oral surgery has grown by more than 200 per cent in some cases. For example, in 1985-86 407 people were on the hospital's waiting list for conservative surgery; that queue has now grown to 1 370. For prostethic dentistry the list has grown from 1 579 in 1985-86 to 2 146 at 30 June 1987.

During the same period, there has been an increase of more than eight full-time equivalent staff positions. In particular there have been increases to the equivalent of an extra 6.6 dental technicians, and almost six new dental nurse positions. Also this year there is something called 'less managed savings of ¾%', and the same cut in expenditure has been put on most health institutions. It is called managed savings but, in fact, it is cuts, which total $132 100. There appears to be a great danger that, unless the waiting list increase at the Adelaide Dental Hospital is held in check, we might reach a stage, as in the early 1970s, when the dental waiting list was allowed to reach 10 000. Attachment A provides statistical details of expenditure for the 1987-88 period for the South Australian Dental Service. I seek leave to have attachment A inserted in *Hansard* without my reading it.

Leave granted.

S.A. DENTAL SERVICE
GROSS PAYMENTS ALLOCATION, 1987-88

	Salaries and Wages $	Goods and Services $	Total $
Basic Allocation	12 899 400	3 782 200	16 681 600
Less Managed Savings (¾ per cent)	99 900	32 200	132 100
Pensioner Dental Scheme	—	2 143 900	2 143 900
Specifically Funded Items:			
Superannuation	414 600	—	414 600
Worker's Compensation	—	429 400	429 400
General Insurance	—	86 800	86 800
1987-88 Allocation	13 214 100	6 410 100	19 624 200

The specifically funded items have been included at the amount specified. Both over and under expenditure will be subject to a budget variation by the Statewide Health Services Division.

A variation to the amount allocated may be sought for Terminal Leave Payments (Long Service Leave component only) should such payments occur during the year.

Budget variations will be available for award increases which occur during the year.

The Hon. M.B. CAMERON: My questions to the Minister are: is he concerned at the sudden sharp rise in the number of people waiting to receive treatment at the Adelaide Dental Hospital; what were the reasons for the sharp rise in view of the increased staff being employed at the hospital in the past year; and what steps are being taken to reduce the waiting list in the near future?

The Hon. J.R. CORNWALL: There are a number of notable omissions in that statement. The Hon. Mr Cameron neglected to mention that under the pensioner denture scheme, the Government, and the South Australian Dental Service, contract with private practitioners to provide 9 000 dentures a year. The honourable member said that at the Dental Hospital there are a little over 2 000 people on a so called waiting list for the provision of dentures. There are a number of reasons for that situation, not the least of them being that a significant proportion of people who live in the metropolitan area elect to have their dentures provided by the Dental Hospital. When one looks at the position as it was at the beginning of the 1980s with waiting lists of three to four years for the provision of dentures, for example, and one contrasts that with the average waiting time at present of six months and with the 9 000 dentures that are provided each financial year through the Pensioner Denture Scheme, the fact is—and I deal in facts, not in fantasy—that the position with regard to public dentistry in that area has improved immeasurably.

Let us look at the Community Dental Scheme—general dental work to which the Hon. Mr Cameron refers. In 1982-83, when I became Minister, 2 000 low income adults were treated under the community dental program. Last year the number was 26 000. So, if the Hon. Mr Cameron wants to—

An honourable member interjecting:

The Hon. J.R. CORNWALL: It just shows what the Tonkin Government did not do, and I will come to that in a moment.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I will come to that in a moment. The fact is, if Mr Cameron wants to get into statistics, that there has been a 1 300 per cent increase in the number of people receiving general dental treatment right around the State. Most of that work has been done, might I say, by using existing facilities or, in some cases, surplus facilities in the school dental program because of the vastly improved dental health of children.

The other thing which my Government is now doing—and which Mr Cameron and his rural colleagues ought to be applauding—is contracting out further to private dentists in quite a large number of country areas. The Riverland and Mount Gambier are two places that come immediately to mind. Under those contracts, which have been entered into already by more than 20 dentists, South Australians living outside the metropolitan area not only have access to the general community dental program through their school clinics but also can go to their local dentists where they pay 15 per cent of the agreed schedule fee, with a maximum of $44, and therefore a maximum amount of $290 for work in any given year. So, that is an enormous improvement, and I have referred to only three areas.

Then there is the extension of the School Dental Service, to which I have referred in this place many times. I do not want to go into great detail again, but as at next year, 1988, our bicentenary year, every child in this State, up to and including the year in which they turn 16, will have access—if their parents wish to take up the offer—to free dental treatment.

The program covers every child from preschool through to and including the year in which they turn 16. Contrast that with the action of the Tonkin Government, which quite deliberately stopped the program at year 7. It was conscious and deliberate Government policy to stop it. We inherited that situation when we came back into Government and set out at once to change it. The Tonkin Government also stopped training the two-year trained dental therapists who work under the supervision of dentists. So, right across the board, our record in this area has been unparalleled in Australia, and I thank the Hon. Mr Cameron for raising all these matters.

The Hon. M.B. Cameron: How are Keith and Penola going?

The Hon. J.R. CORNWALL: Keith and Penola are going very well indeed. Every child in those areas is guaranteed access to the School Dental Service. As I explained to the Council two weeks ago, they will be conveyed by bus to

Mount Gambier on an annual basis. The vast majority of children now need to be examined on an annual basis only because their dental health has improved so much.

All these things have been achieved virtually within a very small growth in the budget in the South Australian Dental Service overall. I remember in one particular financial year that there was an increase of $500 000 specifically for the extension of the Community Dental Scheme, which now, as I said, sees 26 000 patients a year. So, we have a great deal to be proud of. In the context of the 1987-88 budget, every health unit in the State, with one or two minor exceptions, was asked to accommodate an across-the-board productivity saving or cut, whatever one likes to call it, of .75 per cent. That was significantly lower than some of the savings that my colleagues in portfolios outside the human services area were asked to produce. Faced with a very difficult situation and $190 million less from the Commonwealth in the 1987-88 budget (which is now a matter of history), we did the very best that we could, and we are very proud of the dental service.

The sudden sharp rise to which Mr Cameron refers must be seen in that context. We do not have a three year waiting time, much as I am sure Mr Cameron would like us to have. The increased staff are deployed in a whole range of areas because we are consistently delivering more and more services.

As to the specific question of a 24.91 per cent rise, I will immediately get a specific response. Let us see this question of public dental services in South Australia in the overall context. On any objective analysis, they are easily the best in the country. I thank the Hon. Mr Cameron for his questions. Let me assure the Council that I did not ask him to bring them up. They were not preplanned, nor were they Dorothy Dixers in any way.

GOVERNMENT TRAVEL CENTRE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the South Australian Government Travel Centre.

Leave granted.

The Hon. L.H. DAVIS: I have received a complaint from a person in the country who, before coming to Adelaide, wanted some travel information from the South Australian Government Travel Centre. Not unreasonably, this person turned to the South Australian Government section in the 1987-88 telephone book and looked up 'South Australian Government Travel Centre'. However, nothing was there. He then looked up 'Travel Centre', but there was no entry for that, either. He looked through the South Australian Government listings and eventually discovered an entry in capitals for 'Tourist Bureau (Government)' with 'SA Government Travel Centre' in small letters immediately under that entry. The Minister of Tourism is no doubt aware that the name of the Tourist Bureau was changed in 1981 to South Australian Government Travel Centre. Although that was six years ago, in 1987 it is still being called the Tourist Bureau.

So, this tourist got lost before he even started his holidays. He was disadvantaged by actually looking up the correct listing. Not surprisingly, he was annoyed at having difficulty in finding the phone number and, as a businessman, he found it an extraordinarily slack and unprofessional approach. As he said to me, 'A firm in the private sector advertising in this fashion would quickly go out of business.' My question to the Minister is: Now that there is to be another change to the name of the travel centre—it will be called Tourism South Australia—will the Minister take steps to ensure that appropriate listings are in both the South Australian Government section and the general section of the 1988-89 telephone book?

The Hon. BARBARA WIESE: The Hon. Mr Davis is turning into a master of trivial pursuits. I am getting sick and tired of these boring, petty little questions that he keeps raising in this place that are all designed to pick at the work of very dedicated people within Tourism South Australia, and the excellent work that is being done to promote South Australia through that agency. It is, I suppose, rather a tribute to the work of that agency and this Government that things of this magnitude are the things that are at the top of his mind as issues that need to be raised in Parliament. We must be doing a pretty good job in South Australia if these are the major concerns of people in the community.

Members interjecting:

The Hon. BARBARA WIESE: I might say, too, that despite the fact—

The Hon. L.H. Davis interjecting:

The Hon. BARBARA WIESE: Do you want to listen, or are you just here for your own enjoyment? Despite the fact that the name of the South Australian Government Travel Centre changed in 1981, the honourable member should also be aware that a large number of people in the community still refer to it as the Tourist Bureau, so for every complaint that he might be able to drag up about the name of the organisation, I can find an equal number of people who would be most distressed if they had to look up the South Australian Government Travel Centre in the book because they would know it as the Tourist Bureau. So, the point I am making is it is very difficult to register these—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE:—names in people's minds, and to satisfy all people in the State. However, I will have a look at that because it would be reasonable—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE:—it seems to me, if it is not already there (and I will just check to see if Mr Davis is correct), to see that there is not an entry in the other part of the directory. If there is not, I will see that we spend some more Government money and make sure that there is. I inform the Council that it is not the intention of the Government to change the name of the Travel Centre itself as a result of the change of name of the organisation responsible for tourism, so there will not be any change required on the building across the road to Tourism South Australia. It will continue to be known in the public arena as the South Australian Government Travel Centre. I think it is undesirable to cause any further confusion in the minds of people in the State, and that is the way we will proceed. There will not be any additional money spent on that issue either, which seems to have been a concern of at least one of Mr Davis' colleagues from a previous question asked in this Parliament in the past few weeks.

NATIONAL CRIME AUTHORITY

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the National Crime Authority.

Leave granted.

The Hon. K.T. GRIFFIN: After the court appearance of Assistant Police Commissioner Harvey, a statement appeared in the *Advertiser* of 24 October reporting as follows:

The Premier, Mr Bannon, said the Government would hold a Royal Commission into allegations of corruption in the [Police] Force if the National Crime Authority recommended it.

The Minister of Emergency Services made a similar statement more recently following the arrest of a former South Australian police officer on corruption charges. Both statements were made by the Premier and the Minister of Emergency Services following press questioning. In the Senate yesterday, that position was rejected by the Federal Minister (Senator Tate). He responded directly during Question Time to the Premier's statement in the following terms:

There is a very clear distinction between the way in which the National Crime Authority and royal commissions operate. I would be surprised if the National Crime Authority would see it as within its brief to suggest that that alternative method of investigation be undertaken by a Government.

My questions are as follows:

1. In the light of Senator Tate's statement, does the Attorney-General acknowledge that the claims by the Premier and the Minister of Emergency Services are wrong, and that if there is to be a royal commission investigating allegations of corruption in the Police Force it is not a matter on which the National Crime Authority would recommend and that the decision is one for the State Government alone?

2. If the Attorney-General does acknowledge the correctness of Senator Tate's statement, has the State Government considered further the question raised by the press of a royal commission?

The Hon. C.J. SUMNER: The answer to the first question is 'No'. Obviously, if any consideration were to be given to a royal commission into the South Australian police by the South Australian Government, I believe that it would be useful for the Government to discuss that matter with the National Crime Authority before making any decision. Clearly, if there were to be such a royal commission, it would be a matter for the State Government to decide; it would not be a matter for the National Crime Authority to decide. That would be patently obvious to anyone.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: They did not say that the National Crime Authority could establish a royal commission—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: They could certainly recommend one if they felt that that was within their responsibilities; but whether they would or not is a matter for them. Clearly, the responsibility for establishing any royal commission in South Australia rests with the South Australian Government. However, that does not mean that in considering this issue the South Australian Government could not take into account any opinions or advice proffered by the National Crime Authority following its inquiries in South Australia. There is nothing inconsistent with what the Premier and the Minister of Emergency Services has said with what Senator Tate has said. The question of a royal commission has not been given any further formal consideration. The reality is that certain persons have been charged as a result of National Crime Authority investigations in this State. I think that it would be premature to consider any further inquiry by way of a royal commission while those proceedings are before the courts.

In fact, an open inquiry by way of royal commission could be prejudicial to a fair trial for those persons who have already been charged. At this stage there is no consideration of further inquiry by way of royal commission into the South Australian Police Force. Once these charges have been dealt with, and following further discussions with the National Crime Authority, the matter can be reconsidered. There is no intention at this stage to establish such an inquiry.

ARID LANDS BOTANIC GARDEN

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about the Arid Lands Botanic Garden.

Leave granted.

The Hon. I. GILFILLAN: The Arid Lands Botanic Garden at Port Augusta has been the subject of questions and comments in this Chamber for some years now, and after considerable effort on my part and by the community at Port Augusta the State Government has agreed to provide some funds for the development of this very important botanic project. The project was welcomed world wide as being unique. The Arid Lands Botanic Garden would have the capacity to study and develop cultivars suitable for development against erosion, provide stock fodder in arid zones and be of enormous potential to improve the situations in other countries that have arid zones. The most significant prime mover of this project was and still is Mr John Zwar, who was the parks and gardens officer for the Port Augusta council. He is currently administering the Roxby Downs council and still retains his position as Deputy President of the Friends of the Arid Lands Botanic Garden. He has written to me in great distress at the current situation of complete neglect by the State Government to follow up its original promise. He has written to the Minister for Environment and Planning. Part of that letter states:

Dear Dr Hopgood,

I write to inquire into the status of the $50 000 master plan funded by the State Government for the Australian Arid Lands Botanic Garden. The consultants' master plan was completed in March 1987 and has been with the State Government since then and I understand has been held by your department for most of that time.

Various people, mostly from the Friends of the Arid Lands Botanic Garden of Port Augusta Inc., have written inquiring after the project to you and other Cabinet Ministers but to date no-one has had any explanation of a current status of the plan and the Government's intention in this regard. Many of these letters have not even been acknowledged. As a member of the working group which met with the consultants (Kinhill Stearns and others) and gave a great deal of direction and comment as they progressed with the plan and as instigator of the concept of the Australian Arid Lands Botanic Garden, I am most disheartened at the total lack of response from you and other members of Cabinet about the master plan and the project as a whole.

Although I put in considerable time, effort and expense to meet with the consultants and provide them with the bulk of information used for preparing master plans, I was not even extended the courtesy of seeing the completed plans, drawings and presentations which accompanied the written report.

I ask the Minister of Health, representing the Minister for Environment and Planning, the following questions:

1. What is the status of the consultants' master plan and report funded by the Government and completed in March this year?

2. Will this report and plans become public documents?

3. Will the report and plans be considered by Cabinet?

4. If so, when will this be?

5. What is the Government's policy and intention relating to the Australian Arid Lands Botanic Garden?

6. Have the written requests of John Zwar, Deputy President of the Arid Lands Botanic Garden, made earlier this year to the Minister and other members of Cabinet and to Dr Ian McPhail, relating to Cabinet's consideration of the consultants' master plans and the seeking of corporate funding to assist with the development of the Australian Arid Lands Botanic Garden, been followed up?

7. If so, what was the outcome?

8. If not, is there any intention to do so?

9. Does the Government appreciate the importance of this project to Australia and the world and the status it will give our State in this field, as well as the enormous tourist potential and other spin-offs?

The Hon. J.R. CORNWALL: I will refer the questions to my colleague and bring back a reply.

MENTAL HEALTH SERVICES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Health a question on the South Australian mental health services.

Leave granted.

The Hon. CAROLYN PICKLES: I understand that the Government has been considering the development of a plan for upgrading the South Australian mental health services, and the shadow Minister of Health has made numerous statements about the lack of consultation in this area. Will the Minister advise what plans are under way, and what consultative processes have taken place and will take place for the proposed upgrading of the South Australian mental health services?

The Hon. J.R. CORNWALL: First, the Government—the Cabinet—has had no formal proposal before it at all and will not have before March or April next year. The matter has been discussed informally by the Human Services Committee of Cabinet only at this point. I wish to refute the gross misrepresentations that Mr Cameron and some of his lackeys have been peddling that an intention exists to amalgamate Hillcrest and Glenside hospitals. There is no intention to amalgamate Hillcrest and Glenside hospitals.

Members interjecting:

The Hon. J.R. CORNWALL: No. The proposal is to amalgamate the boards of Hillcrest and Glenside hospitals which, to a significant extent, has been led or driven by the boards themselves, more particularly the Hillcrest board.

The Hon. C.M. Hill: That's not amalgamation?

The Hon. J.R. CORNWALL: There is no intention to amalgamate the hospitals. Settle down and listen to the truth because it is very important!

The Hon. M.B. Cameron: I will give you the truth tomorrow.

The Hon. J.R. CORNWALL: It will be the first time in your life if you do. The honourable member loves to distort and to try to cause trouble.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: In the health services the honourable member is called 'the poisoned parrot'. He parrots untruths and peddles falsehoods on a regular basis. He is putting his natural constituency off-side and has virtually no constituency left at this stage. The members of the boards of the metropolitan public and teaching hospitals are not notably radical and most of them in the past would have been considered to lie within the natural constituency of the Liberal Party. They most certainly do not now. The Hon. Mr Cameron in that sense has done us a great favour.

The Hon. M.B. Cameron: It's a funny thing they keep ringing me.

The Hon. J.R. CORNWALL: The members of the boards do not.

The Hon. M.B. Cameron: You'd be surprised!

The Hon. J.R. CORNWALL: I would not be surprised at all. The discussions about the reorganisation and upgrading of South Australia's mental health services generally, the consultations and seminars have been going on now for about nine months. On one occasion I was personally involved in a seminar involving 50 or 60 people at Eden Park. I was there all afternoon, along with a whole range of representatives. The Hon. Mr Cameron ought to get his facts right. The amalgamated boards in the proposal currently under discussion are to serve as the basis for upgraded mental health services in South Australia generally. I repeat that no proposal exists to amalgamate the hospitals.

The proposed board of the South Australian Mental Health Service will be responsible for the good conduct of Hillcrest Hospital, Glenside Hospital, the mental health accommodation program and the community mental health services. We still spend in excess of 90 per cent of our total mental health budget on institutional care. It is important that we not only devote more resources from the overall budget of the health service generally to mental health services in particular but that we reallocate more of those funds to community mental health services and to the mental health accommodation program. So, that is the simple fact of the matter. There has been, and there will continue to be, full consultation.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Well, Mr Cameron laughs in his own cynical—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: In his own cynical silly way, he parrots on on the front bench. He has been here longer than anyone else in this House, with the exception of the honourable and distinguished Murray Hill. He forgets everything and learns nothing, unlike the Borgias. What did the RANF say about this? Has there been any consultation? I would have thought that the RANF would be pretty well placed to know that. Indeed, the RANF would be infinitely better placed than the Hon. Mr Cameron to know whether there had been any consultation. Yesterday they put out a press release in which they said that there had been consultation.

The Hon. M.B. Cameron: What about the AGWA?

The Hon. J.R. CORNWALL: They said there had been consultation; the AGWA knows that there has been consultation. The FMWU—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Lift your game! The FMWU knows that there has been consultation and, as recently as yesterday, or the day before, one of my ministerials was talking to Gay Walsh, an organiser with the FMWU, and she knows that there has been consultation. Ms Walsh also knows that there are lies being peddled out there in the community; there is a great deal of scuttlebutt about and a great deal of mischief. But she certainly knows that there has been consultation.

I return to what Rob Bonner, an organiser with the RANF, was reported as saying (and indeed did say on 5DN yesterday). He is reported as saying that staff members had been kept fully informed of the proposal to merge the two hospital boards and that a discussion on the future of mental health services would also soon be distributed. Then we have Rob Bonner's voice, as follows:

> The discussion of a combined board has been quite open. We are concerned to ensure that discussions over future directions of health service and any rationalisation of the health services also takes place in an open forum, and to that extent the Health Commission is producing another discussion paper early in the new year about directions for mental health services.

That was said by a senior and respected organiser with the South Australian branch of the Royal Australian Nursing Federation.

I also have here a note to me from Mrs Judy Hardy, who is the Acting Director of Mental Health Services. You must remember that this is about giving the Mental Health Services a major focus, a Chief Executive Officer (CEO), responsible to an amalgamated board, who will be specifically charged with seeing that the across-the-board upgrading of mental health services is carried out effectively and efficiently.

We already have the best mental health services in the country. That is not my opinion: that is the opinion of people like Professor Ross Kalucy, from whom I take advice on a regular basis. Whether I talk to Dr Normam James at Hillcrest Hospital, to Professor Ross Kalucy or to any of the other senior people in the service, they consistently tell me that while there is always room for improvement (and that is what we are about) they are convinced that it is a very good service. And we are talking about world authorities, not some of the poison boys and girls who might allegedly ring up Martin Cameron. It is certainly nobody from the RANF who rings up Mr Cameron, because they know the score; it is certainly nobody from the FMWU who rings up Mr Cameron, because they, too, know the score. I am told it is a very good service; we want to make it better. We want a central focus so that we can upgrade the community mental health programs in particular.

I have here a note from Mrs Judy Hardy, the Acting Director of Mental Health Services, which states:

The attached letter outlining the consultative process to be used to develop a strategic plan for mental health services has been agreed by Dr McCoy. Once signed it will be delivered to Mr Swinstead—

that is Mr Alan Swinstead, Chairman of the Hillcrest Hospital Board—

this afternoon.

That is right now; this very moment it is being delivered. The note continues:

The process was suggested by Professor Kalucy and has the support of Dr James.

They are the two real heavyweights of mental health services in this State. The note continues:

A group of senior psychiatrists are meeting, in the immediate future, to discuss the consultation process. A draft constitution incorporating the suggestions of Mr Swinstead and the Chief Executive Officers of Glenside and Hillcrest Hospitals will also be delivered to Mr Swinstead this afternoon for distribution and comment.

This is a pretty open sort of consultative process, I would have thought. Mrs Hardy continues:

I thought you might require this information prior to Question Time this afternoon.

I am very pleased that Mrs Hardy had the good sense to send it down to me. I also have a copy of the letter, and I think it is worth reading it into *Hansard in toto*. The letter is from the Chairman's Office, South Australian Health Commission, to Mr A. Swinstead, Chairman of the Board, Glenside Hospital. This letter is over the name of Dr W.T. McCoy, Chairman of the Health Commission. Let me share this with the Council.

An honourable member interjecting:

The Hon. J.R. CORNWALL: Yes, the person whom you denigrate here under privilege on a regular basis. Obviously Mr Cameron never expects to be Minister of Health because there is not one person on the executive who can stand to hear him or look upon him. Professionals though they are, they could not possibly work with him. The letter reads:

Dear Mr Swinstead, following the endorsement—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: No, it will never be their problem. They are very confident that it will never be their problem. They know your age and—

An honourable member interjecting:

The PRESIDENT: Order! Conversation across the Chamber must cease.

The Hon. J.R. CORNWALL: I am just an objective analyst of contemporary politics. I know what the score is. I have been around politics professionally and otherwise for more than 20 years in this State, and I know how long the Liberal Party has spent in Government in a generation—five years in a generation—and I am also able to see how poorly they are going at the moment—the great shake-up. Who will be the shadows of the shadows next year? The half-time mark is approaching. However, do not let me be diverted by inane interjections, because I know I should not be. Let me read the letter from Dr McCoy to Mr Swinstead. It is as follows:

Dear Mr Swinstead, Following the endorsement by the Human Services Subcommittee of Cabinet on 9 November 1987—

that was an endorsement very much in general terms. No Cabinet subcommittee carries the weight of Cabinet, so it was only endorsed in the sense of endorsing the proposed strategy—

I am writing to indicate the process to be followed in relation to the development of a strategic plan for mental health services and to the establishment of SAMHS.

Consultative Process

Mrs Judy Hardy, South Australian Health Commission, is arranging meetings with all interested parties to discuss:

(1) the mental health policy and service development guidelines;
(2) the mental health strategic plan;
(3) the proposal to establish SAMHS.

Let us not forget that none of this in whatever form it emerges can be formal Government policy until it has been to Cabinet. So, we are in a process of continuing full consultation. The allegation is that we have not been involved in consultation, but Dr McCoy's letter states:

Meetings have so far been held with medical staff representatives, Glenside Hospital; medical and non-medical staff representatives, Hillcrest Hospital; administration and finance staff, Glenside Hospital; medical staff, Glenside Hospital; Carramar Clinic; Beaufort Clinic; Mental Health Accommodation Program; and Professor R. Kalucy, Flinders Medical Centre. A Glenside Hospital clinical meeting is planned for 2 December 1987. Advice is awaited from Hillcrest and Glenside Hospitals *re* organisation of further meetings.

So, it would seem to me that a reasonable process of consultation has not only been going on but also is further being actively developed at this very moment.

The Hon. M.B. Cameron: Over what period?

The Hon. J.R. CORNWALL: Over a period now of some nine months, but we will continue to—

The Hon. M.B. Cameron: Nonsense!

The Hon. J.R. CORNWALL: It is not nonsense at all.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have been personally involved in it.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Do you need medical treatment? Are you feeling all right?

The PRESIDENT: Order! I call the two gentlemen to order. Proceedings in this House are to be conducted through the Chair.

The Hon. J.R. CORNWALL: The letter continues:

Following discussion with a range of interested parties agreement has been reached that the most sensible way to proceed, given the limited time frame, is to establish a number of small special purpose planning groups with specific target populations; for example, psychogeriatric patients, acute inpatient services, and adolescent services. The College of Psychiatrists Planning Subcommittee has been asked to consider appropriate target popu-

lations, and propose membership of small planning groups to address the future needs of each population—again continuing consultation. The commission has requested that each planning group be representative of the range of staff working in the area, elect its own chairperson and work within the service development guidelines. I appreciate that the timeframe is relatively short; however a significant amount of work has been done over the years, and all reports will be made available by the commission.

So it is hardly a new process. The document continues:

Demographic and statistical data will also be provided by the South Australian Health Commission. Mrs Judy Hardy, Principal Planning Officer, Mental Health, is the commission contact person. To meet the commitment for the presentation of a strategic plan to Cabinet in late March 1988—

which may be accepted or rejected, of course; there is no presumption at all that it would be accepted *in toto* in the way that it will be documented—

it will be necessary for all groups to prepare a brief draft report by early March 1988. A number of the planning groups may wish to continue after this time to develop more indepth proposals.

So, there is not even a cut-off time in March. From that time on planning and consultation will continue. The letter goes on:

The commission works from the premises that clinicians working with specific target populations are familiar with the needs of these groups, and that this information, together with that available from the literature, should form the basis of the planning recommendations. Planning groups will report to a Mental Health Services Steering Committee to be chaired by Dr David Blaikie. Membership will include representatives of Glenside Hospital, Hillcrest Hospital, community services, voluntary groups, and general hospitals. An internal process is being developed within Glenside and Hillcrest hospitals to ensure that all staff have the opportunity to contribute to the development of the strategic plan through their representative on the steering committee.

I will repeat that:

An internal process has been developed within Glenside and Hillcrest hospitals to ensure that all staff—

and that includes nurses, general staff, clinical staff, and the administration—

have the opportunity to contribute to the development of the strategic plan.

The document further states:

The commission will undertake to publicise the exercise as widely as possible once target groups are agreed. Individuals who wish to make specific input will be asked to make contact with the chairperson of each group.

I would have thought that one could not be more extensive in consultation or more thorough or more careful in consultation than in the proposals that are before us. The document continues:

The South Australian Health Commission via the steering committee will have responsibility for the preparation of a draft strategic plan following consideration of the recommendations of the planning groups.

And so it goes on. The document concludes:

A draft constitution is attached for consideration and adoption as discussed. Your assistance and cooperation is requested in order to ensure that all staff are made aware of what is proposed and have the opportunity to participate in the consultative process. A copy of the South Australian Health Commission's Mental Health Policy and Service Development Guidelines is attached for information.

I am sorry to have taken up a great deal of time of the Council, but it was necessary for me to put to rest immediately the nonsense that has been peddled around this town by Mr Malicious, that is the Hon. Mr Cameron, and a small handful of his irresponsible allies. I repeat, there has never been a proposal to merge the two hospitals.

MINISTERIAL STATEMENT: GOVERNMENT TRAVEL CENTRE

The Hon. BARBARA WIESE: I seek leave to make a statement concerning the South Australian Government Travel Centre.

Leave granted.

The Hon. BARBARA WIESE: Earlier today the Hon. Mr Davis asked me a question concerning the telephone numbers for the South Australian Government Travel Centre, and entries in the telephone directory. Just for the record I would like to clarify the situation. There are three areas in the South Australian telephone directory which contain an entry for the Government travel centre: the first is in the South Australian Government section of the directory. On page 62 there are two entries: one reads 'Tourism Department of' and the other 'Tourist Bureau (Government) South Australian Government Travel Centre'. In the Government Easy Guide—

The Hon. L.H. Davis: No 'South Australian Government Travel Centre'.

The Hon. BARBARA WIESE: Just wait a moment.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: In the Government Easy Guide section of the telephone directory on page 49 there is an entry which reads 'Tourism', and the telephone number follows. In the main body of the directory there is an entry which reads 'South Australian Government Travel Centre'. All I can suggest is that if the Hon. Mr Davis was not able to find the Government travel centre by way of one of these entries in the telephone directory then he must have a reading problem.

FINANCIAL COUNSELLING

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about financial counselling.

Leave granted.

The Hon. DIANA LAIDLAW: Due to the Minister's earlier abuse of Question Time when he took 25 minutes to answer a dorothy dix question I do not have time to make my short explanation. However, I do make the point that considering that all elements of the package announced last week by the Minister of Community Welfare in respect to consumer debt had been forecast over many months by both the Minister and the Attorney-General, one would expect in the circumstances that last week's package would be well researched, credible, and have attracted the full endorsement of the non-government financial counselling agencies in this State. However, this has not been the case. The Bowden and Brompton Mission, for instance, received funding without even applying for the funds, yet the Adelaide Central Mission, which pioneered and financed counselling services in this State, and continues to operate a most excellent service—

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW:—at its own expense—

The PRESIDENT: Order! I call the Minister to order. Interjections will cease.

The Hon. DIANA LAIDLAW: The Adelaide Central Mission, which the Minister now claims has assets and therefore does not deserve Government endorsement, found its detailed submission to establish a State-wide service was completely overlooked and received no funding support. I ask the Minister the following questions—and as the detail

I seek is quite specific he may not have the answers at hand and may wish to advise us of this information before the end of the session:

1. What guidelines were employed to determine the allocation of funds?

2. When were applications for funding submissions called, and when did they close?

3. Which agencies applied for funds, and how much did each seek?

4. What commitment for funding has been made to provide for the continuation of services next financial year?

5. Why has the bulk of funding to enhance financial counselling services in this State been channelled to upgrade the budget advice service operated by the Department for Community Welfare, a Government-run service, when the Minister conceded on page 3 of his own press statement that 'in many ways non-government run agencies are better placed to provide independent advocacy than a Government agency due to the problems of conflict of interest'?

6. Is it correct that the embarrassment caused by the decision not to allocate funds to the financial counselling service operated by the Mission may be redressed shortly by offering the Mission funds for the training of financial counsellors?

7. Will the Minister explain why no funding has been allocated for non-government financial counselling services in the country, acknowledging the extent of financial crisis facing so many farming and small business operations and the long-standing reluctance of country people to be associated with Government welfare agencies and services?

The Hon. J.R. CORNWALL: Some of the honourable member's questions are quite specific, and I will need to take them on notice. However, I will make two points. First, the decision to upgrade DCW's financial counselling and advocacy services involves a reorganisation. It does not involve the allocation of significantly more resources.

The old budget advice service, which has been with us since the early 1970s, advised low income individuals, couples and families how to make that low income go around. In other words, the service advised these people how to budget for rent, food, electricity, gas and other necessities of life. Quite a dramatic change has occurred through the 1980s, which means that 40 per cent of people receiving advice are middle income earners and, in some cases, high income earners who take on excessive debt burdens. Some of that is due to poor credit practices and some of it to an optimism that the two-income situation of a couple will continue. That can be destroyed by redundancy or one of the couple being put off work, and so forth. The budget advice service is nowhere near as relevant as it was. There must be active financial counselling and advocacy, so that our clients do not get to the service when they are already drowning. We need to extend the range of information so that we can offer a range of viable and sensible alternatives, and match up the people seeking advice with the best solution to help them out of those difficulties. We also need to work more closely than ever with the Department of Consumer Affairs and the Minister of Consumer Affairs. With regard to the question why the Mission was not allocated a specific amount—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Not at this point, no.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I will address it right now. I point out that the Mission is one of the most asset rich organisations in this State.

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: That is very good. I am delighted that it uses some of its income for the benefit of the community.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, Mr Davis!

The Hon. J.R. CORNWALL: The reality is that the Mission quite recently sold radio station 5KA, from memory, for something like $18 million. The Mission has a very large income from its assets. It has income-producing assets that are beyond the wildest dreams of virtually ever other voluntary organisation in this State.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The Mission runs an excellent service and I enjoy the very best of relations with it, as I have done since becoming Minister. In terms of the allocation of scarce resources for upgrading financial counselling and advocacy in the voluntary sector, the money was placed where we believed it would do most good.

The Hon. Diana Laidlaw: Even though they didn't apply?

The Hon. J.R. CORNWALL: That is the honourable member's allegation that they did not apply.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I will bring back answers to specific questions, which I have already said that I will take on notice. The honourable member asked two things. One was why the Government spent all that money upgrading DCW services. The reality is that the services have been reorganised and upgraded, but not very much money has been spent. The second point was with regard to the Mission. I have the utmost respect for the Mission, and I will continue to have the closest possible working relationship with it. It employs about 500 people to carry out its activities, and also has a large number of volunteers. It is a very big and effective social welfare service. That is acknowledged, but we must look at where are the areas of greatest need. Where are the organisations with virtually no visible means of support? When one starts to look at that—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: The honourable member says that it is political. That is why we went to Bowden and Brompton. We are worried about the marginal nature of Spence; we really do think that we have a problem in Spence! In a bad year we might not get 80 per cent. Political! What a stupid thing to say. Good heavens! It is not political at all. Given the difficult times in which we live we must be very careful, use our discretion, and take advice from organisations such as the Community Welfare Grants Advisory Committee when allocating and reallocating scarce resources. There will be more reallocation in the years to come. That is just a matter of fact. The Mission, magnificent organisation that it is—

The Hon. Diana Laidlaw: You are so condescending.

The Hon. J.R. CORNWALL: That is not condescending: that is a statement of fact. The Mission is very much asset rich in comparison with almost any other voluntary or church organisation in the social welfare business. There are a number of others in the health area which, by tradition, have grown up receiving allocations automatically every year. Some sacred cows in the health area are being looked at, let me say, and it will not be done on any basis of discrimination or malice. It will be done in a purely objective way. With an organisation of upwards of $18 million in income producing assets, quite frankly it cannot rank highly on the list compared with voluntary organisations that are desperate for funds and have literally little or no visible means of support and very little opportunity in the

areas in which they operate to raise significant funds. So of course we will do it on the basis of social justice and equity, for which I make absolutely no apology.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Land Agents, Brokers and Valuers Act. Read a first time.

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

That this Bill be now read a second time.

It amends the Lands Agents, Brokers and Valuers Act to maximise the interest derived from licencees trust moneys and to make other provisions of the Act more flexible. On 3 December 1986, an Amendment Act was passed by Parliament, it was assented to on 24 December 1986 but has not yet been proclaimed. That Act replaced the former trust accounting and Consolidated Interest Fund provisions in the principal Act, with a revised system of trust accounting and created an Agents' Indemnity Fund. During the preparation of the regulations to bring that Act into operation, it became apparent that the wording of section 63 (1) may not allow the Commissioner to set the optimum rate of interest which moneys held in trust accounts should attract and that if the Commissioner could not do this the indemnity fund would not be as viable as it could be.

The 1986 Amendment Act provides that the Commissioner for Consumer Affairs is charged with certain administrative responsibilities under that Act. Section 63 (1) of the 1986 Amendment Act requires an agent to deposit all money received in his capacity as an agent into a trust account with a bank or a 'prescribed financial institution' in respect of which interest at or above the 'prescribed rate' is paid by the bank or other financial institution. Section 65 of the 1986 Amendment Act also requires banks or other financial institutions to pay interest that they are liable to pay in respect of trust moneys to the Commissioner on the 'prescribed days'. That interest is then paid into the Agents Indemnity Fund.

Because section 63 (1) requires trust account moneys to attract interest at a 'prescribed rate' only one rate of interest can be prescribed. It is not possible to prescribe the best possible rate each financial institution is prepared to offer nor is it possible to prescribe different rates for different banks or financial institutions. One of the primary purposes of the Amendment Act is to ensure that trust account moneys are invested at the best rate of interest in order to maximise the amount of money in the fund. In order to do this the Commissioner needs to be able to negotiate the best possible rate and different rates if necessary, with individual banks or financial institutions. This is the case in other States in respect of trust accounts maintained by agents (in Western Australia) and solicitors (in Victoria). If the Commissioner is compelled to set one rate of interest then it is likely to be the lowest rate and certainly a lower rate than many financial institutions may be prepared to offer. Appropriate guidelines will be set for the Commissioner for Consumer Affairs on the manner in which the negotiations are completed including an obligation to advise the Minister on the result of such negotiations.

It is also proposed to amend the Act to enable the Commercial Tribunal to monitor and set the standard of qualifications required in order to obtain the different classes of licence or registration under the Act. At present the educational qualifications for land agents, land valuers, land brokers, land salesmen and managers are prescribed by regulation under the Act. The regulations are in need of constant updating and revision because of:

(1) changes to educational institutions, e.g. amalgamations, changes of name etc.;

(2) changes to names of Degrees and other qualifications;

(3) changes in subjects constituting Degrees and other qualifications and changes in core subjects;

(4) changes in the content of subjects.

The Commercial Tribunal is the body charged with ensuring that those wishing to enter the industry meet appropriate standards of education and fitness. The proposed amendments will allow standards to respond to changes in the educational sphere more readily. I propose therefore that the Act be amended to enable the Tribunal to approve educational qualifications for those applying for licences or registration under the Act in the same way that it has power to do so under the Travel Agents Act. The Bill enables the Commercial Tribunal to publish a common rule concerning educational qualifications that it may accept from applicants for a licence or registration.

The Bill also amends section 16 of the Act. Section 16 is primarily intended to deal with an application by a company for a licence. Section 16 (4) *(ca)* enables a husband and wife to be directors of a licensed company when one spouse is licensed as an agent or registered as a manager and the other spouse is registered as a salesperson. Where a company does not already hold a licence both the husband and the wife may be directors of the company at the time the application is made and, if an exemption is granted to the spouse who requires it, the Tribunal may then proceed to deal with the application for a licence.

The section, however, does not cater very well for cases in which an application for an exemption is made in respect of a company that already holds a licence. For example, in a typical case under section 16 (4) *(ca)*, at the time the application for exemption is made, the directors of the company are both either licensed as an agent or registered as a manager. The proposal is that one of these directors will resign and be replaced by the spouse of the other director who is registered as a salesman. It is therefore logically impossible for the Tribunal to be satisfied of the matters which must be established under section 16 (4) *(ca)* at the time the application is dealt with. The unqualified spouse cannot be a director until the exemption is granted. However, the Tribunal cannot grant the exemption until it is satisfied that the unqualified spouse is a director. It is proposed to amend section 16 (2) *(b)* to make it clear that it is the corporation not the individual that must obtain the exemption and to amend section 16 (5) to allow the Tribunal to grant an exemption to a corporation in anticipation of changes to its management structure. I commend the Bill to members and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clauses 3, 5, 6, 7 and 9 amend respectively sections 15, 26, 32, 57 and 79 of the Act which are the main licensing and registration provisions. The amendments require a person seeking a licence or registration under the Act to have educational qualifications accepted by the Tribunal as adequate.

The current provisions necessitate regulations setting out the prescribed examinations and prescribed educational

qualifications that a person must have passed or obtained to be entitled to be licenced or registered under the Act.

Clause 4 amends section 16 of the Act which provides for the entitlement of a corporation to be licensed as an agent. Section 16 (2) *(b)* requires each prescribed officer of the corporation to be a licensed agent or registered manager unless an exemption has been granted by the Tribunal under subsection (4). The amendment makes it clear that the exemption is granted to the corporation and not to the prescribed officer concerned.

The amendment to subsection (5) makes it clear that the Tribunal may grant an exemption under subsection (4) in anticipation of a corporation altering its structure.

Clause 8 amends section 63 of the Act which requires land agents to deposit trust money in a trust account. The current provision requires the trust account to be an account with a bank or other prescribed financial institution that pays interest at or above a single prescribed rate. The amendment gives the Commission discretion to approve trust accounts in relation to individual banks or other financial institutions. The accounts must pay interest at a rate the Commissioner considers satisfactory. The rate may vary between financial institutions.

Clause 10 substitutes section 97 of the Act. This amendment is consequential to those in clauses 3, 5, 6, 7 and 9.

The new section 97 provides that the Tribunal may make a general ruling (in accordance with any procedures prescribed by regulation) as to the educational qualifications it will consider adequate for licensing or registration purposes and that the Tribunal may make exceptions to that ruling where justified.

Clause 11 amends section 107 of the Act which gives the Governor regulation making power. The regulation making power relating to educational qualifications required for licensing and registration is deleted in line with the amendments in clauses 3, 5, 6, 7 and 9.

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

ADOPTION BILL

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the time for bringing up the report of the select committee be extended until Tuesday 16 February 1988.

Motion carried.

REPRODUCTIVE TECHNOLOGY BILL

In Committee.

(Continued from 10 November. Page 1778.)

Clause 3—'Interpretation.'

The Hon. R.I. LUCAS: I move:

Page 1, line 30—Leave out this line and insert 'formulated by the Minister under Part IIA'.

I will take this as a test for a series of amendments that I have had filed in my name. Once we have debated at some length the pros and cons of the case at this stage, I will not choose to do so again for the consequential amendments that I have already filed.

The CHAIRPERSON: I am sure that most members understand that that is a good way to proceed. We will deal with the substantive issue now, although it arises in many different amendments.

The Hon. R.I. LUCAS: My amendment seeks to have the code of ethical practice formulated by the Minister rather than by the council. I touched on this matter during my second reading contribution and it is a matter on which I have had considerable discussion and hold strong views. This Bill seeks to give a new statutory body—the South Australian Council on Reproductive Technology, an 11 person committee with expertise in a number of areas—wide ranging powers. The council will be given responsibilities and powers under clause 10 to formulate and keep under review the code of ethical practice that governs, first, the use of artificial fertilisation procedures and, secondly, research involving experimentation with human reproductive material.

Under subclause (1) *(b)* (ii) it is also given power to formulate appropriate conditions for licences authorising research involving experimentation with human reproductive material. Further on in the Bill the council is given the responsibility of issuing licences to persons who wish to carry out research. Under clause 14 it is given power—and this is a matter on which I have circulated amendments, and I believe my colleague the Hon. Dr Ritson will be looking at amendments as well—to determine conditions for licences without any reference back to the Parliament.

The Hon. J.R. Cornwall: For research?

The Hon. R.I. LUCAS: Yes. All that clause 14 talks about is research. At least the code of ethics comes to the Parliament in the form of regulations and the Parliament can either allow or disallow them. In clauses 10 and 14, in particular, the South Australian Council on Reproductive Technology, as a statutory authority, is given wide ranging powers to formulate codes of practice, conditions for licences, and has responsibility for issuing licences for research. My view (as I indicated during the second reading stage), is that this mechanism, even though recommended by a select committee which comprised members from the three Parties represented in this Chamber, is a legislative flick pass or buck pass from the Parliament to a non-elected council of 11 persons.

I do not accept that the Parliament should be abrogating its responsibilities, as legislators, to an 11 person council of supposed experts. While I accept, as I indicated during the second reading stage, that a number of members of the council—and there is already an interim committee that met for the first time yesterday, so we are aware of the names of the persons who are serving on it—in their respective areas have far more expertise in the scientific and technical aspects of *in vitro* fertilisation procedures than I have—

The Hon. Carolyn Pickles: And ethical matters.

The Hon. R.I. LUCAS: Some—and I suspect most members in this Chamber and the other Chamber have, my argument is that it is not only the scientific and technical matters on which these questions ought to be judged. I do not accept that one, two or even three people—for example, the person nominated by the heads of the churches who might have been nominated on the basis that that person represents the expertise in the community in relation to ethics or bio-ethics—can hope to represent community views in relation to moral and ethical questions. I do not believe that in those areas one can argue that expertise in scientific or technical areas, or even in bio-ethics, places those experts in any better position to be judging the morality or the ethics of the many complex decisions that we confront in this Parliament now or will confront in the future.

Members of the Legislative Council are elected to represent the electorate at large and in the end we are answerable to the electorate for the decisions that we take. I believe

that that is the important distinction between members of Parliament and an 11 person South Australian Council on Reproductive Technology that is not answerable in any way to the community for the views that it might want to put. My concern, as I indicated (and I will touch on it again under clause 5 when we talk about the structure of the council), is that, because we have a body comprising six persons coming from organisations and five persons nominated by the Minister, in that grouping of six we are likely to get one, two or possibility three who will be actively involved in the IVF clinics in South Australia and will be at what I would term the more adventurous end of IVF reproductive technology. By 'more adventurous' I do not mean reckless in any way; what I mean is wanting to push out the frontiers of reproductive technology as far as they can go, with greater emphasis on the scientific and technological and less emphasis on what is the morality and the ethics of what they might be doing.

I believe that from those six bodies at least two or three could be at that adventurous end and that a particular Minister—and I make no criticism of the Minister in charge of the Bill—in the future could ensure through the selection of the five ministerial nominees that there is a majority of experts on the council who are at the more adventurous end of wanting to spread the frontiers of reproductive technology. By that simple mechanism a Minister of the day can ensure that the South Australian Council on Reproductive Technology has a particular flavour, bias or view as to the ehtics or morality of the questions of reproductive technology that we have to confront.

In my opinion that is too much power to give to a Minister of any political Party, whether it be Labor or Liberal, because for a set period that flavour will be represented in the South Australian Council and, like tablets coming down from the mount, we will have the words of wisdom coming from the South Australian Council of Reproductive Technology. Those codes of ethics coming down from the South Australian Council will take on an aura of their own as having come from a body which represents the expertise in reproductive technology, as well as through representations from heads of churches and others representing or having taken cognisance of morality and the ethics of the particular forms of reproductive technology that are covered by the codes of ethical practice. I have that strong view.

I am heartened that in the last week there has been some public debate. I have received submissions, some only in the last day or two, particularly from heads of churches who on this matter express differing views. I have received one from the Uniting Church, from Reverend Brian Lewis Smith, the Executive Officer of the Social Justice Commission, which on this matter disagrees with my point of view. I also place on the record at least one supporting argument from the Most Reverend Leonard Faulkner, the Archbishop of Adelaide for the Catholic Church.

The Hon. J.R. Cornwall: Will you quote the Anglican Church?

The Hon. R.I. LUCAS: I have already mentioned the Uniting Church and I will mention the Anglicans in a minute.

The Hon. J.R. Cornwall interjecting:

The ACTING CHAIRMAN (Hon. C.M. Hill): Order!

The Hon. R.I. LUCAS: The Minister was distracted. In the interests of fair play, I indicated that the Uniting Church wrote to me and took a different view on this matter than did I. The Minister was distracted at that time. I and other members have received a letter from the Most Reverend Leonard Faulkner, Archbishop of Adelaide. Under the heading 'Legislation by Committee' it states in part:

> The first and most important concern I have is with the way the proposed legislation delegates responsibility to the Council on Reproductive Technology as a statutory body. In doing this, the South Australian Parliament is abdicating its responsibility for the care it should give to human life from its beginning.

He further states:

> As Catholics we believe that fundamental human life issues are at stake and that these are so important as to merit consideration directly by Parliament and not through subordinate legislation deriving from the work of a council such as that envisaged by the Bill.
>
> I wish, therefore, to express my strong opposition to the proposed legislation constituting the Council on Reproductive Technology.
>
> A consultative committee to the Minister of Health would be far preferable if it was to contribute to the public discussion and parliamentary debates of matters concerning every aspect of the beginnings of life and the development of this life.

We also received a letter last week from Archbishop Rayner of the Anglican Church. I do not have a copy, but in summary it would indicate a difference of opinion from the view which I am putting and the view put by Archbishop Faulkner in his letter.

This amendment will be a test case for a whole series of amendments. I refer to the problems that we have in relation to the proposal from the select committee and from the Minister in this Bill in relation to regulations and subordinate legislation. It is correct that the Parliament will be able to have some say after the tablets have come down from the mount with the perceived wisdom from the South Australian Council on Reproductive Technology. The Legislative Council and the Parliament will be able to either allow the regulations in their entirety or vote to disallow them in their entirety. The Parliament is left with only one of two extreme positions—either complete support or complete opposition. It has no other option than those two extremes with which it will be confronted when we receive the code of ethical practice.

With your experience in the Parliament, Mr Acting Chairman, you will know that we very infrequently go to those extremes in considering a matter. We may wish to amend slightly in some parts and in greater amounts in other sections. It is very unlikely that a majority of the Parliament would either support completely or oppose completely a code of ethical practice. The Parliament and its members ought to be allowed a say in the individual component parts of a code of ethical practice. Under the position that we have from the select committee and from the Minister in this Bill, members and the Parliament will not have a say in the individual component parts of a code of ethical practice.

We may well express a view as a Parliament that we disagree with a certain part of the code of ethical practice or another part, and there may well be enough members in the Parliament disagreeing with bits and pieces to enable the code of ethical practice to be voted out or disallowed. However, there is nothing to indicate that the South Australian Council on Reproductive Technology and the Minister will bring back for individual members the changes to the code of ethical practice which might reflect the views of the Parliament in this matter.

The Hon. R.J. Ritson interjecting:

The ACTING CHAIRMAN: Order!

The Hon. R.I. LUCAS: The South Australian Council on Reproductive Technology could then come back and promulgate another form of regulations that the Minister would introduce with a minor change in some aspect of the code of ethical practice, and again the Parliament would have to go through the laborious practice of disallowing a complete

set of regulations. At the same time the big stick can be waved by the clinics, the experts in the area, and the Minister of the day (and that is no criticism of this Minister) that the members of Parliament are holding up important work in the reproductive technology area by what the Minister of the day could portray as nitpicking with respect to aspects of the code of ethical practice. That is why the Parliament ought to put in the legislation its views on these important matters.

If other matters arise in the future, corrective or amending legislation can be introduced quickly and the Parliament can respond to those matters. Doing it in the way that the select committee has recommended, and as the Minister has introduced in this Bill, is abrogating our responsibility as legislators and as a Parliament to a non-elective, non-answerable body of supposed experts. I urge support from members for the first of a series of amendments that I am moving to reduce the powers of the council to that of an advisory body alone, and to remove from it the powers to formulate codes of ethical practice, to issue licences and to be the sole determinant of conditions of licences for research into human embryos.

The Hon. R.J. RITSON: I think it was Gladstone who said that it is not for Parliament to govern but that it is for Parliament to call to account those who do govern. The whole range of regulations which unfortunately must accompany modern living require rapid, technical and professional fine adjustment, and hence the existence of the branch of executive Government.

On the other hand, matters of principle which are of fundamental importance and interest to the community, should be determined by Parliament, and Parliament should have a means of watching over the executive branch of Government. The traditional way in which this has been done in the Westminster system is by the concept of ministerial responsibility, where Ministers are subject to questioning and defeat at the polls as a result of their less than satisfactory actions. However, that is a matter of theory and I wonder how well that works in this modern day and age.

I am unable to support the amendment moved by the Hon. Mr Lucas, even though I support the principle of parliamentary oversight. I believe that, in terms of drafting, the package of amendments to be moved by the Hon. Mr Cameron will be a better way of achieving the parliamentary oversight. The first thing we need to observe is that what we are dealing with is an area which at present is almost totally unregulated and which in the past was an area of medical practice in which there was no requirement to notify Ministers of the work being done. It is not very often that I feel sorry for Dr Cornwall, but there were times when I wondered what life was like for him when he picked up the newspaper to find public controversy raging about matters of which he was unaware.

The question then is how many of the issues at hand are fundamental issues that ought to be determined by Parliament and what ought to be left to the administrative branch of Government? Given that the existing state is that of no regulation at all, anything that is likely to be introduced by the proposed council will be of a restrictive rather than an enabling nature.

On the select committee we deliberated for the best part of a whole morning on this question. In the past, in relation to other matters, I have put the argument that Mr Lucas has just produced, namely, that the system of responsible government, the reliance on the Minister's responsibility under the Westminster system, is the best way to go.

In one of the Education Act Amendment Bills I argued that the board to license private schools should be an advisory board rather than a board with statutory authority. I used the sorts of arguments that Mr Lucas has just used, and this was argued in the select committee. However, after deliberation, it was unanimous amongst the members that, because of the very special nature of the problems being dealt with, the Minister ought to have no choice and ought not to be able to leave out or not bring into Parliament restrictions imposed by the council. It was thought that should any future Minister decide that he liked only some of the restrictions recommended by the council (and remember that they are all going to be restrictive because at present the slate is clean), he would bring in only those restrictions that he liked. This is not a reference to Dr Cornwall but is a theoretical example in relation to the Green Party or the Heliotrope Party of the next century.

The principle was that, since this unregulated area was about to be regulated, the Minister should not be in a position where he could say, 'I only want it half as regulated as the council wants it.' We thought that the Minister should bring in all the restrictions promulgated by the council and not just those with which he agreed.

The problem that Parliament has is that, if it is going to call to account, debate or question actions of the Administration, it cannot debate matters that are not brought in. Except in the grievance debate, you cannot just stand up in this place and debate and lament at length the fact that certain matters were not brought in by regulation. So, I think that we ought to see everything that the council proposes.

When I picked up this Bill I was surprised; the committee made 61 dot-pointed recommendations. A large number of the points were of the category that is normally left to the executive branch of Government—that is, the nuts and bolts and daily or weekly response to changes. However, I think we all recall that there were certain very fundamental matters of public controversy and concern that gave rise to the select committee in the first place and indeed gave rise to many other inquiries throughout Australia and overseas. I would have thought that, instead of bringing us a skeleton Bill which did nothing but create the legal surroundings of the council, the fundamental issues such as surrogacy, marital status of the recipient, and embryo experimentation should have been addressed in the parent Bill. I said so when we had the earlier debate on clause 2, when we debated the fundamental question of whether these matters ought to be dealt with by Parliament or by the council. The appropriate thing to do is attempt to place in the parent Act the major restrictions. Parliament may not agree but, at least, if we do not get it in, these things will not be there because Parliament decided rather than because the Bill was a skeleton Bill.

Therefore, I will support a package of amendments in which we require the Minister to bring in all the restrictions which were put to him by the council—and not just some of them—and in which the key issues are in the parent Act, and where the rather new and unique method of disallowance will be exercised for the first time. I refer, in other words, to this idea of allowing in instead of disallowing out. I believe that that would be a very interesting exercise, because the Subordinate Legislation Committee—and through it the Parliament—may indeed be able to exercise influence to change parts of a code of practice.

Under the system that generally applies to subordinate legislation, the regulations have the force of law until they are disallowed and, if they are disallowed, the person who wants the regulations can simply bring the same set of regulations back on the day of disallowance. This means that the regulations continuously operate and that the sub-

ordinate authority can virtually thumb its nose at the Parliament and say, 'We won't accede to your suggestion that we amend them in a certain way. We will just continue to bring them back every time you disallow them, and we will continuously have our regulation. So, there!'

That will not be possible if the amendment of allowing in instead of disallowing out passes this Council. I believe that could lead to a more interdependent, cooperative and constructive look at regulations in question than has been seen under the generally detaining system of subordinate legislation in this Chamber. I agree with the Hon. Mr Lucas on all the matters of principle that he stated. I agree that Parliament should oversee in a broad and calling-to-account sense the executive branch of Government.

I believe the Bill should not have been a skeleton Bill but should have contained the major ethical and moral questions so that Parliament could debate those matters now, but I do not agree with his reliance on ministerial responsibility as the best way to go about it. I believe the Opposition's proposed package of putting the key subjects in the Bill and the unique form of disallowance is a better way to achieve the sort of thing that we are trying to achieve; namely, adequate parliamentary oversight. Having said that, I indicate my opposition to this amendment and that I will be supporting the other amendments which I think will better fulfil those principles which I have enunciated.

The Hon. I. GILFILLAN: I indicate that I will be opposing this amendment, because I believe that the Council is the appropriate body to be responsible for formulating the code of ethical practice. I take the opportunity to make a couple of points: first, I believe that the deliberations of the select committee were valuable and offered some very significant guidelines to the debate on this Bill and the eventual conclusion of its final form and intention, but there is, and should not be, any slavish attachment to the specific dotted i's and t's of any select committee report.

The debate is a living debate; it is now a living debate in the public forum where it should properly be, and the actual issue that we are confronting is whether the basic reasons for the establishment of a select committee in the first place should be addressed in a parliamentary debate and decision, or whether it should be left to the Council as a surrogate body representing Parliament. I reject that proposal entirely. I do not believe that determination of the basic ethical issues should be passed on from Parliament to any other body, whether that issue should be addressed now or, as the legislation as it has been introduced attempts to do, whether it should be left to a later date. I take this opportunity of indicating that there are certain issues which for me should be essentially resolved by this Parliament, so that the Council when it properly addresses its work has a specific direction from Parliament on these matters.

When the Minister makes his comment on this amendment, I ask him to indicate whether the Government has given conscience votes to the issues that are outlined in the amendments on file from the Hon. Martin Cameron. The Opposition would like some indication of how the debate and the eventual voting will be dealt with. Can the Minister say whether the procedures should be available to the husband or wife; whether they should be available to other than those who both appear to be infertile or there appears to be a risk that a genetic defect will be transmitted to a child conceived naturally; and whether the issue of experimentation on embryos; surrogacy; confidentiality as regards those people who have been donors of human reproductive material; and research into embryos (non-therapeutic or therapeutic), will be accepted as conscience vote issues for members of the Government?

The point I make most strongly is that it is important that these issues be addressed at the same time as the council is being set up so that the council will have clear guidelines on these issues. I believe that those issues that I have outlined are very much a matter of individual conscience, often of a religious interpretation, and I hope that the Government has seen fit to give its members a conscience vote on these issues.

The Hon. J.R. CORNWALL: I have been in this place now for almost 13 years, and during that period I have developed considerable faith in the select committee system. I have never participated in a select committee which did not reach a significant degree on consensus, at least on the majority of issues before it. Even the uranium select committee was a very useful exercise. However, I think we have just seen the greatest exhibition of rationalisation and rampant cynicism from the Hon. Mr Gilfillan that I have ever seen. I no longer have very much confidence in select committees—in 1987 or in the late 1980s—to perform the sorts of tasks which they have traditionally performed in this Council. I do not say that lightly; it is a major statement, it is a major criticism, and I am aware of the gravamen of what I say. It is a fact that throughout the deliberations of the select committee the Hon. Mr Gilfillan played the radical little 'l' Liberal and he would acknowledge, I am sure, that there were a number of issues on which I was far more conservative than he—quite a number of issues. Wherever you see the words 'the Committee evenly divided' it was nearly always me voting with the two Liberal members.

But having done this strange, rampant, radical little 'l' Liberal thing throughout the processes of the select committee he now becomes a chameleon. He is able to completely change his colours and his coat for the purposes of this debate. He is becoming very cynical and it does him no credit. The Government rejects this approach. It is certainly not a matter of a conscience; it is a matter of policy.

The Hon. R.I. Lucas: On everything?

The Hon. J.R. CORNWALL: On almost everything in this Chamber—and I will explain that to you later—because there will be plenty of opportunities in another place, and when we get the advice of the interim council on reproductive technology, to have a sensible debate along conscience lines on a whole range of issues in the autumn session. This particular approach that is proposed by the Hon. Mr Lucas runs completely counter to the unanimous recommendation of the select committee. I am not sure that unanimous recommendations any longer count for very much, but there was a unanimous recommendation that there should be a council on reproductive technology established and not an advisory council.

Let me explain at this stage why the Government is looking at administrative and policy matters. At this particular stage in the development of this most important legislation we regard the vast majority of amendments before us as being either administrative or policy matters.

I do not know how this Bill will leave this place. There are a number of amendments in the administrative area such as equal numbers as near as practicable of men and women on the committee, the Cameron amendment that the disallowance period must expire before anybody can start to move, and the right of appeal to a court. Whether it should be the District Court or the Supreme Court is a matter on which I am taking advice from my colleague the Attorney-General. I believe that we can accept those amendments not on the basis of conscience but because they are administrative issues that make sound common sense. However, this particular amendment runs counter to what the select committee unanimously recommended.

Let me explain why the Government is taking this approach. First, it was agreed unanimously by the select committee that enabling legislation would make it possible to participate in the development of national uniform standards. It is for this reason, in a sense, that this Bill is constructed in the way in which it is. There will be a national bio-ethics or ethics committee—I cannot remember the exact title—and at this moment the membership of that committee is being chosen. It will address a whole range of ethical and social issues but, particularly, the issue of reproductive technology. Senator Susan Ryan, who has spoken to me about this on two occasions, is as anxious as I am that we should have national uniformity in a matter as important as this. We cannot afford to go dashing off with a different set of rules in each State. The outcome of that is obvious.

A State that permits all sorts of experimentation on the embryo—for example, invasive, non-invasive, destructive, non-destructive, or therapeutic research—will attract the people at the cutting edge of this science and technology but will place inordinate pressure on some other States to match it. Do not let us overlook the fact that it is not just the individuals in the units who are anxious, in a number of cases, to go a little or significantly further. They have the overwhelming support of at least one couple in 10 who are infertile. That is a very significant constituency. When they start to exert pressure and mount their public campaigns, any Government in any State at any time could come under pressure. It would be reduced to the lowest common denominator, so it is terribly important that we must strive for national uniformity. I hold that view very strongly and passionately. It is not on the basis of any Party political affiliation. It just seems to me to make a lot of sense, because we do not want to get into interstate options. Far too much of that goes on under our Federal system already.

The second point is that the code of practice as I see it would not address all of the issues. The code of practice would be about the good conduct of a reproductive technology clinic—an IVF clinic. It would set out proposed regulations for the keeping of records, for the good conduct of the clinic, and for ensuring that, in the private sector, the same sort of standards that are maintained within the university teaching hospital clinics would be maintained. There would be adequate records, and all of those sorts of good clinical practices that are now in place.

The Hon. R.J. Ritson: Nuts and bolts.

The Hon. J.R. CORNWALL: Yes.

The Hon. R.J. Ritson: That is what the Executive branch of Government is for.

The Hon. J.R. CORNWALL: Yes. That is precisely the regulation that I would expect to come back in the first instance from the Reproductive Technology Council. Other issues, such as embryo freezing, thawing, the application of informed consent legislation, and whether it should be the discretion of the couple or the discretion of the State, would come back as single regulations. This week I received a letter from one of the churches. It suggested that the writer, for whom I have the very highest regard, does not understand clearly the subordinate legislation mechanism. If a recommendation is made that something should be done by regulation, for example, with regard to freezing, that particular issue would be considered and the regulation could be allowed or disallowed in either Chamber. That has always been the way in which I believe that we should proceed.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: It is not one code at all.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: There are also regulation making powers. Mr Burdett is a lawyer, he should know better than that. The code of practice that I have explained would affect matters of good clinical practice and the maintenance and the publication of records so there would be no fly-by-nighters who made a quick quid for a couple of years and then somewhere down the track someone discovered that their success rate was about 3 per cent and their successful live birth rate was about 2 per cent *vis-a-vis* 15 per cent or 20 per cent in the university teaching hospital clinics. That is basically what a code of practice is, but there could be a whole series of regulations on these other matters. Many of them would involve conscience votes. Do not let anybody be under any—

The Hon. J.C. Burdett interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: The honourable member will have his chance. Do not let anybody be under any illusion that, for my Party, social issues, particularly with regard to sex, reproduction and abortion, are anything other than social and conscience issues. That is what is proposed, and it is very simple. The only thing that is contained in here that would not come back as a regulation is that the licensing concerning research and experimentation would be matters for this particular committee. It is the Government's belief that the committee would do it better than the Parliament. In this particular matter it has far more expertise and, when I look around this place, I see all sorts of people represented. There are lawyers of varying quality, a school teacher, an economics and science graduate, a medico, a gaggle of farmers of varying degrees and so on. When I turn to my side I see—

The Hon. M.B. Cameron: A gaggle of unionists.

The Hon. J.R. CORNWALL: Exactly. Does the honourable member serious suggest that Murray Hill, Rob Lucas or Terry Roberts, a former prominent figure in the metal trades, or Mario Feleppa are as expert in these matters as the members of the Reproductive Technology Council?

Let us look at the interim Reproductive Technology Council which I have appointed so that I can take advice. This reflects precisely what is in the Bill. We see that we have the widest possible range of input. It comprises five women and six men. It comprises two priests, one from the Catholic Church who is a moral theologian, and one from the Anglican Church who has particular expertise in his field. It has a representative nominated by the Law Society, Ms Myf Christie, Dr Geoff Martin from the College of General Practitioners, Professor Colin Matthews from the University of Adelaide, Professor Warren Jones from the Flinders University, and Ameritus Professor Lloyd Cox from the Royal Australian College of Obstetricians and Gyneacologists.

Then of course there are the Minister's nominees: Sally Castell McGregor, the Director of the Children's Interest Bureau, very strongly and professionally representing the interests of children; Mrs Judith Roberts, who has a range of qualifications which fit her very well to be on the Reproductive Technology Council. Among other things, she is involved as the Chairperson of the State's leading maternity hospital. Mrs Sheryl West is an office bearer with Oasis, the infertility group. Not only has Mrs West been through the IVF program but also has been actively involved for some time in counselling. So, in terms of having consumer representation, and very intelligent consumer representation, I would suggest that we could not do any better. Then there is Professor Marcia Neave, who is Professor of Law at the Adelaide University, a ministerial nominee; Dr Chris

Pullin is the Anglican priest that I referred to. Father Laurie McNamara is the nominee of the heads of churches. So, we have doctors, members of the mainstream churches, eminent researchers and people eminent in medicine, but, mark you, only four of those are in a council of 11, so they certainly do not have the numbers. If that is looked at as a State Ethics Committee in the area of reproductive technology, quite frankly we could not do any better.

I am strongly of the view that, in the first instance, we ought to proceed down the way that was proposed by the select committee and, when that series of regulations come back before both Houses, that is the time to start exercising conscience votes. That is the time to decide whether we ought to support or oppose the individual recommendations of the Reproductive Technology Council, having by that stage obtained more than just the report of the select committee, with which, incidentally, obviously many members appear not to agree, including even one or two who sat on it for three years. If an indication is needed of the fickleness and cynicism of members of Parliament, one only needs to look at the Hon. Mr Gilfillan—he is the living proof.

The Hon. R.I. Lucas: You were talking about a conscience vote two weeks ago.

The Hon. J.R. CORNWALL: Yes, and I am still giving people conscience votes. The point I am making is that when each of these matters—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: That is not a matter of conscience. What nonsense the Hon. Mr Lucas talks, and I am pleased to be able to speak at length on this clause because it sets the pattern for the debate. Ms Laidlaw wants, as far as practicable, an even number of men and women. That is not a conscience matter: that is very clearly an administrative matter. Mr Cameron wants the thing to be either allowed or disallowed. That is not a conscience issue. Mr Lucas wants to impose quite unreasonable restraints about tabling the annual report within six sitting days. That is certainly not a conscience issue: that is an act of madness.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Not at all. We have talked before about 12 days, but never six. Mr Cameron has moved a number of other amendments—

The Hon. R.I. Lucas: Stop fudging.

The Hon. J.R. CORNWALL: I am not fudging anything.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Oh, be quiet, you silly young man.

The ACTING CHAIRPERSON (Hon. G.L. Bruce): Order!

The Hon. J.R. CORNWALL: I will explain the situation only once again for Mr Lucas, because I do not want to be accused of undue prolixity or repetition. There will certainly be conscience votes on all of these issues. There are well established precedents for it in my Party. Conscience votes will be allowed on genuine conscience issues, but there will not be conscience votes on administrative and policy matters and we will not, at this point, without the advice of the Reproductive Technology Council, consider ourselves in an appropriate position to have thought the matters through and to cast intelligent votes. I repeat my firm undertaking that when the matter comes back in the autumn session—and to try to do otherwise would get me into terrible trouble in the Party and in the Caucus—at that point, on matters of genuine conscience as against admininistrative and policy issues, everyone in our Party will be allowed a conscience vote, and that was the recommendation of the select committee. Members ought to go back and see the way that that is phrased. It does not say—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: What I am saying today is completely consistent with what I said two weeks ago. The select committee report does not say we ought to make up our minds on these issues on the run. It quite clearly contemplated that we would vote on those issues on an individual conscience basis when they came back to us as recommendations from the Reproductive Technology Council. I happened to chair that select committee for three years and I know precisely what were the recommendations. I commend the recommendations to the three Parties. There will certainly be a conscience vote when it comes back. In the meantime, I am not supporting anything which goes totally against the spirit and intent of the select committee's report and the Bill which has been drafted as a result of it.

The Hon. M.B. CAMERON: I wish to indicate right at the start that, for many reasons, I do not agree with the amendment moved by the Hon. Mr Lucas that there should be an advisory group rather than a council. I believe that that recommendation of the select committee was appropriate. During the debate on this Bill, I will move certain amendments on behalf of the Opposition—a consensus view of the majority of the Opposition. There will be individuals in the Opposition, and every individual in the Opposition will have the opportunity to express a point of view, and each and every one of them will have a conscience vote. That, I believe, is appropriate at this stage.

We are debating a very important matter, and I do not believe that it is appropriate for members of this Council to abrogate any responsibility that they have as members of Parliament. I hope that the Minister will settle down a little in this debate, because if he takes the point of view that he has just expressed, I believe it will extend the debate. Exception will be taken to remarks that he makes. I do take exception to the remark that he made that members of this Council cannot have an intelligent vote on matters in this debate until we have received advice from the council. I do not agree with that, because there are two types of attitudes to this issue. One is the technicians' attitude and the other is the matter of moral conscience, the conscience of the community. We are elected to Parliament—and I do not want to lecture the Chamber—as, amongst other things, the conscience of the community.

I do not believe that it is appropriate for us to avoid that in any way whatsoever. The Minister says that we will get these matters back at an appropriate time and disallow regulations. I know what will happen—the regulations will come back in a certain way and we will be guilty of some sin because we dare to reject regulations that have been drawn up by this council; we will be put in a very difficult position.

I do not believe that these matters are so difficult. They are, after all, matters of conscience to many people in this Chamber at this time. Members do not need other advice in order to cast an intelligent vote. I hope that the Minister will not abuse members in this Council because they dare to have a conscience.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: You have been and you always do; that is the way in which you operate. I think that you spent too long in the field of veterinary science and you have forgotten that there are human beings in the world. Members on this side of the Chamber have differences of opinion on some matters, and it is not that members opposed to a particular point of view that I am putting are wrong. They have a point of view, they will be putting it and voting on it. The consensus view of the Opposition is that we do not agree with the Hon. Mr Lucas's amendment. However, there are other matters in relation to the

council's function on which I will be moving amendments later. I do not wish to canvass them now, but will do so as they come up.

The Hon. R.J. RITSON: I spoke principally about my view of the subordinate legislative process earlier because that was relevant to the clause, but since the question of a conscience vote has arisen I want to express my view. Because at the moment there are no regulations, if the new council chooses not to regulate a particular area (if it chooses, for example, to remain silent on the question of marital status), then we have nothing to debate; nothing comes to us and we cannot debate the fact that the council has not regulated that. That is why we must have an opportunity, while the Bill is before us, to express our views on those matters. There may never be another chance.

The Hon. K.T. GRIFFIN: Before I deal with the structure of the council as in the Bill (and I support that structure) I want to make the point that there are matters referred to in the select committee's report on which there was a division of opinion. One paragraph on page 15, dealing with the question of research using embryos, states:

> The select committee again divided evenly on whether the limits to be placed on research should be prescribed in legislation or determined by the council.

My view was that it ought to be prescribed in legislation. On page 16, in relation to the eligibility for admission to the programs, a paragraph reads:

> Some members of the select committee believe that reproductive technology should only be available to married couples and that this requirement should be prescribed in legislation.

Again, I believe that it ought to be in legislation. Therefore, some of those matters to which the Minister has referred and which are the subject of amendment were matters of debate in the select committee and there was a division of opinion whether or not they should be incorporated in legislation. From my point of view those matters which I would prefer to see in legislation ought to be brought forward by way of amendment while the Bill is before us.

The Government has brought forward a Bill that reflects, in some respects, a unanimous view of the select committee but does not address some of the other issues and, at least in one instance, reflects a majority view (that is, with respect to the question of licensing). I would see it as important to have those issues aired where there was a division of opinion whether or not they should be in the legislation.

So far as the South Australian Council on Reproductive Technology is concerned, as the Minister has indicated the proposal that is incorporated in the Bill was unanimously agreed by the select committee, and I adhere to my support for that scheme because what it does is balance, on the one hand, undue interference by the Executive in questions of ethics and the procedure by which they are brought to the Parliament and, on the other hand, ensure that ultimately there is parliamentary responsibility for the acceptance or rejection of a code of practice.

The committee faced a dilemma in determining which was to be the preferred model, and after a lot of discussion the committee believed that the model that is in the Bill (and which was unanimously proposed by the select committee) was the model which minimised the influence of the Executive and the potential for modification of any recommendation to the council but, on the other hand, ensured that there was a proper emphasis given to parliamentary consideration of the code of ethics.

What is proposed in the Bill is a body in which organisations other than the Minister of the day appoint the majority of the council. Quite properly the Minister of the day has the responsibility to nominate a number of members (and it is in fact a minority). The person who will preside over the council is to be selected by all the members of the council and that that appointment of the person to chair or to preside over the council is not selected by the Governor, which is in effect the Government of the day, or by the Minister. The code of ethics and practice is to be, when presented by the council to the Minister, promulgated in full as a regulation and is not capable of being modified by the Government or the Minister of the day. The regulation incorporating the whole of the recommendations of the council on the code comes before the Parliament. Parliament in both Houses then has the opportunity to debate fully the code as it is presented by the body, which is independent.

I know that there is an argument about the question of parliamentary accountability—one ultimately has that, I suggest. On the other hand, one also has to ensure that what gets to the Parliament is proposed by a broadly representative body and that the Minister of the day—the Government of the day—does not unduly influence or affect what is brought to the Parliament. Therefore, we have what I would regard as that delicate balance and there is still, ultimately, parliamentary accountability. For that reason I think that that model is preferable to any of the other suggestions made. It is not perfect by any means, but it is the best way of achieving the objective that we are looking at in considering this very difficult area of reproductive technology.

The Hon. R.I. LUCAS: The Minister, in response to the contribution by the Hon. Dr Ritson, said that the Hon. Dr Ritson or, in effect, any member could move a regulation himself or herself. I ask the Minister how, based on his 13 years experience in the Parliament, he thinks a private member of the Parliament can move a regulation himself or herself in relation to these matters.

The Hon. J.R. CORNWALL: By raising the matter as one of public interest in this place or in the other place. They cannot move the regulation *per se*, but they can raise it as a matter of public interest and it can certainly be debated. If it were passed in this place, any Minister, in a matter as sensitive as this, would be under inordinate pressure. To suggest that some matters central to the whole question of the ethical regulation of reproductive technology—

Members interjecting:

The Hon. J.R. CORNWALL: Marital status, *de facto* status, and so forth. To suggest that the Council on Reproductive Technology would not make a recommendation on that would really test the bounds of credibility. Does he think that it would send it back with the view that it found it all too hard? We know what happens currently. Both programs admit married couples only. Indeed, when they have been approached by *de facto* couples in longstanding relationships they tell them to go away and get a piece of paper, anyway. Some people do not believe that that is appropriate. Nobody, but nobody, gets into a program of this nature until they have had a stable domestic relationship of at least five years.

The reality is, as Dr Ritson knows, that a couple, whether married or otherwise, normally use some form of contraception in the early years of that relationship. Once they make a conscious decision to try to have a child, they face another 12 months before anybody can seriously suggest that they have an infertility problem of the magnitude that would require medical advice or intervention, and from that point normally it would be a minimum of two years more before they would be assessed as candidates for the *in vitro* fertilisation program. As Dr Ritson knows, many other areas have to be investigated first. It is not a matter

of going along and saying, 'Dr, I want to be on an IVF program, please, because we have been trying for six months and have not achieved a pregnancy.' So in practice, it is normally a minimum of five years before people are assessed as being suitable for entry to the IVF program, and it is a minimum of five years in practice before anybody has to make a decision concerning marital status. That is a question that obviously has to be addressed. I do not run away from that at all.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: I am prepared to consider that case on its merits. I am not sure that that is something that needs to go to the Council on Reproductive Technology, but I have left the matter open (as has the Government) in a range of these issues because we believe it is sensible to have two opinions. The same applies to freezing and thawing of embryos.

The select committee was unanimous in its view and had I wanted to put this into the legislation, I could easily have done so on the basis that all six members from all three Parties recommended it. In fact, it was included. Recommendation 13 states:

> A consent form which allows, among other things, for the way an embryo will be dealt with be prescribed by regulation (Page 13—unanimous).

Recommendation 18 states:

> Subject to ethical standards determined by the council and to any other legal constraints, including constraints on research determined by Parliament and the council, how surplus embryos are to be used, be determined by the infertile couple (Page 14—unanimous).

That is the current practice and has been now for some time. Recommendation 19 states:

> The decision regarding how surplus embryos are to be used be recorded on the consent to treatment form prior to the commencement of the treatment program and be reviewed on an annual basis (Page 14—unanimous).

Recommendation 20 states:

> Notwithstanding the views of an infertile couple, frozen embryos not be maintained beyond 10 years (Page 14—unanimous).

The advice of Parliamentary Counsel was that we needed only the regulation making power, and that we did not need specific reference to it. So, we have put that in the legislation. We are quite specific in the view that we have taken because we have four unanimous recommendations from an all Party select committee. We have put it into the legislation, and it will be determined by this Parliament. It does not have to go to the Council on Reproductive Technology.

Some matters I thought ought to be included where there had been a unanimous decision at that time by the select committee. In other areas there was not unanimity, and I have tried to take the most reasonable line possible, namely, where there was not a unanimous decision in these very vexed areas we were better to get a learned second opinion from a State ethics committee—a committee that is very representative of a wide cross-section of the community. I am referring not just to medical scientists, lawyers, clergy, consumers or medical administrators: rather we put them all together. They are all represented on the State ethics committee. Where there are unanimous decisions, we have not resiled from them.

The matter of freezing can be determined by this Parliament—in fact, before dinner if we hasten. Where there were not unanimous decisions, I have tried to be as reasonable as possible in allowing us to get a second opinion in a further attempt to try to reach a consensus if possible or, more likely, a majority decision. That is a sensible way to go about it. It has nothing to do with ideology or Party political lines, nor should it have. In some of these matters where there was not unanimous agreement—and the freezing and thawing of embryos and how we ought to go about it is not one such issue—we would do well to take a second opinion.

The Hon. M.B. CAMERON: I accept that the whole matter is not one of Party politics. Nobody has suggested that, I hope, because I would not have thought that that was the case on either side of the Chamber. The more important issue is whether on the matters on which Parliament wishes to have a vote, we take that course or pass it off to another body and either get it back or not get it back, depending on what the council decides. It is a case of the chicken and the egg. I do not believe that Parliament should abrogate its responsibility on matters in which there is considered to be a conscience issue and pass it off to a council if we are prepared to make a decision now. We have to make a decision some time or another, so why not debate the matter now, and take a vote so that the council know where it is going. That is the important issue. There is no point sending off the matter to the council, getting back an opinion and knowing that a certain decision will be made, anyway. Let us make the decision in certain areas.

Only a few areas have been detailed by amendment as being sensitive and on which the community has a conscience, which will be expressed in this House of Parliament. This Chamber has just as much expertise in community conscience as any council would have. That is why we are chosen as members of Parliament: because we reflect the views of the community. These matters should be considered now. It has been a wide ranging debate on this very small amendment at the beginning, and I accept that. I did not start the debate. However, it has ranged wide. I do not intend to extend it any more. I have expressed the point of view that I think it is important, and I trust that we will now get down to the meat of the amendments that will come before this Committee as the debate proceeds.

The CHAIRPERSON: I indicated at the beginning when the Hon. Mr Lucas moved this amendment that I realised that, as the discussion on this amendment would be wide-ranging and as it could range over many other issues that would come up in the amendments, it seemed wise to consider them all together. However, when we have finished with this amendment, I think we should limit discussion to the amendment under consideration.

The Hon. R.I. LUCAS: I respect that and abide by it. I am pleased that the Minister has placed on the record the fact that a member of the Committee cannot move a regulation in relation to these matters, as he had indicated earlier in the debate. However, I was further confused by his rationalisation after that confession. Dr Ritson said that no self-respecting Council on Reproductive Technology would not bring back in the form of a regulation questions in relation to access to the program and the argument of married couples, *de facto* couples, etc.

That was the first part of the rationalisation, but towards the end of it he appeared to change gear and go into reverse by saying that perhaps that might not come back. That was, in effect, the precise point that the Hon. Dr Ritson made in his contribution—that is, that if the council does not bring back to the Parliament questions such as access of persons to the program, the Parliament will not have a chance to have a say on those questions if it does not vote on them now.

The Hon. Dr Cornwall, wittingly or unwittingly, has snowed certain members of his Party, if that is going to be his approach, because he is telling his Party and his hawkers, 'We will get a chance to vote on these issues as a matter of conscience when it comes to the Parliament.' However, in

his last contribution in relation to access to the program, the Minister said that he did not really know whether that question would come back to the Parliament.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: That is not on the record, unless *Hansard* heard it. We just do not know. As I said, in that last rationalisation he said two completely conflicting things. I think it is important for the Minister's own backbench that we understand exactly what the situation will be. In relation to those matters, will the regulations come back?

The other question is that raised by the Hon. John Burdett in the second reading and by way of interjection in this debate. Although the legislation says 'a code [singular] of ethical practice' and 'the code [singular] of ethical practice', the Minister is saying that all these questions will come back in separate regulations so that the decisions can be voted on individually.

I believe that that question has to be resolved because what the Minister is saying, and what other learned members of the Chamber have said, and as the legislation will indicate, is that we are looking at 'a code [singular] of ethical practice'. If it is as the Minister indicates, I am somewhat comforted, because we will then have an opportunity of looking at individual, separate regulations. It still does not meet the Hon. Dr Ritson's criticism, of which the Minister appears to have given two different versions thus far. So, I would seek a response from the Minister on that.

Finally, I turn to the conscience vote. I do not want to inflame the debate, but I am disappointed in the response from the Minister on this and I want to look quickly at what he said two weeks ago. The Minister was extraordinarily critical of the Hon. Mr Gilfillan for allegedly changing his mind over a period of three years. As reported in *Hansard* two weeks ago, the Minister said:

> Looking quickly at the Hon. Mr Cameron's amendments—these are the specific amendments moved by the Hon. Mr Cameron, still laying on the table in this Chamber—that are on file, it appears to me that the amendment to clause 13 [that specific one] would be a conscience vote, as would the amendments to clause 14, proposed new clause 17 *(a)* and parts of clause 18.

It was not in any discussion about when we would come back a second time or after we come from the South Australian council; he said that those specific amendments of the Hon. Mr Cameron's were conscience votes. That is all that is on the record. Members of this Committee, like the Hon. Mr Gilfillan, myself and one or two others, also had private conversations with the Minister, and the impression given to all of us (in fact, I have said so publicly) was that the Minister would allow a conscience vote on these issues in this debate. Clearly, for whatever reasons, the Minister has changed his mind or the Caucus has overruled him. However, I believe that that ought to be on the record because it was not something that we dragged out of the air expecting a conscience vote on these issues: it was something that we based on the Minister's words, which were recorded in *Hansard*, and also on private discussions that many of us had with the Minister in this Chamber and outside two weeks ago. I know that the debate has been wide-ranging, but that is all I want to say.

In relation to the specific amendments, everyone who has spoken during this debate has indicated an unwillingness to support the amendment. If there is a division, I know of only one other member in the Chamber who will support me on the amendment; so, if it is lost on the voices, I will not prolong the debate by dividing the Committee.

The Hon. J.R. CORNWALL: I hope this is the last contribution for this clause. There are a couple of matters which have been raised by the Hon. Mr Lucas and which I am very pleased to clear up. First, I give an undertaking on my own behalf, and on behalf of the Government, that regulations in these matters will be brought in *seriatum*, and I said when I first addressed this matter that I regarded the code of practice as referring to good clinical practice and good ethical clinical practice, such as the keeping of records, maintaining standards, publishing results, and so forth. However, there are a range of other issues ranging from the freezing, thawing and maintenance of embryos through a gamut of other difficult questions which are clearly conscience issues.

When I referred two weeks ago to the Hon. Mr Cameron's amendments on file they had only just hit the table. As I said, having looked quickly through them, it appears to me that certain clauses would be conscience issues and some matters of policy or administration. On reflection, the question of freezing and thawing embryos is obviously a matter of conscience, but the question whether or not there should be an appeal on a decision of the commission to withdraw an exemption permitting artificial insemination without a licence, I should have thought, would be very much a matter of policy.

Therefore, I do not resile from any of those statements in relation to what are or are not conscience issues, suffice to say that I very quickly looked through three pages of amendments, which I just picked up. However, I will give the Committee an undertaking, on behalf of the Government, that I regard the code of ethical practice as referring to the good conduct of the clinics on reproductive technology. The other matters I will introduce by regulation on behalf of the Government in such a way that what all of us clearly understand to be conscience issues can be debated during a motion for disallowance in both Houses of Parliament. Disallowance in one House or the other, as members know, means that a particular proposition will not be accepted.

The Hon. R.I. LUCAS: I want to say one thing because I will have to alert the Minister, as he has just given a commitment and explanation to the Council, that I will seek a further amendment to the regulation-making provisions that I have circulated under clause 20 and that the Hon. Mr Cameron has circulated under clause 10. That is the regulation that delays the practical effect of regulations until Parliament has had an opportunity to debate them. The way the Hon. Mr Cameron has drafted his amendment—and the way that I have drafted mine—is on the basis that the code of ethical practice would cover all those questions that the Minister is talking about. What he is now saying is that the code of ethical practice is going to be the seal of good housekeeping or good clinical practice, but all these moral questions will be instituted under the regulation-making provision.

As the amendments are drafted, under clause 20 by myself and clause 10 by the Hon. Mr Cameron, for which the Minister has indicated support, on my reading that will not catch—I have not had a chance to talk to Parliamentary Counsel—those regulations because our regulations merely talk about the code of good housekeeping, the code of ethical practice, and what we are really concerned about are these important moral questions that have been talked about as coming in under separate regulations. The amendment that I will discuss forthwith with Parliamentary Counsel—and I flag it for the Minister so that he is aware of it—will seek to achieve what we set out to achieve. That is, we will have to redraft those amendments so that those regulations do not take effect immediately but will also have to be laid on the table for debate. Because of the commitments that the Minister has just given we will have to move—well I

will, I do not know if the majority of the members will, I might be on my lonesome—down that particular course so that at least we will have an opportunity to debate that particular matter as well.

The Hon. J.R. CORNWALL: That is the only sensible way to go; it is the only way we will achieve a practical result. If we bring back the entire set of recommendations as one regulation we will have to try to accommodate a consensus somewhere between Mr Lucas at one end of the spectrum and perhaps the Hon. Mr Dunn, the Hon. Ms Pickles and the Minister of Health at the other. I think it would be very difficult to get a modicum of consensus on that entire gamut and I am certain that there would be members of my Party in the other place who would differ quite widely. There may in fact be members of my Party in this place who differ quite widely—I have not canvassed their views, I have not gone around counting heads and asking who is going to vote for this, that and the other, because when you allow conscience votes by individuals that is literally what it means. However, the sensible way to approach the problem is to do as I have canvassed and I think Mr Lucas would agree with that on mature reflection. From time to time he is capable of mature reflection despite his youth.

As I said at the outset, clearly these matters will arise, as I anticipated, during the Committee stages and some of these things may need to be recommitted. As Ms Chair pointed out at the beginning, that is a matter on which the Council is very clearly in charge of its own destiny. I suggest that Mr Lucas explores that situation and we will be pleased to look at—I do not mean 'we' in the sense of the royal plural—

The Hon. R.I. Lucas: You would be pleased if what?

The Hon. J.R. CORNWALL: If you would pursue that line that you were talking about so that it can be guaranteed in the Bill that leaves this Council that we will come back with a series of regulations, any one of which may be accepted or rejected. I think that is a far more practical way of doing it than trying to get a complete set of regulations through in one fell swoop, because a small group of people might have a conscientious objection to one particular matter, or a large group of people might have a violent conscientious objection to one particular matter in that entire set of regulations and we could therefore finish up at square one with no regulation at all. I think that would be highly regrettable and, worse than that, it would be disastrous.

The Hon. J.C. BURDETT: I do not support this particular amendment, but it does raise the question of the appropriateness of enabling legislation on this matter at this stage. I addressed this issue at some length in my second reading speech. I referred to all the accepted criteria for enabling legislation on matters to be dealt with by way of regulation rather than by Acts of Parliament. I think there were four issues: mere technicality that Parliament would not be capable of dealing with and matters such as extreme urgency—neither of those two matters nor the others apply in this case. I say now, as I said then, that this is far removed from a case which ought to be dealt with by a code of ethics promulgated by way of regulations or otherwise by regulation. It is a matter that ought to be dealt with by Parliament. The matters referred to in the amendments placed on file by the Hon. Martin Cameron—and I will not go through them all—are matters such as whether the people involved should be married for a particular period, whether invasive experimentation should be allowed, the question of confidentiality, whether embryos should be maintained beyond the implantation stage, and so on. I am saying that these matters should be dealt with directly by Parliament and not by regulations, which if they come back to Parliament, cannot be amended: they can only be disallowed or not, and we cannot deal with the question of what does not come back.

What I said in my second reading speech—and I am saying now—is that these are very much matters of conscience and very much matters which should be dealt with by Parliament. Parliament is responsible and accountable to the electors, as I said before with some reservations, because I have had an amendment on file about this, but generally speaking the council is well set up with the right people. Maybe the variations should be changed, but these are not matters that should be dealt with by a council to formulate and keep under review a code of ethical practice, but should be dealt with by Parliament.

On the question of a conscience issue, all members of this Chamber will have received letters from the Lutheran Church, the Catholic Archbishop of Adelaide and from the Uniting Church. Each of those organisations took the point that these issues are not matters on which Parliament should abdicate its responsibility. That is exactly what the Catholic Archbishop said. The Anglican statement has not been promulgated by way of letter. It has been in the press and I have seen a statement which has been obtained for us.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: It did not really. Those three organisations: the Lutheran Church, the Catholic Church in particular, and the Uniting Church say that these matters ought to be considered by Parliament and surely that makes it a conscience issue. Surely it is a matter of conscience if at least two churches—I will defer to the Minister—have said specifically that these are matters on which the Parliament ought not to abdicate its responsibility, and that is exactly what the set-up in this Bill does. It leaves it to a council, which is not responsible to the electors.

The Minister spoke about expertise and the expertise of members of this Chamber. That applies not only to this Bill but to every Bill, as can be demonstrated from the index of Bills and Acts at the front of members' Bill files: Aboriginal Heritage Bill, Adoption Bill, Agricultural Chemicals Act, Apiaries Act, Appropriation Bill, Architects Act, and so on. Of course Parliament is not an organisation of experts. It is an organisation of people who have been elected and who are responsible to their electors. Members of Parliament can have the benefit of advice, and usually do. The Reproductive Technology Council should be a body to advise Parliament and other people. In any event, members of Parliament have access to advice and Parliament usually operates on that basis.

The Minister suggested that the code of ethical practice will come in separate regulations *seriatim*. Semantically that is not what the clause says. Clause 10 (1) provides that one of the functions of the council is to formulate and keep under review a code of ethical practice. Subclause (4) provides that the code of ethical practice, not a series of regulations, and any amendments to it will be promulgated in the form of regulations. That indicates to me that there is to be a code, which means that when the code is promulgated in the form of regulations as clause 10 (4) provides, it cannot be amended by either House of Parliament but must be accepted or rejected. That does not contemplate a series of regulations *seriatim*.

For those reasons I will oppose the suggestion that this legislation be treated as enabling legislation. The major moral issues raised in the amendments on file in the name of the Hon. Martin Cameron and the Hon. Rob Lucas should be addressed by this Chamber, and I will address them. I am not prepared to accept that there can be a code of ethical practice instituted by a body which is not respon-

sible to the electors and which will be promulgated in the form of regulations, as clause 10 (4) provides, which includes conscience matters which have been raised by the churches and others who regard them as a matter of conscience. I do not feel able to support this particular amendment.

The Hon. CAROLYN PICKLES: I oppose the amendment and support the original legislation. I do so having been a member of the select committee. I took my role on that committee very seriously indeed, and I will reply to a couple of matters raised by the Hon. Mr Lucas. The honourable member made some gratuitous insults about the intellectual capabilities of the Government backbench in this place. We have discussed this matter at some length in our Party room, not that it is any business of the Opposition, and we fully understand the legislation. We will vote on it accordingly at the correct time following our conscience. I make that quite clear.

The Hon. R.I. Lucas: Does every member of the Labor Party fully understand the legislation?

The Hon. CAROLYN PICKLES: I am sure they do. However, I am sure that some members in the honourable member's Party have a few problems in this respect, but I do not think that any of our members do.

Members interjecting:

The Hon. CAROLYN PICKLES: I am sure that the Hon. Mr Crothers is fully cognisant of all the matters raised today. I will also address some of the matters concerning the council. We all thought very carefully about the role of the council and clause 10 outlines specifically what its function will be. It covers all of the issues raised by members opposite, which they refer to as moral issues which may or may not be subject to a conscience vote. I am not sure whether the public has put us in this Chamber to decide on matters of morality. I would have thought that would be a question for various religious bodies and theologians. However, I am quite prepared to make moral judgments if it becomes necessary. I do so on the basis that I personally heard much evidence over many, many months. Members opposite took evidence for three years.

In my view the Hon. Mr Gilfillan has behaved quite irresponsibly. He supported the substantive part of this legislation in the select committee. We discussed it very carefully and I do not say that I consider that the Hon. Mr Gilfillan is an expert in all these matters. We took the view that the matters that were difficult to decide in this Chamber, matters which one might refer to as matters of conscience, should be discussed more fully by a group of people with more expertise.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: I was not here when that matter was debated, so the honourable member cannot sling those arrows at me.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: I would be happy to vote on it if it came before this Chamber again. The other issue to which I refer concerns the correspondence that we have received from various church bodies. Members opposite may not have received a copy of correspondence from two eminent physicians in reproductive technology who support the legislation. The letter from the Uniting Church supports the establishment of the South Australian council, and I will read the relevant paragraph from that letter, as follows:

> The establishment of the South Australian Council on Reproductive Technology, which reflects the unanimous recommendation of the Select Committee, is a sensible and constructive step in the process of coming to grips with the many complex ethical and legal issues involved in reproductive technology. The range of bodies nominating members to the council is to be commended, however steps need to be taken to ensure that there is a balance of men and women nominated from these bodies as it is essential to ensure that such a council should have an adequate representation of women, particularly in view of the nature of the technology under consideration.

I hope that, when the time comes, members who have bandied round the thoughts in these letters will support the amendment moved by the Hon. Ms Laidlaw and the subsequent amendments moved by the Minister of Health. I will oppose the majority of the Opposition's amendments.

The Hon. G.L. BRUCE: I oppose the amendment. I listened with great interest to the Hon. John Burdett's deliberations of how he sees this issue. I do not see it in the same way. He said that Parliament should have the final say, but I believe that Parliament would have the final say, through the regulations.

With every regulation that comes before the Subordinate Legislation Committee, Parliament has the final say. What has happened is that the workload has been taken off Parliament instead of Parliament having to deal with every regulation as it comes in. It has a committee which is subordinate to the Parliament, and which looks at regulations, but any member of the Parliament can raise an objection to any regulation put before this Parliament or the Surbordinate Legislation Committee. The strength I see in it going before a committee—and it will be a regulation—is that anybody from the public can come in and give evidence why they oppose that regulation, and in turn the committee no doubt would ask the council, which is composed of 11 members with a certain amount of expertise, to give evidence why such a regulation is proposed.

Before Parliament decides on that regulation, it has a wealth of evidence supporting and opposing why the regulation should come into power, and that in itself gives Parliament a second review. It gives us a look at it. I can live quite comfortably with any regulation, whether or not it be a matter of conscience, coming down to be looked at. It is a second bite at the cherry, if you like, and we are getting some expertise and some opposition fed into those regulations before they come to Parliament. I do not believe that Parliament is abdicating its responsibility. We are still the final arbiters of whatever code of ethics goes into this Bill. I cannot see how Parliament is being bypassed. Parliament is gaining a strength from the additional witnesses and the evidence that will be tabled through any regulation.

The select committee supported that approach and I cannot see anything wrong with it. I also believe it is best if a code of ethics comes down as a regulation and cannot be amended or changed but can only be accepted or rejected. That is the way it should be in this case. Also, there is a move afoot that, if any regulation is approved, it will not take effect until such time as the Parliament has cleared it. That is different from the way in which regulations operate now. I have a certain sympathy with that because I think things will be approved that cannot be put into train and then stopped, so I do not believe that they should be started until Parliament gives its consent. I have a lot of sympathy with any amendment that makes the regulation not operative until such time as Parliament has decided.

The Hon. M.B. Cameron: You have to get the regulation back first.

The Hon. G.L. BRUCE: Yes, that is right. It is in the Bill that it must come to Parliament and it is also recommended in the select committee report. I am prepared to accept the Minister's word that those regulations will come to Parliament and will be acted upon properly.

The Hon. R.J. RITSON: In the interests of expediency, I point out that the numbers are virtually countable and the Council may wish therefore to move fairly soon to vote on this clause. If we do that and certain other amendments

which will be debated should fail, would the Minister be prepared to recommit a sufficient part of this Bill for us to discuss further his assurances about the regulation-making process and about bringing in *seriatim* of such matters. For example, if the amendments on the matters of marital status and embryo experimentation should fail in the course of the Committee stage of this Bill, can we further discuss with the Minister his assurances that the Parliament would get a chance to have a look at the regulations on these issues? If so, I think we ought to move along now and get some of those other votes over with. I hope they will not fail but, if they do, we may need to talk some more to the Minister about his assurances as to the form in which these regulations would come in.

The Hon. J.R. CORNWALL: I do not know if the Hon. Dr Ritson was in the Chamber when I gave assurances to the Hon. Mr Lucas and asked him to look at the possibility of moving appropriate amendments so that the undertaking I have given could be enshrined in legislation. I am not sure what the honourable member means by a recommittal.

The Hon. R.J. Ritson: Of some clauses involving the disallowance.

The Hon. J.R. CORNWALL: We can recommit while we are in the Committee stage. I made that clear at the outset. There might be one or two amendments I might like to move as a private member as these things go along, but on a conscience basis I can never really be a private member, not in my distinguished position. As we see the logic or otherwise emerging from the debate, it is possible I might even want to move one or two amendments. Mr Lucas is already looking at enshrining in the legislation the undertaking I have given. I know he regards me as a gentleman and that deep down, very deep down, has some respect for me, but I am perfectly happy for him to ensure that this happens, because he knows that one day I might get under a bus and that I will not be Minister forever. I know he is sad about that, but it is reasonable for him to have assurances for future generations.

Amendment negatived.

The CHAIRPERSON: I would suggest that from now on, any remarks be limited to the topic of the amendment and that wandering all over the shop will be inappropriate.

The Hon. R.I. LUCAS: I move:

Page 1, line 33—Leave out paragraph *(a)*.

I am sure that this amendment will not take us as long as the wide ranging debate on the previous amendment. It seeks to amend the definition under clause 3 of 'human reproductive material'. The current definition in the Bill is in three parts and includes *(a)* human embryo, *(b)* human semen and *(c)* human ovum. My amendment seeks to delete the reference to human embryo, so we will be left with what I think we probably all first thought of—at least I did anyway—as human reproductive material, namely, sperm and ovum. I think that is more closely technically correct, but it is not my sole reason for moving it. I also had a view that lumping together the human embryo in the same context with semen and ovum was not something that I would like to support. It connotes an equivalence between semen and ovum together with what many of us would see as the commencement of human life—the human embryo.

I move the amendment for those reasons. If it is successful it will require consequential amendments. One that I do not think that my drafting picked up is that we will have to amend the heading of the Bill which currently says, 'A Bill for an Act to regulate the use of reproductive technology and research involving experimentation with human reproductive material.' If the amendment is successful I will have to go back to Parliamentary Counsel and we might require, during whatever recommittals we have later, an amendment to that heading.

The Hon. Carolyn Pickles: They freeze embryos.

The Hon. R.I. LUCAS: Yes. They freeze ovum and sperm, too. What is the point you are making?

The Hon. Carolyn Pickles: I cannot understand the logic of your amendment.

The Hon. R.I. LUCAS: The Hon. Carolyn Pickles says that they freeze embryos and therefore she cannot understand the logic of my amendment. Perhaps she ought to make her point and I might be able to respond very quickly. I do not wish to prolong the debate. I cannot understand the interjection. As I said, the two reasons for the amendment are, first, technically, that human reproductive material, in my understanding and many other people's understanding, is the sperm and the ovum. It has always been; that is what human reproductive material is. Secondly, the view I have—a moral view if one likes—is that this amendment equates, with the same degree of importance, the reproductive material (the sperm and ovum) and what many people, myself included, see as the commencement of human life, that is, the human embryo—the combination of the sperm and the ovum.

The Hon. Carolyn Pickles: There are differing views on that.

The Hon. R.I. LUCAS: Sure. The Hon. Carolyn Pickles might not see that as the commencement of human life, and many people argue about when human life commences. They are the two simple reasons I give for moving this amendment.

The Hon. R.J. RITSON: I support the amendment. It seems a little semantic and it is certainly not uncommon in the drafting for definitions to be lumped together in the definition section and for matters to be given artificial, rather than their natural, meanings. However, to lump these together as if of equal value under the one title has upset some people who wish a clear distinction of the value of the embryo to be seen and not blurred. I am sure that there is no sinister intent on the part of anyone to demean the embryo merely by placing it in the same definition section.

Since the remedy is simple and mechanical, even if it means a few more words, I think that it is appropriate that we support the amendment. It is not the sort of thing that should cause the Government of the day any difficulty. Those who will be pleased at the distinction given to the embryo by separating it from that provision and giving it its own presence in the Bill will see this amendment as important. I hope that other members who do not hold that view could at least see the amendment as harmless and support it.

The Hon. J.C. BURDETT: I had a similar amendment on file, and I support it. I agree with what the Hon. Dr Ritson has said, namely, that I suppose the amendment is somewhat semantic and that we are accustomed to artificial definitions in Bills because they are only for the purpose of this Bill. Nonetheless, it has offended a number of people in the community and it does offend me, to put, for moral purposes, an embryo in the same situation as human semen and a human ovum. There are many people, as the Hon. Dr Ritson suggested—and they include me—who consider an embryo as being a human being. Whether they do or do not consider an embryo as being a human being, it is a stage very different from human semen or a human ovum, and the definition does equate those three things. It is not really necessary for it to do it because the only value of a definition is as a form of shorthand to save writing the three things all the time.

If one looks further on in the amendments which will be consequential (as the Hon. Robert Lucas has said) on the passing of this amendment, there are only a few clauses that would have to be changed. Therefore, it would not be at all clumsy or difficult to pass the amendment and to take away that offence which some people see in equating a human embryo, human semen and human ovum, and to make the consequential amendments, because the only purpose of an artificial definition such as this is to make the Bill read shortly and briefly and without clumsiness. There is no clumsiness if one looks at the consequential amendments which the Hon. Robert Lucas proposes to move. For those reasons I support his amendment.

The Hon. CAROLYN PICKLES: I oppose the amendment. The Hon. Mr Lucas could not understand the logic of my interjection; I fail to understand the logic of his amendment. It is my personal view—and I believe that we are allowed to state our personal views in this place—that the description contained in paragraph *(a)* does describe human reproductive material. The fact of the matter is that the semen and the egg have been joined.

The Hon. Peter Dunn interjecting:

The Hon. CAROLYN PICKLES: Indeed. We could put 'a group of cells' but that may not be a very explicit statement for some people. I believe that a human embryo is referred to in other parts of the legislation, and we have to be quite clear what we are talking about. For that reason I think that it is necessary to include this.

The Hon. Peter Dunn interjecting:

The CHAIRPERSON: Order! If the Hon. Mr Dunn wishes the call, he can have it later.

The Hon. CAROLYN PICKLES: The Hon. Mr Dunn is muttering over there and it probably has something to do with animal genetics, but I am not quite sure. This provision is necessary to adequately describe what we discuss in later parts of the Bill. Therefore, I oppose the amendment.

The Hon. J.R. CORNWALL: It is my belief, and it is my proposition furthermore, based on the position that we put earlier, that this is quite clearly a conscience issue. Therefore, I intend, as a matter of principle, that the Government will oppose it. It ought to be referred to the South Australian Council on Reproductive Technology. A very fundamental proposition is being put. It makes a very clear distinction between semen and ovum on the one hand, and an embryo on the other. I respect the motivation for putting it, but it really impinges on the question of when life starts. Therefore, it impinges, it seems to me, on the attitudes that may be adopted or recommended with regard to the freezing and thawing of embryos, with research, and all of those issues. In the event, this is one area in which I think we clearly need that learned second opinion.

It is significant that the amendments have been put up by the Hons Mr Lucas and Mr Burdett, both of whom are members of the conservative wing of the Catholic Church. That is a fact: there is no implied criticism in that at all. I respect their right to support John Fleming and people like him. However, the matter does go to the heart of when life begins; it impinges on the abortion debate; and it goes right across those extraordinarily sensitive issues. I believe it is sensible in the event to accept the second opinion of the Reproductive Technology Council on that issue.

I give a firm undertaking to bring back a recommendation as a specific regulation, and at that time we will most certainly have a conscience vote on the issue. It is a matter that is quite profound, and it has been lobbed on us this afternoon. The amendment appeared some time after 3.30 p.m.—11 weeks after the Bill was introduced into this place. It is not reasonable in all those circumstances to ask members to vote at once, and certainly, in my view and in the view of the Government, it falls into the issue of those matters which ought to be referred to the proposed Council on Reproductive Technology. It is for those reasons, and not because we are in any sense denying a conscience vote (as that conscience vote will be there for all members of the Government when the matter comes back as a specific regulation), the Government will oppose the amendment.

[*Sitting suspended from 5.50 to 7.45 p.m.*]

The Hon. R.J. RITSON: Before the dinner adjournment the Minister said that the amendment moved by the Hon. Mr Lucas was of grave concern and ought to be left to the proposed council. I wonder whether the honourable Minister misunderstood the amendment, particularly as there are several consequential amendments on it, because it does not change the Bill or any practices carried out under the Bill at all.

It is an idealistic amendment based on the fact that some members of the public and some people named by the Minister felt it inappropriate for the sperm, ova and embryo to be mentioned in the same part of the definition clause because that might, by implication, indicate that Parliament believed that they were all of equal value. Like the Hon. Mr Burdett, I think it is a semantic matter, but easy to remedy and, by deleting the word 'embryo' from the definition clause and reinserting the word in each of the clauses of the Bill where it is relevant, that semantic separation is achieved, although the effect of the Bill is not otherwise changed in any way.

The gravity with which the Minister saw this would indicate to me that perhaps he thought we were wanting to delete the embryo from consideration or change the effect of the Bill in relation to the embryo, but that is not so. We are merely proposing an exercise that is the opposite of maximum economy of words so that, in each of the subsequent clauses where it would have been sufficient to use the words 'reproductive technology or artificial fertilisation', it would now be necessary to put the word 'embryo' back into each of the clauses where it was appropriate to do so, the net effect being no change in the way that the Bill would operate as a result of this amendment but adding a few more words.

The consequential amendments are already drafted, and I cannot see how the Minister thought that this was of very grave import or how it might be something on which the proposed council ought to deliberate. As I say, it is simply the exercise of shifting the word from the clause in which it would need only to be used once in the Bill and using it four or five times elsewhere in the Bill. That is the only effect of it. It is not at all a matter of grave import that ought to be taken to 1 000 experts.

The Hon. M.J. ELLIOTT: I understand the point that the Hon. Mr Lucas and the Hon. Mr Burdett are making; it is a conscience issue, as all issues are with our Party.

An honourable member: He's gone out.

The Hon. M.J. ELLIOTT: He's on a pair.

The Hon. J.R. Cornwall: He's not on a pair. That's the silliest thing I've ever heard. He is on a select committee for three years, and he nicks off to a Chamber of Commerce dinner in the middle of the Committee stages. It is disgraceful!

The PRESIDENT: Order!

An honourable member: He can't rely on a pair.

The Hon. J.R. Cornwall: He has got a pair on conscience issues. I've never heard the like in my life. It is outrageous! It looks as though we'll have to get the House up. Wait for him to come back? What time will he be back?

The Hon. M.J. ELLIOTT: I haven't the vaguest idea.

The Hon. J.R. Cornwall: He ought to be exposed for the phoney that he is. It is disgraceful, absolutely disgraceful.

The CHAIRPERSON: Order! The Hon. Mr Elliott has the call.

The Hon. M.J. ELLIOTT: The points made by the Hon. Mr Lucas, the Hon. Mr Burdett and the Hon. Dr Ritson, I understand, but I think they prove that, if you are looking for something to worry about, you will find it. They said, 'Let us put the human embryo on the one side and the semen and ova on the other. We need to separate the two.' I think it is significant that the terminology being used here is not, in fact, spermatozoa but semen.

In other words, it is talking not just about the gametes but about something beyond that. All that has happened is that, for convenience in the drafting, those three have been put together. I fail to see how having the embryo, semen and ova together in any way suggests that the embryo has the same value or meaning (or whatever else that they wish to ascribe to it) as semen and ova. I really think that they have got themselves into an unnecessary semantic knot.

The Hon. R.I. LUCAS: I am a little non-plussed that so much has been made of what I felt to be a very small amendment. All of a sudden I find myself embroiled in an argument about the commencement of human life. Really, the amendment has nothing at all to do with that. The extrapolation of this amendment to arguments that it might affect the Criminal Law Consolidation Act under which the abortion law is bound is taking it too far. This definition is only for the purposes of this Act and cannot in any way bind anything else. So, it really is only an argument about a definition clause in this Bill.

An honourable member interjecting:

The R.I. LUCAS: We all have differing views, and I accept that. I accept also the assurance from the Hon. Mr Cornwall that one of the first matters that he will refer to the South Australian Council on Reproductive Technology is a request for a regulation (he said) in relation to when human life first commences.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Are we going on?

The Hon. J.R. Cornwall: Not for very much longer. I have never seen anything like this. He did not even speak to me; he was not even courteous enough to speak to me. He sat on a select committee for three years and then he nicks off in the middle of the Committee stages.

The Hon. R.I. LUCAS: Are we going on or not?

The Hon. J.R. Cornwall: We'll listen to you.

The Hon. R.I. LUCAS: Are we going to vote on this or not? I suppose we cannot vote with people missing.

The Hon. J.R. Cornwall: I am not giving any pairs, full stop, and that's it.

The Hon. R.I. LUCAS: But are you going to force continuation of it or not?

The Hon. J.R. Cornwall: Just carry on. We can recommit all of these things. We'll go through the whole debate again when he comes back.

The Hon. R.I. LUCAS: That is a waste of time.

The Hon. J.R. Cornwall: We'll be going home at midnight, of course, because he is a Democrat. He ought to be exposed for the fraud that he is.

The Hon. R.I. LUCAS: It is a waste of time for us having to recommit—

The Hon. R.J. Ritson: He has put three years' work in on this.

The Hon. J.R. Cornwall: I know, but he was on the committee. We can recommit every clause tomorrow and we can sit all night, but he is not getting any pairs. He is not here to vote.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. Cornwall: He has written it all out—I think I might support Cameron's amendment if I was here. How am I to work on something like that?

The Hon. R.J. Ritson: He has been changed by the debate.

The Hon. R.I. LUCAS: He has been changed in many ways in his time. The Hon. Dr Cornwall said prior to the dinner break that he would ask the Council to come back with a regulation on this particular matter. What the Hon. Dr Cornwall was arguing was to leave the definition as it is and the Council will come back with a regulation on this particular matter which, on his argument, relates to when does life begin? First, I cannot see how that particular argument came into this debate. Secondly, I cannot see how the Hon. Dr Cornwall could argue that it could be introduced by way of regulation if it was in any way contrary to the principal Act. My understanding of regulations is that regulations can be introduced that are supportive or in furtherance of the principles espoused in the principal Act. If something is in clear conflict with the principal Act or this particular definition I do not see how a regulation could be introduced.

I can see that, if it wanted to, the Council could make a recommendation for a legislative amendment and the Government or an individual member could take up that particular matter and have a look at it. As I said, I am nonplussed that the debate has suddenly, at least with some members, turned into a debate about whether we are for or against abortion or whether or not we are defining human life. Quite simply it in no way seeks to define for all members when life begins. Obviously members have differing views: some of us take the view that human life begins at fertilisation; others, for example, in the Victorian Parliament, argue that there is some distinction between that original point and some 16, 18 or 20 hours later. They argue that experimentation can be conducted on the embryo during that period. Others argue that it is not a human being for another six weeks or maybe even longer, for example, when it first experiences pain or the first brain cell exists in a foetus, and that it should not be treated as a human being until that stage is reached.

I am sure all those views are reflected by members in this Chamber and I see members nodding their heads. I am sure we all have different views and, whilst I might disagree, I respect the views of members which are different from mine. However, we should not extrapolate the debate for the purposes of definition by trying to distinguish between a human embryo and human reproductive material. In particular, when one talks about experimentation under clause 14, I and a number of members in this Chamber would be relatively relaxed about the freezing of ova, sperm or semen, and experimentation on ova and sperm.

I think a number of members in this Chamber would have similar views on that matter, but other members—and I am certainly one—would take a different view in relation to experimentation on the human embryo. If members talk to the practitioners currently working in the two clinics at the Flinders Medical Centre and the Queen Elizabeth Hospital—and I cannot confess to having spoken to all of them—the ones I have spoken to make a distinction between research on the embryo and research on sperm and ova. It was only in response to those sorts of discussions—and, as I said, an understanding on my part—the human reproductive material always refers to semen and ova and I have never seen the human embryo referred to as human reproductive material. It is certainly a new understanding

from my particular viewpoint. I do not know whether that disavows the concerns of some members. Obviously, some members must still have some concerns, but I urge support from members for the amendment.

The Hon. J.C. BURDETT: To pass the amendment would not change the meaning of the Bill because the consequential amendments that would be thereafter passed would mean that the Bill would have the same effect as it does at present. However, to pass the amendment would remove the objection that some people have to equating a human embryo with human semen and a human ovum. I have said before that I regard the human embryo as being a human being, but whether one agrees with that or not I think it is fair to say that the status of a human embryo is different from that of human semen and a human ovum. Because the proposed amendment and its consequential amendments will not change the meaning of the Act but will remove those conceptual objections from a considerable part of the community, I very much support the amendment.

The Hon. DIANA LAIDLAW: I speak in the knowledge that this amendment for the Liberal Party, as with all matters related to this Bill, will require a conscience vote. I stand to indicate that I am not able to support the honourable member's amendment. When this matter was first raised I gave considerable thought to it and on the surface it seemed a totally reasonable amendment because, as other honourable members and, in particular, the Hon. Mr Burdett have explained, it overcomes considerable difficulties in terms of experimentation and a whole range of other matters. On that basis I found the amendment to be superficially attractive. However, in all conscience I cannot support it.

I have been endeavouring to find a contribution I made in a speech on a Bill that the Hon. Mr Lucas introduced in October 1984 in relation to the preservation of human embryos. At that time I spoke strongly against the Bill and I think that—while my colleagues suggest to me that this amendment would not give rise to the matters that I canvassed in that Bill, and I certainly do not mistrust the motives of the Hon. Mr Lucas in moving this amendment, nor those of my colleagues who have supported it—it would be contrary to the views that I hold dear and have expressed in this place in the past. For those reasons I indicate that I am not able to support this amendment.

The Hon. M.B. CAMERON: I appreciate all the views that have been expressed on this matter by various members but I really think that the whole thing has been overplayed. I do not believe that it is as serious a matter as perhaps the Minister indicated when he spoke on it. I am not a conservative Catholic—I think that they were the words that the Minister used.

The Hon. K.T. Griffin: A conservative Presbyterian.

The Hon. M.B. CAMERON: Yes, I am a conservative Presbyterian.

The Hon. J.R. Cornwall: You are not a continuing Presbyterian, are you?

The Hon. M.B. CAMERON: No. I am not a continuing one but I never changed, if members can understand that. My mother was a Methodist and my father was Presbyterian, so I do not know what that makes me. It is a terrible mixture, I have heard.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I would have thought that the Minister would agree with that. I cannot work myself into a frenzy over this amendment. I honestly feel that there is some commonsense in it. I must say that I cannot see any harm in it and if it allays the fears of people in the community that somehow we are setting out on a course with which they would not agree, I am quite happy to support the amendment. I frankly do not think that it achieves anything, one way or the other. I do not think it is that important. Maybe I am misreading the amendment, but I do not believe that I am. As a non-continuing conservative Presbyterian, I indicate that I will support the amendment.

The Hon. R.I. LUCAS: What is the Minister to do about our absent friend?

The CHAIRPERSON: That is not part of the debate on the amendment.

The Hon. R.I. LUCAS: It is a fair question.

The Hon. J.R. CORNWALL: I intend to proceed as far as is reasonable, particularly on a matter such as this which is a conscience issue. We made clear that we could recommit any clause at any stage. If it becomes a farce, that we are debating clause by clause and dividing on those clauses but do not know about our absent friend (the honourable member was very charitable to describe him as 'our friend')—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: He is like Clancy, I think he has gone to Queensland droving and we don't know where he are. If we get into too much difficulty and we have to recommit too many clauses, we will have to proceed through the Notice Paper. At the moment we should press on until we run into what I consider to be difficulties.

The Hon. M.B. CAMERON: In fairness to the Hon. Mr Gilfillan, I should say that he indicated to me that he would support the amendment of the Hon. Mr Lucas. I do not know where that leaves us.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. Cornwall interjecting:

The CHAIRPERSON: That is not possible, either. The Chair only has the right of a casting vote if a division is equally divided.

The Hon. R.I. LUCAS: I do not know whether other members will support the amendment. But, given that the Government is voting as a bloc and the Hon. Mike Elliott and the Hon. Diana Laidlaw have indicated opposition, and whilst the Hon. Ian Gilfillan is a likely supporter and an absent friend, I will not call for a division. If other members who support the amendment do so, I am quite relaxed about that. It will have to be resolved when the Hon. Mr Gilfillan returns and he can be apprised of the current status of the debate because it appears to have taken on a life of its own since he left us.

Amendment negatived; clause passed.

Clause 4 passed.

Clause 5—'Establishment of the council.'

The CHAIRPERSON: The Hon. Mr Burdett has three amendments to this clause at lines 22, 32 and 33. Although they are not the same amendment, they are interconnected and I presume that the honourable member will wish to debate all three simultaneously.

The Hon. J.C. BURDETT: I would like to speak to them all.

The CHAIRPERSON: The honourable member may speak to all three simultaneously but, depending on how the debate goes, the amendments may be put in a bloc or taken separately for voting.

The Hon. J.C. BURDETT: I am quite happy to move the first one, but the three are interrelated. I move:

Page 2, line 22—Leave out '11' and insert '14'.

The amendments relate to the constitution of the council and, as set out in the Bill, the council is heavily weighted in favour of people who are involved in research. There should be an equal weighting towards people who are engaged

in moral and other issues. The purpose of the amendments is to provide that, instead of there being only one member of the heads of churches, there be three. That would redress the balance to some extent because at present the council is heavily weighted in favour of researchers. The reasons for moving the amendment to provide for three members of the heads of churches instead of one are as follows: first, it would redress the balance; and second, the heads of churches do not speak with one voice; they have different views. The churches have different views on this important issue as has been clearly shown that we do in this Chamber. It is not fair that one person should be appointed from the heads of churches to represent the views of all of them. It should be possible for people with different points of view among the heads of churches to be able to express what they want to as representatives from the various research institutes can do. There is an undue imbalance on the side of the researchers, who have a legitimate point of view to put in the council, but it should be balanced by those who look at these issues in a different light.

So, the heads of churches ought to be reasonably represented particularly because, as I have said, they will not always speak with the same voice. There are two ethics institutes—the Boenhaffer Institute and the Southern Cross Institute of Bioethics, and the point of this amendment is to give them a place as well. I want to introduce a balance. On the one hand, there are plenty of people from the research side. On the other hand, there ought to be people from the ethics side, and it is for these reasons that I move the first amendment as a test case.

The Hon. J.R. CORNWALL: We reject the amendment, not on a conscience basis but as it is a matter of administration and policy. The select committee made a unanimous recommendation concerning the composition of the proposed Reproductive Technology Council. Obviously, Mr Burdett does not have to agree with it any more than does Mr Fleming. I understand—

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: Come on, I know very well what has been said and I know very well what other amendments have been foreshadowed. I went through the composition of the council today and any practical, sensible person—and I happen to be one of them—

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: Well, that is a matter of great amusement to the Hon. Mr Burdett, but in this matter, I am sensitive and practical. In appointing the members to the proposed council, I have been at pains to consult all around the place. For example, I have appointed a very well qualified Anglican priest as a ministerial nominee. I might also add that he was recommended by the Hon. Mr Gilfillan, who is not with us. He only sat on the select committee for three years and then decided he would fail to front on the night that we went into the Committee stage, because he thought there might be two votes at the Chamber of Commerce dinner—and he is probably a bad judge at that. We looked very carefully at the composition, and if one looks at the interim committee that I have appointed it will be seen that I have been scrupulous in ensuring that all views were represented. It is no coincidence that we do have an extra church person on it because I personally recommended to my Cabinet colleagues that we ought to appoint him.

The Hon. M.B. CAMERON: I do not support the amendment. I accept what the Minister has said—that the select committee made a unanimous recommendation on this matter. I understand the motivations of the Hon. Mr Burdett and the feelings of some people within certain sections of the community about this matter. However, the consensus view in the Opposition, aside from Mr Burdett, is that we would not support the amendment.

The Hon. J.C. BURDETT: I accept what has been said about the recommendations of the select committee, but that was on the basis that the council would not have the powers which have been given to it in the Bill. The recommendations of the select committee were on the basis that the various other recommendations in the report would be put into effect in this Chamber and the Parliament generally.

The Hon. M.B. Cameron interjecting:

The Hon. J.C. BURDETT: Sure, which they have not been. I would not have any argument if the council was only an advisory council or had only very limited powers, but the council has been given the power to promulgate a code of ethics in the form of regulations which, as I read the Bill, the Minister can either accept or reject. So, I do not think I am going against the recommendation of the select committee at all, because the select committee was talking about the role of the council in a particular field, and in fact it has been given a much greater area of operation. It has been given the power to talk about things like whether or not the couples involved should be married, the question of confidentiality, and various other questions which are mainly involved in the Hon. Mr Cameron's amendments. As I read the select committee's report, it did not recommend that. If we are going to give the council those powers, then I think we need to give it a wider representation.

The Hon. K.T. GRIFFIN: As a member of the select committee and one who supported the membership of the council which has now been adopted in the Bill, I feel that I have an obligation to support the proposition in the Bill. I certainly would like to see a greater representation of the Christian denominations on the council, but I do not feel that I am able, in the light of my own commitment as a member of the select committee to the unanimous recommendation of the select committee, to support the amendment of my colleague or to seek to vary in any way the membership which has quite faithfully been reproduced in the Bill.

The CHAIRPERSON: It seems to me that those who support one of these amendments support all three, and those who oppose one oppose all three.

Amendment negatived.

The CHAIRPERSON: As to the next amendments, the Hon. Ms Laidlaw should move her amendment first. However, the Hon. Ms Pickles may speak to her amendment as they relate to the same topic.

The Hon. DIANA LAIDLAW: I move:

Page 2—After line 36 insert new subclause as follows:

(2a) When nominating a person for membership of the Council a person or body referred to in subsection (2) must recognise that the Council should, as far as practicable, be constituted of equal members of men and women.

This amendment may superficially appear to be the same as the one I previously had on file, but its impact is much broader. When I spoke during the second reading stage I said that the select committee had recommended, and also that the Minister's second reading explanation noted, the desirability of providing 'that as far as possible men and women should be equally represented on the proposed South Australian Council on Reproductive Technology'.

Although the Minister's second reading explanation and the select committee report contained that statement, and it was the first unanimous recommendation of the select committee, no such specific provision was included in the Bill. At the time I expressed hope that the Minister and

subsequent Ministers would seek to ensure that women were equally represented on the council. After having given some thought to the matter I realised that I felt so strongly about it that leaving it solely to the goodwill of this Minister and successive Ministers was not sufficiently adequate. Therefore, I considered that I should move an amendment to seek to ensure that as far as practicable the council is constituted of an equal number of men and women.

The amendment that I first proposed was to clause (3). When summing up the debate a couple of weeks ago the Minister made what I later considered was a very valid comment, that my amendment was confining the Minister and not extending the provision to the nominations of the other bodies that are named in the Bill. That was not my intention. I did not wish to confine only the Minister in that way. Therefore, I decided to move the current amendment.

This amendment provides that when nominating a person for membership of the council, the Council of the University of Adelaide, the Council of the Flinders University of South Australia, the Royal Australian College of Obstetricians and Gynaecologists, the Royal Australian College of General Practitioners, the heads of churches in South Australia, and the Law Society of South Australia, in addition to the Minister, must recognise that the council should, as far as practicable, be constituted of equal numbers of men and women. In this I am simply following what the select committee deemed to be its first and second recommendations.

I would have expected the select committee, having met for two years on this matter, would, in making its unanimous recommendations (first, that, as far as possible, men and women should be equally represented on the council and, secondly, that the council comprise 11 members and that one only should be nominated by all the various councils or colleges in addition to the five from the Minister), to resolve this question. I see it in the same light, that all these councils and colleges should look to see the best person for that nomination whether that person be a man or a woman. I note that the Law Society in respect to the interim council has nominated a woman. Nothing in the recommendations of the select committee nor in my amendments are prescriptive. They simply state a principle—a desire that as far as practicable it should occur.

My amendments reflect the unanimous opinion of the select committee, and with confidence I move them in the knowledge that the select committee would not have recommended such without being aware of the fact that what it was recommending were the practical options. I think that this amendment is far superior to that which I filed earlier because it applies not only to the Minister but to all nominations that, as far as practicable, the council be constituted of an equal number of men and women.

The Hon. CAROLYN PICKLES: I refer to the amendment that has been circulated in my name. The sentiments that the Hon. Ms Laidlaw and myself have about this matter are probably very similar although I believe that her original amendment was far stronger when taken in conjunction with the amendment that will subsequently be moved by the Minister of Health.

The Hon. Diana Laidlaw: So, you don't agree with the select committee?

The Hon. CAROLYN PICKLES: I certainly agree with the sentiments of the select committee. The amendment I have on file says that, as far as practicable, the council is constituted of an equal number of men and women.

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order! You can speak again if you wish.

The Hon. CAROLYN PICKLES: During the somewhat lengthy debate of the select committee there were differing opinions about how we would go about this. It seems to me that it is obvious that in some areas there may be some difficulty in nominating women. I believe that the Minister, on the interim council, has already nominated five women out of the 11. Therefore, this Government has shown its commitment to expressing the views of the select committee. However, I do not believe it is sufficient to leave it at that. It is important that we have a statement that follows from the select committee's recommendations. I do not think that there is anything particularly sinister in it. I cannot understand why the Hon. Miss Laidlaw chose to change her original excellent amendment.

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order! There is no limitation on the number of times one can speak in Committee.

The Hon. CAROLYN PICKLES: I presume that the Hon. Ms Laidlaw is referring to her Caucus?

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order!

The Hon. CAROLYN PICKLES: You have had a conscience vote on this matter as you are supposed to have conscience votes on all matters of policy, unlike the Labor Party where we exercise a little bit of discipline. This amendment makes the concept of the composition of the committee far stronger than the original Bill which provided that the membership be sufficiently representative of the general community. I think that the original drafting of the Bill had the intent of the select committee in mind. I do not believe that it explicitly enshrined in legislation the intent of the select committee, whereas I believe that my amendment will do so.

The Hon. M.J. ELLIOTT: On another occasion we were debating a clause where it was intended that a body comprise an equal number of men and women. I said that I looked forward to the day when such a clause would be no longer necessary in Bills. The reality is that it is still necessary, particularly on a topic such as this. I said at a branch meeting of our Party last night that I looked forward to the day when we no longer had a women's policy, as we would then have progressed beyond it. Surely a human rights policy should be enough to cover the issue. However, the reality of the world in which we now live is such that affirmative action is still necessary, although I hope for not too much longer. I support affirmative action, but it is a question of which clause to support.

The composition of the council is such that we are likely to get a preponderance of male nominees. I may be wrong, but that is likely to be the case, particularly from the obstetricians, general practitioners, churches and the Law Society. The likelihood is that those nominees will be male rather than female. For that reason I am attracted to the amendments that have been foreshadowed by the Minister of Health and the Hon. Ms Pickles, because that may be the only way that we will have any real possibility of getting a fairly even number of men and women on that council.

The Hon. R.J. RITSON: I support the amendment moved by the Hon. Ms Laidlaw, and indeed prefer it to the amendment that I expect the Minister of Health to move. It is a pity that it is necessary, for similar reasons as stated by the Hon. Mr Elliott. Certainly, in a Bill of this nature, which is intimately bound up with matters affecting women so closely, it is important to have adequate representation from women. The Hon. Ms Laidlaw's amendment pursues that issue quite well and also allows some room to move so that the choice

of skills can be made with some regard to the committee being a committee of expertise. Perhaps in the future there will not be any difficulty selecting expertise because women are increasingly entering the professions. Like the Hon. Mr Elliott, I look forward to the day when it will not be necessary to make a statement such as this.

The amendment proposed by the Minister, where the private institutions nominating delegates must, if requested, send two names, has its difficulties. From what the Minister said earlier about the composition of the council, I believe he has done quite well so far. Perhaps the importance of this amendment is more a guide for the future and for future Ministers than for the present situation. In any case, it would be nice to see it in the Bill, and I support the amendment.

The Hon. J.R. CORNWALL: I find this situation very sad indeed. The original amendment was placed on file by Ms Laidlaw more than three weeks ago. I took it to our full Caucus, where it was discussed and where it was agreed unanimously, from my recollection, after a full debate, that it was a very sensible amendment, that it was a policy issue and that we not only should but also would support it. This is not a conscience issue as far as we are concerned—we are supporting it. It is very sad that Ms Laidlaw's Party room has prevailed upon her to change it, because what she has come up with is a nothing. Her amendment provides:

> When nominating a person for membership of the council a person or body referred to in subsection (2) must recognise that the council should, as far as practicable, be constituted of equal numbers of men and women.

It does not mean anything, really and literally. Her original amendment, as foreshadowed by the Hon. Carolyn Pickles, provided:

> That, as far as practicable the council is constituted of an equal number of men and women.

We can look at that in conjunction with my foreshadowed amendment, which provides:

> A body on whose nomination a member or a deputy to a member of the council is to be appointed must, if the Minister so requires, submit the names of a male and a female nominee.

The Minister would not so require in the present circumstance, because we have given a very clear indication of what I would propose to be the membership of the Reproductive Technology Council and I have been at pains, as the present encumbent, to ensure that, as far as practicable we have equal representation of men and women, while at the same time taking into account the desires of our autonomous universities.

It seems strange to me that we have an odd thing which says that we should write to the universities which are autonomous bodies and say, in the most amorphous way, 'Please remember that I, the Minister, will somehow have to line this up and get it as near as practicable.' That could mean nine to two. The Laidlaw amendments mean absolutely nothing because, if the universities, the Law Society and the heads of churches do bear it in mind, I should have thought that they would not have a lot of room in which to maneouvre because overwhelmingly the candidates would be men.

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: The honourable member will have to talk to Mr Fleming about that. That caused him to defect to Rob Lucas's faction. When we put Ms Pickles' foreshadowed amendment, which is identical to the very good amendment originally foreshadowed by Ms Laidlaw, next to mine, as near as practicable we have exactly what I believe all people of goodwill in this place are trying to attain, and we will certainly be acting in the spirit and intent of the recommendation of the select committee. However, the new Laidlaw amendment is rather sad and silly, and we certainly oppose it strenuously. By 'we' I mean the Government. This is not a conscience issue but a matter of policy.

The Hon. DIANA LAIDLAW: The Minister has suggested that this is a silly amendment, merely because Caucus has already made a decision on the earlier amendment that I proposed to move. It is an indication of the inflexibility of the Labor Party that it will take another week for it to come to any conclusion on this. It has accordingly found it convenient to deem my amendment silly.

I moved the earlier amendment in the belief that I was reflecting the select committee's view. When the Minister spoke to clause 2 of this Bill on 10 November he said that my amendment was mere window dressing. Now he is supporting it strongly, but then he told me it was mere window dressing.

The Hon. R.I. Lucas: Who said that?

The Hon. DIANA LAIDLAW: The Minister said (page 1776 of *Hansard*) that it was mere window dressing, unless we extended it right across the board. I took up that invitation and suggestion from the Minister, and when I considered his remarks I agreed with him that I was, in fact, restricting my amendment to the selection of nominees for appointment to the council merely to those nominees appointed by the Minister.

I did not wish to confine this Minister, or any subsequent Minister, in that way; I specifically wanted to ensure that the unanimous view of the select committee was represented in this Bill. Therefore, it was appropriate to move the same amendment, but to bring it forward from subclause (3) to subclause (2) so that, as the Minister said, the same amendment would apply but would extend right across all board appointments. I have good reason to believe that, in the light of the Minister's comments two weeks ago when he indicated that the amendment which he now supports was mere window dressing, I have with this amendment accommodated the qualms to which he referred.

I also make the point in passing that it amuses me somewhat that Ms Pickles will pick and choose which of the unanimous recommendations of the select committee she will support, because, as my amendment stands, together with what is already in subclause (2) of the Bill (which provides that there should be one nomination from each of these councils, colleges, and the like) what is in the Bill reflects exactly the unanimous view of the select committee. I find it rather amusing at this stage that Ms Pickles, on a so-called vote that is not a conscience vote for her Party, would move away from what was recommended unanimously by the select committee—a select committee that worked for two years researching this point.

The Hon. C.M. Hill: She has been pulled into line.

The Hon. DIANA LAIDLAW: Yes, she must have been. I think she is moving another dorothy dix amendment. She does it repeatedly in Question Time. So, the two years that she spent looking at this matter in the select committee means absolutely nothing when it comes to a vote on the floor. She is simply doing what the Minister tells her to. Disappointingly, we have become used to that standard.

The Hon. J.R. CORNWALL: That really is very offensive, Ms Chair. It is offensive and it is untruthful. The simple fact of the matter is, as you know and as all of the members on this side know, Ms Pickles was one of the leaders of the pack, as it were, in insisting in Caucus that we should support the original Laidlaw amendment. All the women in Caucus stood up and fought for the Laidlaw amendment.

The Hon. C.M. Hill: They must have been pulled into line.

The Hon. J.R. CORNWALL: No, they pulled the rest of us into line and they carried the day; they carried the day with the sheer logic of their arguments, and the rest of us were absolutely convinced. A unanimous decision was taken after a full debate to support the original motion moved by Ms Laidlaw, and that is the Government's decision. Let us have no more nonsense and no more debate. I put it to the Committee that the original Laidlaw amendment, for some mysterious reason now withdrawn, but foreshadowed by Ms Pickles, when put together with the amendment that I have on file, achieves in far greater degree equal representation than could ever be achieved by the wishy washy, foolish, sad and silly amended amendment that has been moved by Ms Laidlaw, and the Government opposes it.

The Committee divided on the amendment:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw (teller), R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. CAROLYN PICKLES: I move:

Page 3—

Line 1—Leave out 'and'.

After line 3—Insert the following word and paragraph:

and

(d) that, as far as practicable, the council is constituted of an equal number of men and women.

I move these amendments to set the record straight and to reply to the somewhat insulting and gratuitous remarks made by the Hon. Ms Laidlaw. I find it quite amazing that Ms Laidlaw should choose this particular issue to be so insulting and so divisive on an issue that I would have thought the women in this Parliament would all agree on. However, that seems to be the nature of Ms Laidlaw's politics and it is not the first time she has chosen to do this. I find it quite offensive to suggest that this amendment was not strongly supported by all the women in the Labor Caucus. In fact, we lobbied quite heavily—and I do not mind admitting that—and the Minister has admitted that we carried the day. We do not often carry the day, but on this particular issue we did.

However, it seems obvious by the numbers in this place since the Hon. Mr Gilfillan has chosen to return—I am not quite sure whether he is or is not paired or what the situation is with Mr Gilfillan—but he chooses to wander in and out of this Chamber as if he owns the place. He shows no respect for parliamentary procedure; he shows no respect whatsoever for the debate which has taken place and for the fact that he was a member of this select committee for three years. He seems to be totally uninterested in what goes on here, and only when it suits him—

An honourable member: He looks nice in a tuxedo.

The Hon. CAROLYN PICKLES: Yes, I will grant him that. But he only appears in this place when he can get a cheap headline. I find that quite outrageous and I think it is time that he was exposed for his rather shabby behaviour. However, talking about shabby behaviour, I must reiterate that I find the Hon. Ms Laidlaw's remarks quite offensive and rather unfortunate on this particular issue. I do not intend to call for a division on this particular issue.

The Hon. J.R. Cornwall interjecting:

The Hon. CAROLYN PICKLES: The Minister may choose to do so since he has carriage of this Bill and it only takes one voice to call for a division. However, going back to the wording of the amendment as I moved it, I feel that it makes the whole constitution of the council much stronger. The present Minister of Health always ensures, sometimes with a little prompting from his female colleagues, that men and women are equally represented wherever possible. I believe that the amendment foreshadowed by the Minister of Health to ensure that bodies that are outside his control will, in making their nominations, recognise that the Government is serious on the question of affirmative action and will hopefully nominate women although, obviously in the case of the Catholic priest, that will not be possible. Probably in the case of the Anglicans that will not be so either, because they do not seem to understand what the words 'affirmative action' mean.

The Hon. J.R. Cornwall interjecting:

The Hon. CAROLYN PICKLES: Mr Fleming likes to have a bit of a foot in both camps, I think, and his presence in this Chamber today indicates that he would love to be on this council. However, unfortunately his sex is probably against him.

The Hon. J.R. CORNWALL: I point out that this amendment is by no means dependent upon, or excluded by, the sad, silly amendment which has just been passed with the support of the Democrat of like description. I challenge the Velvet Pimpernel on this occasion who has returned fleetingly—

An honourable member interjecting:

The Hon. J.R. CORNWALL: That is all right, I rather like it. Plagiarism is the name of the political game, as you well know. It is the only business in the world in which you get brownie points for being adaptable. I challenge the Hon. Mr Gilfillan, now that he has deigned to return, to oppose an amendment, a simple but very important amendment, that says that, as far as practicable, the council should be constituted of an equal number of men and women. When that is put together with my foreshadowed amendment it really is about affirmative action and is written into legislation in this particular instance. Maybe it is not a precedent, but it is enormously important in this instance.

The Hon. Diana Laidlaw: So important you could not include it in the Bill.

The Hon. J.R. CORNWALL: We accepted the amendment graciously upon reflection, and unanimously as a Government. We cannot do very much more than that. Only the Pope in Rome is infallible.

The Hon. K.T. Griffin: And the Minister of Health in South Australia.

The Hon. J.R. CORNWALL: Not quite, but I am working on it.

An honourable member: You walk across West Lakes every morning for practice.

The Hon. J.R. CORNWALL: I jog, then I take anti-arthritic medication because my big toe troubles me no end; but it is not gout, because that only occurs in middle-aged men.

This is an extremely important point that we are debating because the reality is that for males IVF is a non-invasive technique; it causes very little, if any, discomfort.

The Hon. M.B. Cameron: Emotional pain.

The Hon. J.R. CORNWALL: Maybe, but for women it is very much an invasive technique. It involves a general anaesthetic and a surgical procedure with laparoscopy and it is extremely important that as near as practicable the council is constituted of an equal number of men and women and that, if it is appropriate—as I have foreshad-

owed—a body on whose nomination a member or deputy to a member of the council is to be appointed, it must submit the names of a male and a female nominee. That is for my heirs and successors because I have already been sensitive enough, and I have had the sensible support of my colleagues, to appoint an interim council. We have shown our hand. You now know who the members will be of the first Reproductive Technology Council. As close as practicable it is to be composed of an equal number of men and women, but it needs to be enshrined clearly in the legislation. It will be enshrined far more clearly by the Hon. Ms Pickles' amendment and my foreshadowed amendment than the sad, silly and foolish amendment which has just been supported by him who comes and goes at cynical will.

The Hon. I. GILFILLAN: I am here by cynical will, it may well be said. I want to point out that the Minister who is responsible for this Bill clearly indicated that there would be no conscience vote and that, in fact, the whole presentation of this debate has been very deceptive in that we were urged to deal with a particular issue, which was the construction and appointment of a council, and the Minister, although well aware of the Democrat's position in this matter, chose not to consult with us at all about how he intended to deal with the Bill. Therefore, I feel that it is quite out of place and inappropriate for him to cast any aspersions, as I gather he has done prior to my reappearance in this Chamber, on the fact that I was honouring an invitation to a function that the Hon. Roy Abbott, the Hon. Frank Blevins, the Premier and members of the Liberal Party chose to attend.

As a representative of the Democrats, I left with the Government, the Opposition and my colleague in this place a very clear indication of how I intended to vote on amendments that had been circulated prior to the debate tonight. I do not see any reason why under those circumstances the Minister should cast any reflection on whether I am in the Chamber for the debate.

It is not only impossible to interpret or predict what the Minister's attitude will be to this Bill; it is impossible to keep up with the rate of change of his own amendments. Far be it from him to cast aspersions on those of us who for months had a prior commitment and had given proper advice to the Government Whip, the Opposition Whip and my colleague. It is a pretty accurate reflection of a petty-minded dictator who is more determined to cast aspersions on members of this place than make a constructive attempt to debate this Bill.

It is my intention to treat this Bill as seriously as would any member of this place and I will not accept any personal criticism from him or anyone else about my attitude to it. It has been thanks to my efforts that the issues of the conscience vote—the matters that have been introduced by way of amendment—have been accepted as part of the debate. We have made plain that we would not deal with the Bill unless those issues were dealt with. The Minister brushed that aside. He said that it is irrelevant and a nonsense and that there will be no conscience vote. Yet he has the gall to accuse me of welshing on what are conscience issues. He also has the lack of propriety to refuse me a pair when I had clearly indicated and negotiated with the Whip for a pair. He has decided arbitrarily that I will not have it.

I consider that this Bill is far too important for petty politics to contaminate its debate or interpretation. I certainly do not intend to sit in where I am personally vilified and denigrated by the Minister who is in my eyes the responsible and highest authority for the Government in this matter. I do have a commitment: a prior engagement. I have made plain how I would like my vote recorded in this place and, if the Government through the Minister is not prepared to comply with that, the fault lies with him, not with me.

With regard to this amendment, I consider that ensuring an equal number of men and women on the council is important. It can be achieved as a consensus of this Chamber. The debate should not be about point scoring about who is or who is not here or who has not moved a proper amendment but how to achieve effective amendments. I make the point that I am here to express support for the intention of the Bill. I want to be able to contribute as I have done in the past in an objective and non-partisan way. That is why I ask the Minister to respect my intentions which are in the hands of my colleague, Mike Elliott, and the Leader of the Opposition. I also ask the Minister to permit pairing to take place throughout the rest of the debate this evening.

The Hon. J.R. CORNWALL: I must say that the performance of Mr Gilfillan in this whole matter has been cynical and disgraceful. I make no apology for saying that. He sat on the select committee for three years and, as I said, was the leader of the radical pack. Every time there was dissension or a split, he took the radical progressive side. Now he has made a total sham of this select committee.

Members interjecting:

The Hon. J.R. CORNWALL: Members let him carry on at great length. I will not take long to express my contempt for his action. It is time that he was exposed for the phoney that he is.

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: When I need advice from lightweights like you, Peter, I will ask for it. Go back in your cocky's corner.

The Hon. M.B. CAMERON: On a point of order, I suggest that we can go on like this all night. I ask the Minister to apologise and withdraw that stupid reflection upon a colleague of mine who is a very worthwhile member of the Chamber.

The Hon. J.R. Cornwall: I have said nothing unparliamentary.

The CHAIRPERSON: Order! I do not think that the word 'lightweight' is unparliamentary. It has been said frequently in this Chamber and has never been objected to. I think that there has been enough debate on this question.

The Hon. J.R. CORNWALL: With respect, I have not finished. I certainly have not finished with Mr Gilfillan. The honourable member was given the right to carry on and tried to justify the unjustifiable. He disappeared. He did not speak to me. The Bill laid on the table of this Chamber for nine weeks. When I eventually approached him and said that I would like to talk with him about it he said that he had not really considered it, that he had not had time. He was on the select committee for three years, but he had not had the chance to think about it and turn his great mind to it! That was the performance of the Hon. Mr Gilfillan and, as I said, it is cynical in the extreme. He is disgraceful in the discharge of his duties and, quite frankly, if he continues like that, he is stealing taxpayers' money when he takes his salary.

The CHAIRPERSON: Order! I rule that debate will be limited to the amendment under consideration. There will be no discussion on other matters. Debate will be relevant. If there is no further debate on the amendment moved by the Hon. Ms Pickles, I will put the question.

The Committee divided on the amendments:

Ayes (11)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles (teller), T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Amendments thus carried.

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

Page 3, after line 6—Insert the following subclause:

(4a) A body on whose nomination a member, or a deputy to a member, of the Council is to be appointed must, if the Minister so requires, submit the names of a male and a female nominee.

This amend is self-explanatory. It has already been canvassed at length and I urge all honourable members—particularly those who are honourable in the literal sense—to give it the support that it deserves.

The Hon. K.T. GRIFFIN: I oppose the amendment.

The Hon. J.R. Cornwall: Oh!

The Hon. K.T. GRIFFIN: I also opposed the amendment which has just been carried on a division because I think these amendments are inconsistent with the principle which was inherent in the amendment of the Hon. Diana Laidlaw. I have a very strong view that we ought not to be tampering with the nominations from the various bodies to the Council on Reproductive Technology.

The Hon. J.R. Cornwall interjecting:

The Hon. K.T. GRIFFIN: I did not. I have not nobbled anybody. The fact is that the amendment which the Hon. Diana Laidlaw moved was an expression of the principle with which the select committee agreed, and I did not see any problem with it. I do see a problem if we are going to introduce into the selection of members of the Council on Reproductive Technology a ministerial or executive choice, and that is what it amounts to. It does not matter that the bodies which nominate may be required, with the emphasis on 'may be', to nominate two persons. It introduces something which is contrary to the spirit of the provisions of the select committee's report, and that is that there ought not to be any executive or ministerial involvement in the selection or nomination of members from the various bodies set out in paragraphs *(a)* to *(f)*. The Government or the Minister has the opportunity to express a choice through the five to be nominated by the Minister under paragraph *(g)*, and I very strongly oppose the amendment which may require two persons to be nominated, thereby introducing that element of choice.

The Hon. M.B. CAMERON: I agree with the Hon. Mr Griffin in this case. There has been some banter thrown backwards and forwards about people being nobbled on a matter. That is not the case at all. In this case, there are certain areas where the best possible expertise should be available, and it would be quite wrong in that case for either a man or a woman to be forced to be nominated when there is a better person available. There are some technical areas where that is obviously possible, so I indicate—

The Hon. Carolyn Pickles: Very rarely.

The Hon. M.B. CAMERON: No, not very rarely. In some areas you really do need the best possible person. Anyway, I indicate that I do not support the Minister's amendment.

The Hon. I. GILFILLAN: I indicate that I oppose the amendment. It is unfortunate that the Minister has exercised his usual dictatorial way and insisted that the Minister require—

The Hon. J.R. Cornwall: May require.

The Hon. I. GILFILLAN: I do not see 'may' in the copy of the amendment that I have. Maybe it has changed, because the Minister's amendments change so fast that it is very difficult for the average member of Parliament to keep up with them. It is certainly not on my desk. If there is a variation of the wording with which I was issued on 24 November I would like to see it. The actual amendment I have before me reads as follows:

A body on whose nomination a member or deputy member of the council is to be appointed must, if the member so requires, submit the names of a male and a female nominee.

I ask the Minister: is there a variation to that wording and, if so, why has it not been circulated?

The Hon. J.R. Cornwall interjecting:

The Hon. I. GILFILLAN: In that case, if it has not, he could perhaps withdraw his interjection. 'May' is not appropriate. The fact is that certain bodies may have one person who is their preferred nominee. I do not accept that the Minister has the right to demand that that body provide two names, that of a male and a female. However, the intention of the Hon. Carolyn Pickles' amendment of 'as far as practicable' allows enough flexibility so that we can possibly get to a balance. That is why I was prepared to support her wording, but in no way would I accept that the Minister has this right to demand that an entity put up two names, one of a male and one of a female.

The Hon. J.R. CORNWALL: The Hon. Mr Gilfillan has not been in the Chamber much tonight. He has missed most of the debate so he has probably missed the spirit and intent of this amendment which I canvassed at length on a number of occasions. However, I will go through it for him slowly. The reason for putting that in is to get genuine affirmative action. It is all very well to have a wishy-washy amendment as the one which Ms Pickles eventually moved—

Members interjecting:

The Hon. J.R. CORNWALL: Sorry, Ms Laidlaw—

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: Ms Laidlaw's amended amendment was a rather sad and foolish amendment because it achieves very little. You write to Warren Jones or the Vice Chancellor at Flinders in practice and say, 'I draw your attention to the fact that, in an ideal world, I would like to have a couple of women on this council.' That is what it amounts to in practice, so they say, 'Isn't that interesting.' They write back, logically, and say, 'We nominate Warren Jones because he is the trump in that particular area.' You write to the University of Adelaide and state, 'I would like to remind you that we would like a bit of a balance if possible.' They write back and nominate Professor Colin Matthews, which is perfectly logical. You write to the heads of churches and remind them also—

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order! You can speak in a minute if you wish, Ms Laidlaw.

The Hon. J.R. CORNWALL: I have already indicated that, despite the fact that I accepted five out of six of the designated persons nominated, they were men. One only was a woman. I was then at great pains in working out my nominees to ensure that, as near as practicable, we had a mix of men and women. Myf Christie from the Law Society was the only woman nominated out of the six—

The Hon. K.T. Griffin: Legal Services Commission.

The Hon. J.R. CORNWALL: She was nominated by the Law Society. She is a very good nominee and I am very pleased that they nominated her. I was in a position where to try to get as near as practicable, I had to nominate at least four women out of five ministerial nominees, and the only male I nominated for appointment was on the recommendation of the Hon. Mr Gilfillan. In fact, if I had not taken any notice of him—which probably would have been the wiser course—then I could have nominated all

women, five out of five, but I wanted to ensure that there were two people from the churches. The person I have appointed is an impeccable appointment. I think he is a first class person who will do a magnificent job.

I then went and found Sally Castell McGregor, Director of the Children's Interest Bureau; Mrs Judith Roberts, vastly experienced in women's affairs, particularly in her capacity as Chairman of the Board of the Queen Victoria Hospital; Sheryl West, a member of Oasis, a consumer literally in the IVF program; and Professor Marcia Neave. I have no intention of going back. As far as I am concerned, once this legislation is through, that is no longer an interim Reproductive Technology Council appointed as an administrative act. That will be the membership of the council I intend to take to Cabinet for formal ratification.

The amendments do not concern me. There will be peace in my time. I will not have any occasion to go back and canvass this. So, *apres moi* the deluge. Who knows, unless we go beyond tokenism and ensure that future Ministers are given a greater degree of flexibility than I was, that we will get such a good and representative council in the future, given that in this instance five out of six of the nominees were men?

If that were to occur again and we had possibly six out of six being men, and it was very difficult to find five women as ministerial appointees who would be the best people for the job (in this case they happen to be the best people for the job and I am very happy with them) then the body could make the recommendation if the Minister so requires.

In other words, the bodies will send in their specific nominations, and if it looks different the Minister could write back and require them to nominate a woman as well as a man from whom he or she could make the choice. If you are fair dinkum—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: It is not a messy way to do it. It is a very practical way to do it and it is a very important council. If the Hon. Mr Gilfillan was fair dinkum, sensible and serious, and if the Hon. Ms Laidlaw was serious, about genuine affirmative action for a council that will deliberate on issues and on procedures that are very invasive for a woman, then it is very important that they be as near as practicable and in practice as near as damn it to equal, because practicable sitting in splendid isolation means not a thing. If one happens to get six nominations who are all men and at that time we do not have people of the outstanding characteristics of Sally Castell McGregor, Judith Roberts, Sheryl West or Marcia Neave about—

The Hon. R.I. Lucas: There will be more of them.

The Hon. J.R. CORNWALL: So, you are not really interested in writing it into the legislation. The truth is now out. You have had your arms screwed and you have backed off, if I can mix my metaphors. The Hon. Ms Laidlaw has had this amendment on file for three weeks. At one minute to midnight—

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: She had the original amendment on file for more than three weeks. At one minute to midnight, having had her arm screwed up behind her back by her male chauvinist colleagues in the Party room, she snuck in here with a nothing amendment. The Hon. Mr Gilfillan can do as he pleases. He can exercise his democratic right. He got in here with about 5.5 per cent of the vote and a few funny preferences, so presumably that is some form of democracy in action—qualified democracy in action. He can vote as best he pleases. He can go to dinners as he pleases. He can pair himself with the Hon. Mr Elliott and make a farce of the proceedings of the Council if he so chooses. However, he has to be publicly accountable for it. I leave him with that thought.

The Hon. DIANA LAIDLAW: I would never support the Minister's amendment (which he first outlined when referring to my amendment some three weeks ago) because it puts women and possibly also men in the most dreadful position of tokenism. I will never be party to that. If the Minister does not like the fact that all the councils and colleges nominate men, is he proposing to write to each of them and say, 'Please nominate a woman'? Then, of those he will perhaps say, 'I will accept this woman and that one, but you can keep that man and the other man as your nominee.' I find that unacceptable. It is a dreadful reflection on the people who ultimately will be chosen because they will know that they were not the first nomination, and that they were simply there to make up numbers.

That view of equal opportunity or affirmative action I will never tolerate. I remind the Committee that it has already passed an amendment that I moved earlier which provides that all bodies, including the Minister, that are required to nominate people must have regard to the fact that as far as practicable the council shall be made up of equal numbers of men and women and that they must take this into account when they are initially making their nominations, not when the Minister thinks that he does not have enough women to make up the numbers, and will overturn the original nominations from the other bodies and select a few of his own. That is a disgraceful way to deal with a council which has an important responsibility and which must be seen to have status and credibility.

I cannot believe that the Minister is serious in moving this amendment. I welcome the remarks made earlier by the Hon. Mr Gilfillan for they endorse the unanimous recommendations of the select committee, that there be one nomination only.

The Hon. J.R. CORNWALL: It is nice to have it on the record that for all her posing from time to time the Hon. Ms Laidlaw, when the chips are down, does not believe in affirmative action.

The Hon. Diana Laidlaw: I don't believe in tokensim.

The Hon. J.R. CORNWALL: You don't believe in affirmative action because your colleagues pull you into gear.

The CHAIRPERSON: Order!

The Committee divided on the amendment:

Ayes (10)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 6—'Terms of appointment.'

The Hon. R.I. LUCAS: I refer to subclause (1), which provides that a member of the council will be appointed for a term not exceeding three years. I understand that a number of members of the council were technically appointed some months ago to an interim council, which met for the first time yesterday. If and when this legislation passes, when will their terms commence? Will the three year term commence from when they were formally notified some months ago or from passage of the Bill?

The Hon. J.R. CORNWALL: From when the Governor appoints them. Obviously the interim Reproductive Technology Council can be little more than a ministerial advisory council at this stage. It has no standing at law, but no reason exists why I cannot indicate whom I have asked each of the people to nominate on the basis that there will be a Reproductive Technology Council. They can then start work and remove the uncertainty involved with regard to the code of practice or the code of good housekeeping, as Dr Ritson referred to it, so that we get on and clearly spell out the things that need to be met in an application for consideration for a licence for a reproductive technology clinic.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: Surely, and everybody knows that an applicant is interested in establishing a private facility associated with the Burnside Hospital. Everybody knows that Professor Warren Jones is anxious to establish a private company, as the University of Adelaide has done, and I do not want to hold them up. That is the reason for the interim appointment. In the event, it will be very useful to have that interim council to consider the legn and advise on it as it emerges from this place. In that sense, as well as in other areas, it was a wise move to appoint it as an interim council. They will not be official or formal in any way until their appointment is ratified by the Governor in Executive Council.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Disclosure of interest.'

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

Page 4, lines 8 and 9—Leave out 'participation in any deliberations or decision of the council in relation to' and substitute 'voting on'.

It is a simple amendment and picks up a point made by the Hon. Dr Ritson during the second reading debate. He was properly concerned about the extent of the conflict of interest limitations on members of the council. Having given his comments thought, I believe the limits contained in the draft Bill before the Council are too restrictive. Obviously members having a particular background or expertise should be able to use that knowledge in explaining a proposition to the rest of the council, but if they have an interest in it they should not be able to vote. The amendment seeks to introduce that flexibility into the clause. I commend the amendment to the Committee.

The Hon. R.J. RITSON: I thank the Minister for taking that action. I do not know whether a scientific interest is the sort of interest that would be involved here, and I do not know whether being employed where there is an overlap between a person's academic position and his right to private practice would be a pecuniary interest in a decison of the council because it is difficult to tie directly a decision about an ethical matter to the profitability of a practice. Will the Minister indicate how widely or how narrowly the word 'interest' might be drawn?

Secondly, with the question of voting, many committees will agree to a matter with a murmur of voices or a request that any opposition to a proposition be shown by hands. If the Minister intends to enshrine the word 'vote' in the legislation, should he consider whether there ought to be any guide in the Bill whether, for example, a code of practice must be approved by ballot? The council could agree to a code of practice by a murmur of voices. If it did the person with the conflict of interest would indeed, if he murmured, have taken part in that decision. Similarly, if the Chair of the council asks for an expression of dissent and only two hands go up, would it be voting for the person with the conflict of interest to refuse to put up his hand? If the word 'vote' is to have legislative stature here, does the Minister consider it would be useful to require agreement to a code of practice to be determined by a ballot of the committee?

The Hon. J.R. CORNWALL: Clause 8 (5) provides:

Subject to this Act, the proceedings of the Council may be conducted as it thinks fit.

It is a mature body of intelligent men and women and that is appropriate. With regard to declaring interests, obviously there are two very important and very basic areas in which a member of the council could have an interest: first, a pecuniary interest which could be a direct or indirect interest. For example, consider the case of the nominee of the Adelaide University. If the council is deliberating on a matter concerning the private facility conducted by Repromed Party Ltd there is a direct or vested interest. If a member of the council—particularly a member elected or nominated by his or her body because of his or her medical or scientific expertise—was discussing a matter on research, it is appropriate that that member in our view participate fully in the debate.

That member can then indicate that obviously they had a vested interest in wanting to push a particular point of view which would advantage them, as members of a research team at the cutting edge; then, quite clearly it would not be appropriate, once they had made that input, for them to vote.

As to whether there should be a show of hands or a ballot, I would imagine that it would operate in much the same way as a body like the Cabinet operates. In the overwhelming majority of cases it becomes obvious that there is a clear majority or a consensus around the table and, when you are dealing with 11 or 13 people, this is not very difficult at all.

On the occasion when the discussion shows that the numbers may be very close, it is normal to call for a show of hands. Of course, the member who was obliged to disclose his interest, pecuniary or scientific, would then have to abstain. However, under this proposal, he or she could certainly participate fully in the debate, and the council would be master or mistress of its own destiny. So, I do not see any difficulty, in practical terms, in the way it will work.

The Hon. R.J. RITSON: I do not see any practical difficulty either. I am not too fussed about it, but I just wanted the Minister to explain that. I thank him for his explanation and indicate that I, for one, will support the amendment.

Amendment carried; clause as amended passed.

Clause 10—'Functions of the council.'

The CHAIRPERSON: The Hon. Mr Lucas has an amendment on file, as have the Hon. Mr Burdett and the Hon. Mr Cameron. I think the Hon. Mr Burdett's amendment is consequential on the amendment that was defeated earlier.

The Hon. R.I. LUCAS: My amendment is consequential on an earlier vote, and I will not be pursuing that set of amendments, including lines 33 to 41.

The CHAIRPERSON: The Hon. Mr Burdett is not here, but I assume that his amendment was consequential on the amendment that was lost previously.

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

Page 4, after line 36—Insert subclause as follows:

'(2a) The code of ethical practice must contain provisions to the following effect:

(a) the practice known as embryo flushing must be prohibited;

(b) any persons on whose behalf a fertilised ovum is stored outside the human body must have the right to decide how the ovum is to be dealt with or disposed of and a person who has made such a decision must have (while the ovum remains in storage) the right to review the decision at intervals of no more than 12 months;

(c) a fertilised ovum must not be maintained outside the human body for a period exceeding 10 years;

(d) the culture of a human embryo outside the human body must be prohibited beyond the stage of development at which implantation would normally occur.'

In relation to paragraph *(a)*, I have received a number of submissions from the churches and other interested parties pointing out that they believe this was an oversight. Since there is no controversy about it at all, (embryo flushing may be suitable for Hereford heifers and Jersey cows but it has no place at all in human reproductive technology; I do not think that would be seriously contested by any reasonable person), I commend that to the Committee.

In paragraph *(b)* the expression 'fertilised ovum' has been used on the advice of Parliamentary Counsel, but in practice you may call it an embryo, if you wish. That is the current practice, and we have been using the consent legislation to try to give some validity to that practice for some time. There is every indication at this stage that it is working reasonably well.

The select committee unanimously recommended, from memory, in recommendations 13, 18, 19 and 20, that this ought to be the way in which we dealt with the question of storage of embryos, surplus embryos and disposal of embryos, and I certainly commend that to everyone. I am sure Mr Gilfillan will remember this with great clarity, and if he does not he should immediately look at recommendations 13, 18, 19 and 20, which were unanimous and, as a number of people now wish to proceed with at least some of the conscience issues, in this sense I give them that opportunity.

Paragraph *(c)* was a unanimous recommendation of the select committee, notwithstanding the right of a couple to review the fate of their excess embryos on an annual basis.

In relation to paragraph *(d)*, I am perfectly happy to suggest that it is within the competence of the Parliament to write that into the legislation. I do not resile from the position that I took at the outset where I believed enabling legislation was better. However, since these four matters were unanimous recommendations of the select committee, I have decided to move them as significant amendments, and I commend them to the Committee. I would be pleased, with your concurrence Ms Chair, to have *(a)*, *(b)*, *(c)* and *(d)* moved as individual amendments.

The CHAIRPERSON: I am quite happy to have them moved as individual amendments. If it is indicated in the debate that members either support all four or oppose all four, then they could be put as one amendment; if there is any indication that there is a varying degree of support for the four parts of the amendment, they can be put separately.

The Hon. J.R. CORNWALL: I indicate that, despite the fact that these were unanimous recommendations of the select committee, they are all conscience issues as far as we are concerned.

The Hon. I. GILFILLAN: In fact, the Minister did answer my question. The issues in this amendment seem to me to be quite clearly conscience issues. Therefore, my question to the Minister was whether, under these circumstances, he had introduced an amendment to which the members of the Government Party were to be granted a conscience vote. The answer is 'Yes'. In the light of that answer I ask: what prior notice have the public or Government members received that they will in fact have a conscience vote on this issue?

The Hon. J.R. CORNWALL: They are quite clearly conscience votes. We have a very clear understanding in the Party. We have a long tradition; we have been around a lot longer than some of the splinter groups. Our Party is, and always has been, the biggest political Party in the country. Even through the dark days when we had renegades in the DLP, we were still the largest, the most significant, the most principled and the oldest political Party in the country. We all understand what a conscience issue is, and these are all matters that are clearly understood within the Party to be conscience issues.

The Hon. R.J. RITSON: I support each of the propositions in the amendment. The first one, which relates to embryo flushing, is easy. There is little argument for it and every argument against it, and the overwhelming weight of evidence received by the select committee was that it was an undesirable practice for a variety of reasons with which I will not bore this Committee.

Paragraphs *(b)* and *(c)* are unavoidable problems that are created by the surplus embryo problem, and I hope that with the increasing development of ovum storage in years to come we will not have that problem. I see the question of what to do with surplus embryos, given that they exist, as a matter of selecting the lesser of two evils. I do not think it is possible to provide a situation where no embryo is ever discarded or is frozen forever. To use the words of the Minister on a previous occasion the horse has bolted, and I think that these amendments represent the only reasonable way of facing up to that fact.

The question of paragraph *(d)* partly overlaps, but is not inconsistent with, an amendment to be moved by the Hon. Mr Cameron. That amendment was again unanimously recommended by the select committee and deals with the prohibition of cultures of embryos for laboratory purposes—embryos not destined for implantation into the womb but kept to be grown, perhaps for research purposes, to a higher stage of development.

In concurring with putting in place prohibitions such as this, I do not want it to be suggested for a moment that the people presently working in the field of reproductive technology are actually doing anything undesirable in this way. My information is that those people are very responsible and conservative and are in fact taking a most conservative approach pending the outcome of the passage of this Bill.

Nevertheless, I and a number of my colleagues have maintained the position that this Bill should not remain a skeleton Bill with none of the important moral and ethical matters being debated. I think the Minister, having probably accepted the reality that Parliament will debate a number of these issues, has very helpfully contributed to the list of matters that Parliament will consider and insert into the parent Bill.

I support these amendments, whilst I recognise that some members may wish to deal with them separately. I know that the Hon. Mr Lucas has given a lot of thought to the various alternative fates of surplus embryos and he, or some other members, may wish to split this matter. However, I indicate to the Committee my support for each of the four ingredients of the amendment.

The Hon. J.C. BURDETT: I support the amendments. I query why they were placed on file so late when, as the Minister has said, the Bill has been introduced and been around the place for some time. But, I welcome the change of heart of the Minister, because in the Bill the Minister was leaving the whole of the code of ethics issue to the South Australian Council on Reproductive Technology and leaving it to introduce a code of ethics promulgated in terms of the Bill in the form of regulations.

Clause 10 of the Bill relates to the functions of the council, which are as follows: to formulate and keep under review a code of ethical practice to govern the issue of artificial fertilisation procedure, and so on. That was the pattern of the Bill. As the Minister outlined, the pattern of the Bill was to be enabling legislation, to enable the council to

formulate the code of ethical practice. The speakers on the Opposition side (the Hon. Mr Cameron, the Hon. Dr Ritson, I and others) have consistently said that Parliament should not abdicate its responsibility. We should be saying what should be in the Bill, what should be in the code of practice on certain important matters—those largely addressed by the amendments which are on file and which have been spoken about in the second reading stage by the Hon. Mr Cameron and the Hon. Mr Lucas in particular.

So, I am pleased to see that the Minister has now acknowledged that everything cannot be left to the council, that it is the responsibility of Parliament to write certain things into the Bill. I agree with the matters which he has written into the Bill, and I have some hope that when they come up the amendments which have been foreshadowed by the Hon. Martin Cameron and the Hon. Mr Lucas relating to such important matters as to whether or not participants should be married, the question of invasive experimentation on the embryo, the questions of confidentiality, etc., should also be written into the Bill. I welcome this amendment, and I hope that it foreshadows a change of heart on the part of the Minister.

The Hon. R.I. LUCAS: I find this quite extraordinary. It is difficult to legislate on the run as we are being asked to do. Although various amendments have been floating around, most of them do not concern major moral or ethical questions. The Committee has debated regulations, the power of the council and equal opportunity provisions and in the normal cut and thrust of trying to get legislation through in the latter part of the session I am relatively relaxed about that. Along with other members, I have circulated a number of amendments. However, the Hon. Mr Cameron, other members and I circulated amendments on major moral and ethical issues in time to give members considerable time to consider them and to undertake their own consultation with various people they might like to talk to about them. At least two or three of the matters outlined by the Minister and debated by other members are major and I am really not sure with regard to the wording of the Minister's amendments whether I am fully supportive of them.

I know very little of the practice of embryo flushing, but others seem to believe that it should be prohibited, and I am relatively unconcerned about that. However, I would like to satisfy myself on what is involved before I am asked to make—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: I would like to talk with Bob and others about this matter. Paragraph *(d)* provides that the culture of a human embryo outside the human body must be prohibited beyond the stage of development at which implantation would normally occur.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: I accept that and many of the others were unanimous recommendations. With a conscience vote that seems to have descended also upon Government members at this late stage for these matters, we would all like to consider our position on these things. At what stage of the development of the culture is the Minister talking about? Is it six to nine days, as Professor Jones and Professor Matthews suggested in evidence, or is it less than that? That is not clear. Nothing in the report of the select committee gave any indication what the stage of implantation meant, although it certainly used those words. I would like to consider that provision in relation to the amendments that the Hon. Mr Cameron will move.

If this goes through, will we debate the amendments to be moved by the Hon. Mr Cameron and me? Do they add something to the amendments that are in front of us or do they cover the same area? I suspect that Professor Jones and Professor Matthews would probably argue that they are happy with paragraph *(d)* but are opposed to the amendments to be moved by the Hon. Mr Cameron. I presume that they would see a difference between the amendment moved by the Minister of Health and that to be moved by the shadow Minister at a later stage. I would like to take some note of their views and those of others on how this amendment fits in with the amendment to be moved by the Hon. Mr Cameron and my amendment, which is slightly different again, about surplus embryos.

I accept the words of the Hon. Dr Ritson, and I have stated my views before, that it will be a lot easier if the stage of frozen ova is reached or the technique is such that only four eggs are taken and fertilised with a high success rate. For a number of participants at the Queen Elizabeth Hospital, that is exactly the procedure that is adopted. Those participants who are not prepared to sign a form with respect to the disposal of any surplus embryos are told by the specialists that they will take only four eggs, fertilise those four eggs and implant them. The participants are told that they must accept that their chances of achieving a successful pregnancy will be correspondingly reduced if this technique is adopted. That impinges upon paragraph *(b)*. The Minister says that that is the present practice. That might be what the consent form says, but that is not what occurs with some participants at the Queen Elizabeth Hospital.

I spoke to one of the scientists participating in the program at the Queen Elizabeth Hospital about this matter, and I asked what happened with surplus embryos. I was told that they have not yet had to confront that question and do not intend to until the legislation goes through. I asked about the Minister's consent forms and I was told that, irrespective of what those forms say, the hospital has not confronted the problem. For the edification of the Chairperson, I indicate that at the Queen Elizabeth Hospital, which has its own ethics committees, participants are told that the hospital will not get involved in ethical questions in relation to the disposal or destruction of surplus embryos.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: No, at that point. They say that the participants have a choice: the hospital will freeze the surplus embryo or not take more than four eggs and not fertilise more than four eggs. However, the participants must accept that their chances of achieving a successful pregnancy will be correspondingly reduced. The consent form does not mention the question of freezing, nor is it mentioned in paragraph *(b)*. Members will note that there is no mention of freezing in the drafting. Another question I raise is why in paragraphs *(b)* and *(c)* mention is made of fertilised ovum.

The Hon. J.R. Cornwall: If it is stored outside the human body, it must be frozen.

The Hon. R.I. LUCAS: I will take up that point in a minute. In paragraphs *(b)* and *(c)* the phrasing used is 'fertilised ovum'. In paragraph *(d)* we start talking about 'human embryo' again. Just for consistency in the legislation, all the way through we have used the term 'human embryo' rather than 'fertilised ovum'. For consistency in the legislation we ought to at least make amendments in relation to that.

The Hon. C.J. Sumner: I think we ought to have a select committee.

The Hon. R.I. LUCAS: A select committee of the whole Chamber. I will ignore that interjection. The consent form and paragraph *(b)* of this amendment talk in terms of 'any

persons on whose behalf a fertilised ovum is stored outside the human body must have the right to decide how the ovum is to be dealt with or disposed of, and a person who has made such decision must have the right to review the decision at intervals of no more than 12 months'. It is the Minister's understanding that that is the current consent form and practice, but it is not occurring at the Queen Elizabeth Hospital. They cannot say to the practitioners at the Queen Elizabeth Hospital 'We have stored for 12 months; I want that surplus embryo destroyed.'

The Hon. J.R. Cornwall: There's nothing to stop them.

The Hon. R.I. LUCAS: They can say it, but it will not occur.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Exactly. All I am pointing out is that they cannot at the moment to any practical effect implement what is provided in paragraph *(b)* or in the consent form. I am indicating that at least two of these provisions, paragraphs *(b)* and *(d)*, are extraordinarily difficult provisions for members to consider—certainly for this member to consider—on the run as we are at the moment, without an opportunity to vote on it. Given that we will not complete this before the 'twitching hour' at 12 o'clock when we lose the Democrats, I wonder whether we could not defer a vote on these four matters until tomorrow when, at least, we would have an opportunity to talk about them and see how they fit in with the amendments the Hon. Mr Cameron and I are intending to move at a later stage.

The CHAIRPERSON: On a matter of procedure, I point out that we cannot defer a vote on an amendment which has been moved. One can always report progress; one can recommit at a later time; but we cannot not consider or vote on an amendment and pass on. I am not trying to take part in the debate: it is just contrary to Standing Orders.

The Hon. M.J. ELLIOTT: It is a long time since I studied biology and I did not do much in embryology, but the concern raised by the Hon. Mr Lucas in relation to the terminology of 'fertilised ovum' is, I believe, accurate. I think that for the first couple of cell divisions it is still known as an ovum—certainly at the one cell stage—and does not become an embryo until there are a couple of divisions. Can the Minister straighten that out?

The Hon. J.R. CORNWALL: I will make two points—I was going to say 'erudite points' but 'erudite' simply means that one has read a lot: it does not mean that one learns it. First, in response to the Hon. Mr Lucas, let me say that I have tried to be as flexible and reasonable in the construction of this legislation and throughout the debate as I possibly can be. The rules were changed in a sense when there was a whole range of these issues on which members, including the Democrats, at 10 minutes to midnight, after the Bill had been on the table for nine weeks, said that they had not been consulted, had not taken instructions.

In a sense, it is on the run, although it is a very considered position, because I chaired the select committee for three years. I was the principal architect of the Bill, and I have lived with this thing now for something in excess of three and a half years, and I have also lived with the grave difficulties of the whole reproductive technology spectrum. It is certainly one of the most difficult social, legal and moral questions with which I have had to grapple in the five years during which I have been the Minister. I do not take the matter lightly at all.

Because people have been saying, 'At least let us set some ground rules during the debate in this Council,' I set out by saying 'I don't think that is wise. I think we can do a number of things, not the least of the options being individual regulations.' I am anticipating an amendment from the Hon. Mr Lucas which I will enthusiastically support, ensuring that the code of practice will be restricted to the code of good housekeeping, in a sense, and good clinical practice, and that all the other matters that ought to be matters of conscience will be considered on a conscience basis. It is even possible to submit some of those matters by legislation instead of regulation. I am flexible in the matter. All I want to do is to see the matter resolved and for us to get as close to a concensus as possible.

Because of that, quite specifically I went out at the dinner adjournment and asked that at least four of these very important questions be written into the legislation so that we say the code of ethical practice must contain provisions to the following effect: embryo flushing must be prohibited; any persons on behalf of whom a fertilised ovum is stored outside the human body—that means, of course, in practice, it must be nitrogen deep frozen because an embryo cannot be stored outside the human body for any length of time without being frozen because it perishes—must have the right to know how the ovum is to be dealt with or disposed of. I have tried to lay that out in very simple terms that are easily understood.

As to why we used the expression 'fertilised ovum', the simple reality was that, at the time of the dinner adjournment, we did not know how Mr Burdett's amendment would go. In the event, the one that referred specifically to human embryo as distinct from human reproductive material, ovum and sperm, was defeated. I am perfectly happy at this stage to replace the words 'fertilised ovum' with 'human embryo'; at line 3 of *(b)*, to replace the word 'ovum' with 'embryo'; at line 5, to replace 'ovum' with 'embryo'; and at *(c)*, instead of 'fertilised ovum' to talk about 'human embryo'. I hope that members will accept it in the spirit in which it is moved, because none of this is binding.

I am moving this as John Cornwall, concerned member of the Legislative Council. I make that very clear. These are all conscience votes. There is nothing binding in this on the Government at all. There has been no Caucusing on this at all. It would be inappropriate for us to Caucus on these matters because they are conscience votes, and they are clearly understood as conscience votes in my Party. I have tried to accommodate the objections and I have done it on the basis that an all Party select committee that sat for three years made all of these recommendations unanimously. That is where it comes from. If they are defeated, then as far as I am concerned, they have to go off for consideration by the proposed Council on Reproductive Technology. I am giving members the opportunity on a conscience basis to consider each of these very fundamental and very important issues during the course of the debate. I do not believe that I deserve to be criticised for that. I think quite the reverse is the case, with all due humility.

The Hon. K.T. GRIFFIN: I support the amendment. I think it is a significant step forward and it does give directions to the council on certain issues which it will consider but on which it will clearly know the view of this Committee and, hopefully, the Parliament. So, I welcome the amendments. I think they are important and, to some extent, they come to grips with the issue that we on this side have raised, and that is that some of the important ethical questions ought to be considered now and in some way included in the legislation. By incorporating the directions to the council with respect to certain matters which the code of ethical practice must contain, I think that is a step forward.

The Hon. I. GILFILLAN: I support the amendment, but I do not feel the same level of support for the consistency of the attitude of the Minister in charge of the Bill. What chance have Government members had to determine their

position on a conscience vote when apparently the amendment was circulated only in the past 90 minutes? The Minister has announced that he discussed this matter during the dinner adjournment. If the approach to this Bill is to be taken seriously, it is very difficult to reconcile the fact that during the dinner break the Minister chose that certain matters would be the subject of a conscience vote with the fact that members of his Party did not even have a chance to digest that there would be a conscience vote let alone consider how they would vote. At the same time, the Minister has made great play about the fact that there should not be a conscience vote on other matters.

Are we to interpret that certain matters are more overpoweringly important than which couples will be eligible, what will be the extent of research, what will be the acceptance or otherwise of surrogacy, and what will be the confidentiality of people who donate material? Is the Minister giving us a clear indication that in his personal opinion these are the more important issues that will be subject to a conscience vote? I think it is very difficult to have any confidence in the Government's approach to this matter, I assume through the Minister, although in this circumstance he is apparently acting as humble little John Cornwall and not as the Minister of Health (which is the title on this amendment). Even if he is acting as humble little John Cornwall, what confidence can we have in the person in charge of the Bill in relation to the issues which will be subject to a conscience vote and which will not? How can members of his Party have any clear guidance as to how they are expected to react to the substance of this Bill if, suddenly out of a dinner adjournment hat, four particular issues—significant, certainly but not overpoweringly so—become conscience votes. This comes from a Minister who said previously that there would be no conscience votes, that this was not the appropriate debate or Bill for conscience votes. Where is the consistency in that approach?

I have much sympathy with Government members who must be wondering what next they will be asked to vote on according to their conscience. What other conscience votes will spring from humble little John Cornwall when he has had a chance to sleep on the content of this Bill? Unfortunately, I think it is an insult in relation to the way in which we are dealing with this Bill that we cannot predict what will suddenly come from the hat of the humble little John Cornwall.

Members interjecting:

The ACTING CHAIRPERSON (Hon. Peter Dunn): Order!

The Hon. I. GILFILLAN: I support the amendment.

The Hon. R.J. RITSON: Quite frankly, I have great hope in the outcome of what we are doing tonight. This is a very fluid situation because of the non-partisan nature of many of these issues. A natural consequence of the Committee stage of a Bill such as this—with this Chamber sitting as a genuine Committee without everything being pre rubber stamped—is that changes will occur during the debate. I thank the Hon. Mr Gilfillan for his support, because the wording of the amendment is virtually *verbatim* from the report on issues which he, along with the rest of the select committee, agreed at that time. In fact, it is so *verbatim* that the subsequent discussion within the Committee about the use of fertilised ovum or embryo had not taken place when the Bill was drafted, so the old language appears in the Bill. I think that matters such as this were always regarded as conscience matters by the Minister, including matters contained in the Hon. Mr Cameron's amendments, and that the Minister did not want to debate them in this place but leave them to regulation. The fact of the matter is that they will be debated here thanks to the Hon. Mr Gilfillan's earlier support for the proposition that Parliament should debate them here.

Having been faced with that, the Minister will exercise his own conscience on those matters. I do not think that they are matters that were never regarded as conscience matters until now; they are matters on which the Minister wished to exercise his conscience in another way at another time. However, his wish was not granted because the Democrats supported our proposition that Parliament consider them in the principal Act. It is a little unfair to say that the Minister at one stage is regarding them not as conscience votes and at another stage as conscience votes. I would expect that when, against his wish, he has to debate marital status and surrogacy he will act from conscience. I am sure that Caucus will not have determined for him.

The Hon. M.B. CAMERON: I wish to have a couple of things clarified. First, I understand that the Minister's amendment is now to be changed in the way in which he described. I would imagine that that has to be done in writing through the Chair.

The ACTING CHAIRPERSON (Hon. Peter Dunn): Yes.

The Hon. M.B. CAMERON: I have seen situations where amendments like this have occurred in the evening and when the Bill has been reprinted it is not in the form indicated by the Minister. Secondly, I believe that there was a situation in Melbourne recently where certain embryos were left after the couple had died, and there was no-one to make a decision on it. I believe that other members of the family became involved in discussion. What will the situation be under this Bill? Do we need to consider this matter? Under paragraph *(b)* who will decide on the disposal of such human embryos?

The Hon. J.R. CORNWALL: That has been at the forefront of some of our thinking. I cannot remember the name of the couple. However, there were several H cell embryos sitting in the deep freeze in Melbourne, the couple were multi-millionaires and the question of inheritance rights arose. Under this proposal there is a 12-monthly review. Clearly, once that couple who were involved in the IVF program were no longer available for an annual review, their most recent decision, in my proposition, would be the one by which people must abide. If it was that they were to continue in storage for future use, rather than be donated or allowed to thaw and expire, then they would simply be kept in storage for the remaining period of time until the 10 year point was reached, at which stage they would mandatorily be withdrawn from the deep freeze and expire.

The CHAIRPERSON: Does the Minister seek leave to change the amendment?

The Hon. J.R. CORNWALL: I seek leave to move the amendment standing in my name in the amended form which I have tabled with the Clerk and which I have described to the Committee.

Leave granted.

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

Page 4, after line 36—Insert subclause as follows:

(2a) The code of ethical practice must contain provisions to the following effect:

(a) the practice known as embryo flushing must be prohibited;

(b) any persons on whose behalf a human embryo is stored outside the human body must have the right to decide how the embryo is to be dealt with or disposed of and a person who has made such a decision must have (while the embryo remains in storage) the right to review the decision at intervals of no more than 12 months;

(c) a human embryo must not be maintained outside the human body for a period exceeding 10 years;

(d) the culture of a human embryo outside the human body must be prohibited beyond the stage of development at which implantation would normally occur.

The Hon. R.I. LUCAS: Those amendments do tidy up some of the legislative flaws. The drafting involved not only 'fertilised ovum' but later it lapses into simply 'ovum' remaining in storage. Given that we have freezing of ovum and human embryos, there are certainly drafting problems, which further indicates a need to hasten slowly when amendments like these come at a later stage. I generally take a supportive view of the statements made by the Hon. Mr Gilfillan in relation to this matter, as I indicated earlier. I have one or two questions and I refer first to paragraph *(b)*. Does the Minister envisage, in relation to how the embryo is dealt with or disposed of, allowing for donation of surplus embryos to other couples? I indicated previously that I am relaxed about that proposition and certainly prefer it.

The Queen Elizabeth Hospital ethics committee have couples who are prepared to donate surplus embryos and who are prepared to receive surplus embryos, but the ethics committee at the Queen Elizabeth Hospital thus far have been fairly conservative in this matter and have prevented that occurring, even though it has willing participants all around. Does the Minister's amendment envisage any movement in relation to the donation of surplus embryos?

The Hon. J.R. CORNWALL: Yes, quite clearly 'dealt with' is the relevant phrase. There will be basically two options: one is to store the surplus embryos for use in future cycles. That is what freezing is almost all about, because it increases the chance of a pregnancy being achieved in successive cycles without the necessity to go back to laparoscopy and without the difficulty of having a patient whose hormone balances have been significantly upset by the use of hormones to cause her to superovulate. So successive cycles give significantly better chances of achieving a pregnancy and ultimately a live birth. That is the main reason for freezing, and it has always been my intention. As the Hon. Mr Gilfillan says, I am moving this, as he describes me so gratuitously as 'humble little John Cornwall'. The size of one's intellect is not related to physical size and it is not quantity that counts but rather quality. It has always been intended that that be a real option and it is certainly contemplated in this amendment.

The Hon. R.I. LUCAS: I am pleased to hear that clarification, because it was not clear to me, certainly upon first reading. I still indicate my concerns about the right of couples to dispose of surplus embryos other than by donation. In relation to paragraph *(d)*, I understand the drafting is such that the intent of the amendment would be that the human embryo could be cultured to the six to nine day stage. Certainly from representations we have had, that is the view that Professor Matthews and, I believe, Professor Jones put to us. Whilst I say that that is the intent of the clause, I ask the Minister to address his mind to the drafting because it states, 'beyond the stage of development at which implantation would normally occur'. I specify 'normally'.

The information that the Queen Elizabeth practitioners have given me is that normally at Queen Elizabeth Hospital at the very early stage—the one, two and three day stage—they culture to what they describe as the blastocyst stage, which is the 60 to 120 cell stage, which means culturing the human embryo to seven days. They tell me that to them 'normally' means at that early stage—the two to eight cell stage, which they explain is the one, two or three day stage—which is the norm.

On the drafting of the Minister's amendment, he says:

The culture of a human embryo outside the human body must be prohibited beyond the stage of development at which implantation would normally occur.

As I indicated earlier, the Minister said he understood that to mean six to nine days, which Professor Matthews and Professor Jones would be supporting. However, on the information given to me, if that is the case, 'normally occurring' means somewhat earlier—the one, two and three day stage of development. Is the Minister still comfortable with the drafting that he has before us concerning that provision?

The Hon. J.R. CORNWALL: I will seek a little assistance possibly in the form of an expert second opinion from my colleague the Hon. Dr Ritson if I go wrong in this. There are a number of reasons why the number of days are not spelt out. Let me say at once, however, that my understanding of this is exactly the same as that of Professor Warren Jones and Professor Matthews, that is, six to nine days, up to the blastocyst stage.

The Hon. R.I. Lucas: Is that what you would like?

The Hon. J.R. CORNWALL: That is the spirit and intent of the amendment. The reason for not spelling out the number of days is that the rate at which this growth will occur *in vitro* will depend on a number of things: the optimum temperature, the environment in general, the medium in which the growth is occurring and the level of oxygenation. They are just four variables that I can name off the top of my head without having any expertise in the area. The spirit and intent is very clear. Certainly, it is not getting into baby farming or maintaining embryos extraordinarily to 25 or 30 days. It means that the outer limit proposed here would be the blastocyst stage; it would be the stage that would normally be reached in six to nine days if the embryo were growing in the human uterus.

The Hon. R.J. RITSON: This is a matter which independently several of us have been mulling around for some time in order to find the right words. Of course, the intention is that once an embryo does reach the stage where it is optimally suitable for implantation, a decision needs to be made whether it is to be implanted during the current cycle, whether it is to be stored as surplus to requirements for the current cycle but probably not surplus to requirements for the whole treatment of that patient, or whether it appears to be unsuitable for implantation at all.

The moral and ethical concern of people who would like to see this provision in the Bill is that those embryos apparently are not destined for the womb because of the nature of their early development and are not kept for other purposes and grown to a later stage. Again, it is interesting that for people who place high intrinsic value on the embryo, it is the lesser of two evils, because prohibiting a culture beyond that stage is a euphemism for discarding or allowing an embryo to expire or to destroy it.

Given the fact that the embryo is there and that it is not destined for implantation, then the allowing of it to expire is probably the lesser of two evils, compared with culturing it on for other purposes, although not everyone would agree with that. Some scientists would say that, in arguing this case, I am behaving like a member of the Flat Earth Society or something like that and that I am retarding the progress of science. It is a no-win situation, but we cannot uninvent the technology. I support it as the lesser of two evils.

I believe that the phrase 'stage of development' has been carefully chosen for the reasons stated by Dr Cornwall, namely, that if one refers to time, because of different conditions of growth, it may not be the time that you are interested in but, rather, the stage of development, and that the stage at which implantation would normally occur means the stage of development in a natural conception when the

egg is fertilised in the fallopian tube and spends some days wandering down into the uterus and implants.

I should have thought that it would be the universal understanding of medical practitioners that it takes about seven days from fertilisation to implantation. I think that that would be in all standard obstetrics books and that any expert witnesses called to give evidence in case of a dispute would agree with that. I do not think it is the sort of thing that anyone will put a stop watch on, anyway. I do not think that anyone will come around and say, 'What are you doing with an eight-day embryo?'.

The Hon. J.R. Cornwall: They certainly would ask, 'What are you doing with a 25 day embryo?'

The Hon. R.J. RITSON: Yes, they certainly would want to know what you are doing with a 25-day embryo, along with its segments and everything. I am quite confident that that would have a clear meaning in the minds of the people who practise this branch of medicine. Those people who are working with it would prefer it in this form because it is still uncertain at which stage of development they get the best results and at which stage of development the freezing process is most successful.

In a letter to our Party, Professor Colin Matthews made the point that, within the range of pre-implantation time, there needed to be flexibility for the good of the embryo and the success of the program in making decisions about what is the best time to implant or to freeze. There was no desire or inclination expressed in that letter that he wanted to culture embryos extensively past the optimal implantation time, whether that be day three or day eight. I do not have any anxiety about the meaning of that. As I say, for those who place a high value on the embryo, some matters in these amendments are at best the lesser of two evils but, quite frankly, I cannot think of anything better that the Committee can do with the situation.

The Hon. PETER DUNN: I am not clear on this. As I read paragraph *(d)* it is taking place under the *in vitro* technique, not under the normal system of fertilisation in a human being. Can the Minister make that clear to me?

The Hon. J.R. CORNWALL: That is not too difficult at all. What happens, as the Hon. Dr Ritson explained, is that the sperm normally ascend—

The Hon. Peter Dunn: I understand that.

The Hon. J.R. CORNWALL: You asked for an explanation—and the ovum is discharged, ruptured, the woman ovulates and the sperm enters the egg. As it descends through the Fallopian tube into the main body of the uterus it develops, and normally, as Dr Ritson rightly points out, the development is continuous and ongoing and is by and large very uniform, because it is happening under a constant temperature and in a protected and very special environment. Implantation literally takes place, to the best of everybody's knowledge—and there is general consensus on this point, again as Dr Ritson says—at seven days, but there is a small period on either side, so that what we normally settle on is what is called the blastocyst stage. Outside the human body, where this very sheltered and nurturing environment cannot be guaranteed—

The Hon. R.J. Ritson: That is artificial, that is not normal, and that is the key to it.

The Hon. J.R. CORNWALL: Outside the human body one has an artificial environment, a different medium is used and, try as they will, they cannot reproduce either the medium or the environment in which the fertilised ovum becomes an embryo as it goes through the eight, 16 and 32 cell stages. That cannot be created exactly, so that it might conceivably take, under certain circumstances, 10 or 12 days for that embryo to grow to that stage. Everybody who has done any work in reproduction at any technical level would understand very well what is meant and you would have no trouble at all in getting a gaggle of expert witnesses to interpret for a court of law what is meant by the stage of development at which implantation would normally occur.

As Dr Ritson quite rightly says, nobody is going to cavil about whether it is an eight, seven or nine day embroy in terms of its development as it occurs in the human uterus, but if it is 15, 20 or 25 days then it is very obvious and patently clear. So, in the event of an inspection at some surveillance mechanism which is put in place, if they were not following the rules, not obeying the law and not working within the code of ethical practice they would be in contravention of the law and would be suitably punished.

The Hon. R.I. LUCAS: As another non-lawyer following on from three other non-lawyers I cannot accept the explanation in relation to the legal interpretation of that subclause. However, I will not prolong the debate other than to say at what stage implantion would normally occur if the evidence given to me by Queen Elizabeth Hospital is correct, and that is that implantation normally occurs at the one, two or three day stage.

The Hon. J.R. Cornwall: It does not.

The Hon. R.I. LUCAS: The Minister says that it does not, but the person at the Queen Elizabeth Hospital who is second or third in command says it does. That is why I say that we should not be voting on these things on the run. We should have a chance to debate the issues and speak to the top person down there and get the necessary information. But, the information given to me—

The Hon. R.J. Ritson: I think he is saying that they commonly transfer them.

The Hon. R.I. LUCAS: Right. Implantation would normally occur for them, as part of the normal IVF technique, at that stage.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: I can understand what the Minister is trying to explain, but he is missing the point. What Dr Cornwall and Dr Ritson are arguing is that implantation with the normal reproductive techniques in the body occurs at the seven day stage, and no-one is arguing about that at all. We have just had a long explanation of that. No-one is arguing about the seven day period or six to nine days, or whatever it is. What I am saying is that this is a Bill in relation to artificial fertilisation procedures. Implantation is to be interpreted as part of an artificial fertilisation procedure. No other part of this Bill refers to natural fertilisation procedures within the human body. This Bill is all about artificial fertilisation. What we are talking about—and certainly what we were talking about in the amendments that we were drafting earlier—concerns the stage at which the scientists would implant the culture into the body of the woman. That was the implantation stage that we were all talking about—the implantation stage as part and parcel of the *in vitro* fertilisation technique and not the implantation stage of the natural human reproductive mechanism.

I shall not prolong the proceedings of the Committee any further other than to say that this really gives a reason why we ought to have an opportunity to consider the amendments at some length, to see that what the Government intends to achieve by this amendment will in fact be achieved. If that is the case, fine, and the majority of members in this Chamber will be happy, but if, for example, my interpretation is correct, the Government will not achieve its aim, and what it will be saying to Professor Jones and Professor Matthews is that, given that at this stage implantation in the IVF technique generally occurs (I am told) at

that early stage, they will not be able to culture beyond that stage at all. However, I will leave it at that.

The Hon. J.R. CORNWALL: There is a confusion in terms here. In what did you get your science degree, Rob?

The Hon. R.I. Lucas: It was not in med science.

The Hon. J.R. CORNWALL: It was not in biology, either; that is obvious. The honourable member is confusing embryo transfer with implantation. It is as simple as that.

The Hon. R.J. RITSON: I make the point that, if the interpretation that the Hon. Mr Lucas suggests were correct, namely, that the reference point of normality is to be current standard practice with reference to what the practitioners generally do in this case, as opposed to what normally occurs in the body, then all they have to do to gain the flexibility, under that interpretation, is simply change their practices and they have changed the point of reference—because that is all there is to refer to—namely, what the clinicians and the scientists in those units normally do. They just have to start normally doing something different. So, it is even less restrictive if that is the interpretation; it certainly cannot restrict them to two days.

The CHAIRPERSON: There being no further discussion, I shall put the amendment. I seek the guidance of the Committee on this matter: it has been moved as one amendment, and I ask whether the Committee wishes to vote on it as a whole or whether it wishes to vote on the four separate paragraphs *(a)* to *(d)*. Does any member wish to vote differently on different subclauses?

The Hon. J.R. CORNWALL: I am in the hands of the Committee in this respect. I think that sufficient indication has been given to this point for anyone who can count to realise that all four paragraphs, *(a)* to *(d)*, are going to be successful. As we have had a lengthy debate on this issue, I think we can save time by putting the amendment as a whole.

The CHAIRPERSON: I appreciate the point about saving time. I merely wished not to inhibit a member who wished to vote for some but not all of the four points. However, unless any members indicate that they wish to vote differently on the various points, I will put the whole new subclause (2)*(a)* with its four points as one amendment.

Amendment carried.

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

Page 4, after line 41—Insert new subclause as follows:

(5) A regulation referred to in subsection (4) will take effect as follows:

(a) if the regulation has lain before both Houses of Parliament for 14 sitting days and a notice of disallowance has not been given in either House during that period the regulation will take effect at the expiration of that period;

(b) if notice of disallowance has been given in either House during that period but the regulation has not been disallowed, the regulation will take effect when the motion for disallowance is defeated or lapses or, if such a notice has been given in both Houses, when both motions have been defeated or have lapsed or one motion has been defeated and the other motion has lapsed.

This amendment contains a proposition that we have seen before in this place. It is a very simple proposition that Parliament retains control of the regulations until such time as it has had the opportunity to consider them properly. It is not the usual way of considering regulations but it is not abnormal.

The Hon. J.R. CORNWALL: This is a very sensible amendment. As the Hon. Mr Cameron points out, it is unusual but I do not think that anybody would take it as a precedent. Because of the nature of the legislation, it is a sensible amendment and the Government has no difficulty in accepting it.

The Hon. R.I. LUCAS: Earlier a matter concerning the drafting of an amendment for all regulations laying on the table was debated. Parliamentary Counsel has given me a draft amendment to clause 20 which is almost word for word for the Hon. Mr Cameron's amendment but takes into account the new undertakings that the Minister of Health gave during the debate late this afternoon. What the Minister is now saying is that the code of ethical practice will be the code of good housekeeping for clinics and that all major moral and ethical questions will be moved as part of general regulations under clause 20 and that members will be able to vote on them individually.

The principle of the amendment that I have had drafted to clause 20 is exactly the same as that of Mr Cameron's amendment, except that it extends to all regulations under the legislation, including a regulation promulgating the code of ethical practice or any amendments to it. Whilst I do not want to speak against the principle of the amendment moved by the Hon. Mr Cameron, perhaps the honourable member could move a revised amendment at clause 20 rather than the Committee going through with this amendment to clause 10. The Minister has indicated support for the amendment and, if the Committee passes it, it will have to consider a similar provision in my amendment to clause 20, which is word for word for the amendment moved by the Hon. Mr Cameron. A simpler and tidier mechanism would be not to proceed with the amendment before the Chair and for Mr Cameron to update his amendment to include the undertakings of the Minister, and move it when clause 20 is debated.

The Hon. J.R. CORNWALL: I make very clear that, as far as the Government is concerned, these are two separate issues. The Government will oppose the amendment to clause 20, which provides a new subclause (4) and refers to a 'code of ethical practice or prescribing conditions to which licences will be subject to take effect as follows:'.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I presume that you are talking about your foreshadowed amendment to clause 20—page 8, after line 31, insert new subclause as follows:

(4) regulations promulgating the code of ethical practice or prescribing conditions to which licences will be subject to take effect as follows.

The Hon. R.I. Lucas: No.

The CHAIRPERSON: Yes, that is the one we have on file.

The Hon. R.I. Lucas: This is the one that we were going to draft as we went along.

The Hon. J.R. CORNWALL: Let me make the position clear. The undertaking I gave was that individual recommendations of the council would be brought back here by me, and each of them would be voted on, other than the code of good housekeeping practices, as Dr Ritson described them, each of those issues could be debated here and voted on as a conscience issue. What I am not prepared to accept, however, is something which would embrace the question of the Reproductive Technology Council being the body which would licence research or experimentation.

The Hon. R.I. LUCAS: Can I clarify that: there is an amendment I have had circulated to clause 20, page 8 after line 31, which is obviously the one to which the Minister is referring but, after the undertakings he gave either before or just after dinner in relation to exactly what he has just mentioned (that is, the moral and ethical questions will come not in the code of ethical practice as many of us thought but under separate individual regulations which he would move under the general regulation making power, clause 20), I then indicated that I felt that what we needed to do—and the Minister indicated, at least off the top of

his head, some general support—was in effect revise the Cameron amendment to clause 10; but it would then be tidier to put it into clause 20, because the Cameron amendment and the Cameron principle there applies to the code of ethical practice.

All we are seeking to do is extend it to just those additional regulations the Minister is talking about. Forget about questions of the council issuing licences and all that—that will be decided quite separately. This further amendment we are talking about—of which I have just got a draft from Parliamentary Counsel and it has not yet been circulated—relates to clause 20. That is why I am raising it at this stage, because it is word for word the Cameron amendment to clause 10 except that it extends it from the code of ethical practice to take into account the Minister's new commitment on regulations. Is it sensible for us to be putting this into clause 10 when we will be doing a similar thing with clause 20?

The Hon. J.R. Cornwall: We can take it out again. We can reconsider the clause.

The Hon. M.B. CAMERON: I am not prepared at this stage to not go on with my amendment until I see the amendment that is to be circulated, and we can always go back and reconsider this clause and take it out. I certainly want it in at this stage, because I do not want to lose the opportunity of ensuring that this amendment is part of the Bill. I will have a look at the amendment of the Hon. Mr Lucas when it comes forward. If it is then considered sensible by the Committee, I would certainly be prepared to support any changes that might be made.

The Hon. R.J. RITSON: I support that proposition. I think it is reasonable for us to get as much common ground as can possibly be agreed to now. As we see how much other flesh we do or do not get on the Bill, we will have a better idea of what may be possible in adding to various matters if necessary by recommitting a clause for further amendment. But we need to take it in bite sized chunks that we can cope with, and this is an opportunity to get some common agreement on the record.

We will see how many conscience issues we do end up with in the Bill, because that will affect to a great extent the need or lack of need for greater controls over other regulations. I support Mr Cameron's amendment at this stage but, depending on what happens to other matters, I would be very happy to consider Mr Lucas's problems later on.

Amendment carried; clause as amended passed.

Clause 11 passed.

Clause 12—'Annual report.'

The Hon. R.I. LUCAS: I move:

Page 5, line 14—Leave out 'as soon as practicable' and insert 'within six sitting days'.

The principle of the amendment has been debated in the Chamber on many other occasions so I will not take the time of the Committee. The current clause provides, 'The Minister must, as soon as practicable after receipt of a report from the council, cause copies of the report to be laid before both Houses of Parliament.' On many other occasions I have moved a similar amendment, generally with success, sometimes not, and that is to replace 'as soon as practicable', which stipulates no specific time period, with a specified time, and the consistent amendment that I have moved over the years has been 'within six sitting days'. That only seeks to provide a reasonable upper limit within which the Minister should provide the annual report of the council.

Six sitting days of course would be at least a couple of weeks; it could even be longer, depending on whether or not there are breaks between sessions. Moreover, given that the major argument for the council was that it was to be reporting to the Parliament rather than to a Minister, and given that that is the case and it is not supposedly a body that is directly answerable to a Minister of the Crown, then I believe there is even greater argument for requiring as quick a response from the council via the Minister to the Parliament of its annual report. That is all the amendment seeks to achieve.

The Hon. J.R. CORNWALL: This is obviously a policy matter and not a matter of conscience, and we will be voting *en bloc* accordingly on this side. We will oppose it. The council has a complex series of tasks to perform. We do not believe that it is reasonable in the circumstances to constrain it to six sitting days, and if Mr Lucas—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No, it constrains the Minister to table the council's annual report within six sitting days. If Mr Lucas persists with his amendment, we will oppose it outright. However, if he wishes to strike a compromise and have some consistency with the time constraints in tabling annual reports, then he might like to adopt the same phraseology as is contained in the Government Management and Employment Act which specifically talks about 12 sitting days. If he is looking for a compromise, I am happy to cop 12 sitting days, but if he persists with six, I am afraid we will have to formally oppose it.

The Committee divided on the amendment:

Ayes (12)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), and R.J. Ritson.

Noes (9)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 13—'Licence required for artificial fertilisation procedures.'

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

Page 5, lines 25 to 27—Leave out paragraph *(a)* and the word 'and'.

This amendment removes the need to impose licensing conditions in this Bill. The Opposition considers that the remaining licensing conditions in the Bill in relation to quality assurance and ethics amount to sufficient control. We do not support what we consider to be unnecessary meddling in the provision of this service to patients. We believe that where possible, if a service is not being provided—and I understand that there is a waiting list for *in vitro* fertilisation at the various places that now provide this service—and if another person wishes to provide this service, they should be able to do it provided they come within the guidelines that will be laid down, first, by the interim council and, secondly, by the council set up under the Bill.

The Hon. R.J. RITSON: I support the amendment. I am well aware that this is not the sort of matter that would be regarded as a moral, ethical or related matter by the Government. I would expect them to vote as a Government Party on this issue. The Bill as drafted gives the Government the power to do a number of things when issuing licences, and of course quality control is one thing and ethical conditions is another. I believe that that should be an adequate set of powers to restrict the practice of reproductive technology on the basis of the Government's perceived need for services. To determine who may practise this branch of medicine seems to me to be unnecessary. It can provide a legislative monopoly for individuals and

private companies that perhaps is not warranted in commercial terms.

I know that the argument has been lobbied that one will get all sorts of inexpert individuals or groups springing up to, as it were, cash in on this area of medical practice, perhaps leading to lowered standards. However, I point out that the maintenance of standards is already provided for in the other conditions of licence. I am never really impressed with Governments assessing needs.

I suppose that the most horrendous examples would occur in countries like the Soviet Union, where the massive central bureaucracy determines everybody's need and usually gets it wrong. I ask the Committee to delete paragraph *(a)* while leaving the Minister with all the powers necessary to ensure that inexpert people do not practise this branch of medicine in an unacceptable manner.

I do not know how the Australian Democrats will vote. I put it to them that they have to decide on a matter of principle. I feel that if this paragraph is not removed the process of the Government determining for itself whether the people need this, that or the other will continue, and we will see further legislation to license on a needs basis other forms of medical practice in this State, and perhaps even then an extension, once that principle is breached, of further central control in other businesses and industries.

The idea that if there is not some sort of rationing related to needs and the existing queues are not maintained there will be a burgeoning of over-servicing does not seem rational to me. Although there are long waiting lists and some unmet demand in this field, it is not a bottomless pit. Earlier the Minister informed us that about 10 per cent of couples were infertile. The majority of those couples would be assessed and dealt with at a far more basic level than the high technology of *in vitro* fertilisation. Only a few of those people would, at the end of the day, be suitable for *in vitro* fertilisation.

So, the demand is finite and it will not quadruple or blow out. It is not the sort of area in which there can be a tendency towards over-servicing. I ask the Committee to remove the requirement that the Minister satisfy himself of the need or demand for another licence holder. It is similar to the Licensing Court in that there are provisions in the liquor licensing legislation dealing with the assessment by the court of the need for more services for supply of liquor. That is largely to protect the financial interests of certain liquor related industries rather than to allow the consumers to have the services they want in that regard. For me philosophically there is an unhappy tendency for Governments to try to determine what consumers want or need. It is a matter of principle, because I expect in practical terms the same sorts of people will be practising this as would in any case with or without that condition of a needs basis for licensing. I commend it to the Committee and will see what happens.

The Hon. I. GILFILLAN: I oppose the amendment. I have had serious misgivings about the proportion of health financial resources that are being and will be directed to IVF procedures. I do not have the same confidence that the Hon. Dr Ritson has that there will not be any pressures through an open slather situation for people to be attracted to considering the IVF procedure when the select committee wisely considered the other options. I am sure that Dr Ritson agrees, as he expressed very articulately, that there ought to be counselling for people who are infertile as there are satisfactory life styles without necessarily having one's own children. It is because of that and not because of any intention to introduce some sort of socialist bureaucratic control over the free activities of people who are offering services to the population that I oppose the amendment.

Because we have very valuable competitive areas of health for the limited amount of health funds, I consider one has to very carefully consider how much will be devoted to IVF, which is a very expensive procedure. On that basis I indicate my opposition to the amendment.

The Hon. R.J. RITSON: In the light of the position put by the Australian Democrats, I will not call for a division if the amendment is lost on the voices.

Amendment negatived.

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

Page 5, after line 36—Insert new paragraphs as follows:

(ab) a condition preventing the application of artificial fertilisation procedures except for the benefit of married couples in the following circumstances—

(i) the husband or wife (or both) appear to be infertile; or

(ii) there appears to be a risk that a genetic defect would be transmitted to a child conceived naturally;.

What follows should be considered as two separate areas. The amendment is self-explanatory. It restricts the *in vitro* fertlisation to married couples, except in the special circumstance of a genetic defect and, as I understand it, that is the way in which the program operates at the moment.

The Hon. R.J. RITSON: I support the amendment. This is a matter which for many people in the community is a matter of conscience. There are those who have religious attitudes to marriage, but I do not believe it is the job of this Committee to legislate for any specific religious view. Nevertheless, two things remain as outstanding facts that cannot be denied, that is, that children born to couples who are legally married (that is, who have entered into the contractual arrangements) do have a different and superior set of rights. I hope that my colleague the Hon. Mr Griffin will speak on this because, with his legal training, he can be more specific. However, there is no doubt in my mind that there is a difference, and it is not unreasonable, where people are asking the State and the taxpayer to assist them to achieve a pregnancy, that the safeguards of marriage should be a condition of that assistance.

If nothing else, the fact of having a child out of wedlock *prima facie* entitles one to apply for Commonwealth supporting parent benefits and, put in its crude and simplest form, it seems a little silly for the State to be expending its taxpayers' assets in order to fertilise someone so that they can go on the pension. I am not saying that it is done in order that they go on the pension and, of course, in many cases, because there is a stable relationship, the income within that relationship would exclude that. But, as a matter of principle, in fertilising unmarried people it would primarily be putting them in a position of being potential pensioners, as it were, or potentially drawing supporting parent benefits, and it does seem to be a strange thing for a society to do.

The question of restricting it to someone who was infertile was a universally agreed requirement determined by the select committee. Within this context it means that if someone is fertile yet wishes to achieve a pregnancy using genetic material from outside the marriage or, if this amendment is lost and a 'stable relationship' is introduced by another amendment, outside the stable relationship just because they prefer the child of a different partner, that would appear to be a very futile and unreasonable thing on which to require the State to expend resources.

The next part of the amendment contains the exception. The only conceivable reason why a fertile couple would want to achieve a pregnancy using material from outside the marriage would be to avoid a genetic problem. Indeed, some couples are unfortunate enough to have a very high

risk of producing a series of Down's syndrome children. The risk may be assessed as being too high to justify their embarking on a pregnancy, and it may be that such people would seek scientific assistance to achieve child birth with donated material.

Whatever I think personally of the use of such material, the fact is that we have AID and we would have to accept the donation of surplus embryos if we wished to reduce the problem of embryos being discarded. That would be one set of circumstances, and I am sure that the Hon. Mr Lucas would agree with me that, if we are looking at the lesser of two evils type of situation, there may be fertile couples with genetic deformities who would wish to receive one of these embryos which might otherwise never find its place in a womb. I ask the Committee to consider this amendment, and I should think that the most controversial part would be the question of whether marriage should be a requisite or whether it should simply be a stable relationship. My view is that it should be marriage, but we will see what the Committee thinks.

The Hon. J.C. BURDETT: I support the amendment. By his eleventh hour amendment to clause 10, the Minister has acknowledged that some matters ought to be written into the Bill rather than being left to the South Australian Council on Reproductive Technology. It has been my contention all along, at both the second reading and Committee stages, that we should not treat this matter as being enabling legislation but, rather, that important matters such as this—and I have specified this as being one of them—ought to be addressed and determined by the Parliament.

In some of his contributions before the Committee, the Minister has suggested that the South Australian Council on Reproductive Technology would have more expertise than the Parliament. I have made clear before that we are elected not for our expertise but, rather, as members of Parliament who are responsible to the electors and answerable to them. We are expected to stand up and be counted. The South Australian Council on Reproductive Technology is not in that category but, in any event, on the issue of marriage or otherwise and fertility or otherwise, I suggest that the prospective and not yet formed South Australian Council on Reproductive Technology has no more expertise than has Parliament. The Hon. Mr Cameron proposes first that the couples involved ought to be married. In the interests of the child who is to be born, I support that concept.

Obviously in the interest of the child it is important that the relationship into which the child is born is a stable one. I suggest that while it is not guaranteed—and I said this in relation to adoption not so long ago—there is much more chance that a couple which have made a lifelong commitment to each other will be stable and remain together than in other cases. For that reason, in regard to marriage or otherwise, I support the amendment moved by the Hon. Mr Cameron.

The other principal element is in regard to fertility, and the amendment proposes that it is only in the following circumstances that couples can be part of the program: namely, that the husband or wife or both appear to be infertile. As has been said—I think by the Hon. Dr Ritson—because of the expense of the procedure and the long waiting list it appears reasonable that it only be made available in those circumstances. I support the amendment moved by the Hon. Mr Cameron.

The Hon. J.R. CORNWALL: This is not a conscience issue as far as the Government is concerned; it is a matter of policy. We would oppose the amendment—

The Hon. I. Gilfillan interjecting:

The Hon. J.R. CORNWALL: It is clearly not a conscience issue, certainly not as far as my Party is concerned.

The Hon. I. Gilfillan interjecting:

The Hon. J.R. CORNWALL: You have a very flexible conscience, so you should not have much difficulty with it. Anybody who can walk out on a debate after being associated with it for three years on a select committee has a very strange conscience indeed. You ought to sit there and be quiet and hang your head in shame.

The Government does not regard this as a conscience issue, but as a policy issue. We oppose the amendment moved by the Hon. Mr Cameron. However, I indicate that the Government will support the amendment that has been foreshadowed by the Hon. Mr Lucas. We think that is a reasonable compromise and we acknowledge the realities. As I explained to the Council today, the fact is that people do not finish up in this program unless they have been in a stable domestic relationship for at least five years.

Members interjecting:

The Hon. J.R. CORNWALL: They do not finish up as candidates for an *in vitro* fertisilation program unless they have been in a stable domestic relationship for five years. There are practical reasons for that situation: they probably do not find out that they have an infertility problem for about three years. They use contraception of one form or another for a couple of years, another 12 months passes before they decide that they would like to have a child by choice, and then they undergo all sorts of investigations before they ultimately finish up in a IVF program. So, the minimum period of five years is perfectly reasonable.

I hope that there will not be the sort of malicious misrepresentation on this particular matter that there has been in relation to the Adoption Bill when it has been alleged that the Government's Bill, as originally introduced into this place, proposed adoption for radical lesbians and AIDS patients. There has been a most malicious and despicable campaign of distortion with regard to what is intended in the Adoption Bill. We are not hardline on this issue, but the social reality of our times is that many couples are living in stable *de facto* relationships. My role is not one of moral theologian; my role is to acknowledge the realities of our time, the plurality of the society in which we live. We do not condemn couples which live in *de facto* relationships and have children. Indeed, the law was amended in this very Parliament under the Family Relationships Act. We do not talk any more about the stigma of illegitimacy. Children who are born from stable domestic relationships have exactly the same status in the community as has any other child—and so they should. In this society it has been said that childhood for hundreds of years has been a nightmare from which we are only now starting to awake, and by and large we have for many generations treated children as second-class human beings.

It is not so very long ago that we had children working down the mines and toiling under slave conditions in factories. It is not so very long ago that society tolerated, and would not face up to the reality of, child abuse, whether physical, psychological, or sexual or involving neglect. All of that is changing, and so, too, in this pluralistic society are attitudes as to what constitutes a stable domestic relationship. So, on those very well understood and clearly enunciated principles, the Government opposes the Cameron amendment. I indicate that the Government will formally support the foreshadowed Lucas amendment.

The Hon. I. GILFILLAN: I support the Cameron amendment. It certainly appears to me that the decision as to whether a formally married couple or a *de facto* couple are entitled to benefit from this technology is one of personal

conscience. I do not denigrate or criticise those people who choose to disagree with my opinion on this. I also want to put on record that perhaps in further deliberation on this there might be an opportunity for the Council—and I hope that this does occur—to reconsider several of the matters upon which, indisputably, conscience decisions are to be made as of this debate. I believe that the Minister's quite erroneously opposing this matter as a matter of policy, suggesting that no members of his Party in conscience disagree with that decision, is making a mockery of the way of dealing with legislation by conscience or otherwise.

However, I think that the current procedures and practices are proving satisfactory. They are ensuring that those couples who present for these procedures have demonstrated their sincerity to remain together as a couple; to evidence that they have been married and have gone to the point of making a commitment to each other. I think that at this stage of the Bill and as far as the procedures go it is safer and more appropriate, and more reflective of the conscience of the community, that the Hon. Martin Cameron's amendment be agreed to.

The Hon. M.J. ELLIOTT: On this matter I am going to diverge from my colleague, on conscience. I agree with him on one thing: I am absolutely surprised that the Minister has not seen this as a conscience issue. Quite clearly, it is a conscience issue, and in this instance I happen to agree with the Minister. I live in a very conventional and conservative family. I am married and have been for about eight years, but I am not going to be judgmental about the lifestyles of other people. I do not see why we must insist that a couple need to be married. Certainly, I believe that, for the well-being of the child who might come from the *in vitro* procedure, there may be a need to be a certainty of the stability of a relationship. However, I would suggest that if a couple has been in a stable relationship for five years, the time suggested by the Minister as being likely before they could even enter the scheme, that relationship would probably be as stable as any conventional marriage could hope to be. The failure rate of marriages is appallingly high.

The Hon. Diana Laidlaw: So it is with *de facto* relationships.

The Hon. M.J. ELLIOTT: I imagine that any *de facto* relationship that has gone on for five years would indicate as much stability. Certainly, short-term *de facto* relationships may not be stable. In this case I agree with the Minister and I oppose the amendment. However, I am surprised that he has not treated it as a conscience issue.

The Hon. R.I. LUCAS: I do not see the amendments moved by the Hon. Martin Cameron and me as necessarily being totally inconsistent, because Mr Cameron's amendment is part of the package of amendments that I have on file. It deals not only with the question of access but with infertility and genetic defects as well, which I support. I will support the amendment moved by the Hon. Mr Cameron which at present limits it to access of married couples but my further amendment interprets 'married couple' along the lines of the Family Relationships Act and extends it beyond the common understanding of 'married couple' to the concept of putative spouse or stable *de facto* relationship. Given the debates over recent years on the Family Relationships Act and other pieces of legislation, most members of Parliament would be familiar with that concept. I will discuss that point at greater length when I move my amendment but I indicate that I will support the amendment of the Hon. Martin Cameron at this stage.

The Hon. J.R. CORNWALL: I seek clarification so that we do not need to divide at this late hour, because we have only eight minutes before the witching hour. I take it that the Committee is discussing new paragraph *(ab)* (i) and (ii), and that *(ac)* becomes redundant.

The CHAIRPERSON: Yes.

The Hon. J.R. CORNWALL: If the Committee accepts the Cameron amendment, that does not in any way prejudice the further amendment to be moved by the Hon. Mr Lucas which defines 'married couple' as including two people who are not married but who cohabit as husband and wife. The Committee has an indication that Mr Lucas and Mr Elliott will support that amendment. Therefore, on my simple arithmetic—I am both moderately numerate and literate—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: It will do me until I can do better. In that circumstance, the Committee will not divide on the Cameron amendment, but the Government reserves its right to recommit it if anything should go terribly wrong.

Amendment carried.

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

After paragraph *(ab)* insert new paragraph as follows:

(ac) a condition requiring the licensee—

(i) to freeze embryos that are not immediately required for transference into the human body but that may be required for that purpose at a later time;

and

(ii) to ensure that embryos that will not be required for transference into the human body are not maintained;.

The aim of this paragraph is to ensure that embryos that are not destined for transfer to the uterus are not cultured *in vitro* for experimental reasons beyond the stage at which they would normally be ready for transfer. I commend this amendment to the Committee because it is one of those matters that should be debated and decided by this place so that some indication can be given to the council that this Bill will set up the Parliament's attitude on this matter.

The Hon. R.J. RITSON: Paragraph *(ac)* (i) gave rise to a question from one of the specialists practising in this area. On looking at the word 'immediately' he wondered whether it would mean that there was no flexibility in the time of freezing or for making decisions about the stage at which the embryo should grow before it was frozen.

He indicated to me that there was some scientific thought that perhaps a freezing at a slightly later stage than is presently done may give rise to more successful storage. I discussed this with counsel and sought legal advice, which advice was that there is no such restriction in that sort of latitude. The word 'immediately' can mean many things in different contexts. If the word 'immediately' is applied to a road traffic situation in which one has to apply the brakes, it means within seconds; but within this context it would be interpreted as those embryos not required for this cycle.

So the advice I received was that the constituent was perhaps—and I say this in a kindly way—jumping at shadows, subject only to the restriction placed by the Minister's amendment, which has already been passed, about the maintenance beyond the implantation stage. Subject only to that and the latitude that that would give, there is no interpretation, on the advice I have received, that new paragraph *(ac)* (i) would restrict the clinical judgment exercised as to whether the embryos that are to be kept for a subsequent cycle should be frozen at so many cells or so many days, as long as it is within the range of development that has already been dealt with by the Minister's amendment.

New paragraph *(ac)* (ii) is possibly a little redundant now. It was to deal with the question of what happens to those embryos that are not destined ever for transfer to the human

body, perhaps because they are considered to be unsuitable or abnormal. I now think that the Minister's amendment which is already passed overlaps or completely covers that. I doubt whether it does any harm to leave it in: it is just another declaratory adjunct to the same end as the amendment already passed, but it is part of the package to hold the fort on the whole question of embryo experimentation and freezing.

I might add that on this whole question I would not rule out the possibility that things could change. It may be that in the future the whole science will alter and the things about which we are anxious lest they be done to embryos could end up being things beneficial to embryos. Obviously, the council will consider these things as the growing edge of medicine advances.

Perhaps then we will see as a result of the council's deliberations the Minister bringing back amendments to various matters in this Bill. I do not want to be a member of the flat earth society and state that things can never change, but until we get specific proposals with evidence of their benefits to the embryos, I urge the Committee to agree to this amendment.

The Hon. J.R. CORNWALL: I do not know at what point we will have to pack up, but it will have to be very soon. I am more than a trifle surprised that the Opposition is proceeding with this amendment. It is completely at variance with my amendment, namely clause 10 (2) *(ab)* which vests the discretion in the couple who are participating in the program. This one clearly requires the licensee to do certain things. It is at complete variance with the amendment that I moved which was accepted by the Committee. I presume that people do not want to bat on at this moment, so I think it is a high note on which to finish what has been a very interesting evening for me—quite educational, in fact. Despite my advanced years, one learns something every day about the human spirit. I suggest that we report progress and seek leave to sit again.

Progress reported; Committee to sit again.

STAMP DUTIES ACT AMENDMENT 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 leave to have the detailed explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Two amendments to the Stamp Duties Act are proposed which recognise requests which have been made to the Government. The first permits transfer of an interest in the matrimonial home between spouses to take place free of duty. Spouses for the purposes of this exemption include persons who have been cohabiting continuously in a defacto relationship as husband and wife for at least two years.

The second concerns payment of interest on a refund of duty where an Objection or Appeal to an assessment of the Commissioner is upheld. Payment of duty is required before a valid Objection or Appeal to a stamp duty assessment can be made and although, in general, large sums of money have not been involved, this Bill proposes that interest will be payable where such an Objection or Appeal is decided in favour of the taxpayer. The rate is to be determined by notice in the *Gazette* and will be related to the rate which the Government earns on its own investments.

Four other amendments introduced in this Bill move to restrict tax avoidance practices which have been identified, and which offer a potential for significant loss of revenue.

A change in the traditional approach to stamp duty is envisaged to provide that a person who executes an instrument is guilty of an offence if the instrument is not produced to the Commissioner for stamping within the times set out in the Act. At present an unstamped instrument can be stamped upon payment of a penalty if it is required to be accepted as evidence and in practice this is only necessary on limited occasions. Many instruments are not presented for stamping and this practice is increasing. The incidence of this approach throughout Australia has led to the adoption of a provision in the majority of the other States placing a direct obligation on the parties to present the instruments for stamping and South Australia now finds it necessary to take similar action. Although in South Australia protection of the revenue is achieved where conveyances and other instruments are lodged in the Lands Titles Office, the provision in this Bill is necessary as lodgement is not mandatory in many cases.

Legislation introduced in 1980 took positive action to close off certain practices whereby payment of stamp duty was avoided by the use of Trusts. It was the intention of the Government at that time that transfers of property from a Trust should attract stamp duty except where the beneficial interest in the property had been transferred to the transferee by virtue of another instrument on which *ad valorem* duty had been paid. Recent action in the Supreme Court has exposed a potential tax avoidance mechanism and the amendment proposed restores the original intention of the Government.

Attention has been drawn to the potential for an avoidance practice which involves failure to stamp mortgage documents which are not lodged for registration at the Lands Titles Office. The interest of the lender is protected by lodging of a caveat which, at present, is not chargeable with duty. The Bill proposes that a clause be inserted in the Stamp Duties Act whereby a caveat which relates to an unregistered mortgage shall be chargeable with the same duty that would be payable on the mortgage instrument. If *ad valorem* duty has been paid, the caveat is liable only to nominal duty. This action is consistent with that taken in the majority of other Australian States.

Transfers of property have traditionally been effected by an instrument executed by all of the parties and which is required to be stamped. A practice has developed in recent years whereby oral acceptance or an acceptance by performance is given to a written offer and by this mechanism payment of stamp duty is avoided. This Bill introduces an amendment to require a dutiable statement to be lodged whenever there are changes in beneficial ownership of property not effected or evidenced by an otherwise dutiable instrument. New South Wales, Queensland and Western Australia have amended their Stamp Acts to counter such schemes.

The provisions outlined above include appropriate penalties for non-performance of the obligations imposed by the Bill.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends section 20 of the principal Act to provide that it will be an offence to fail to produce for stamping an instrument that is chargeable with stamp duty within the relevant period prescribed by section 20. It will be a defence to a charge against the new provision to prove that the defendant was not the party who would customarily be expected to stamp the instrument and the instrument was

delivered to another party in the reasonable expectation that the other party would have the instrument stamped.

Clause 4 amends section 24 of the principal Act to allow for the payment of interest on amounts refunded after a successful objection or appeal against an assessment of duty. The rate of interest will be fixed by the Minister by notice in the *Gazette*.

Clause 5 amends section 71 of the principal Act in relation to the transfer of property that is subject to a trust. Under section 71 (5) *(e)* of the present Act, an instrument providing for the transfer of property to a person who has the beneficial interest in the property by virtue of an instrument that has been duly stamped is exempt from stamp duty. This exemption was included to avoid the payment of double stamp duty where a transfer of the legal interest in property follows a transfer of the equitable interest by virtue of a dutiable instrument. However, it has been decided in the case of *Soficorp Holdings Pty Ltd v. Commissioner of Stamps* that the exemption will apply in any case where a beneficial interest in the property has been obtained by a duly stamped instrument, even if this instrument was, for example, a simple appointment of a person as a beneficiary under a trust. It has therefore been decided to amend the section to strike out subsection (5) *(e)* and to provide in certain cases for a reduction of stamp duty to the extent that duty has been previously paid.

Clause 6 provides a new section 71cb that will exempt from stamp duty an instrument that has as its sole effect the transfer of an interest in a matrimonial home (a matrimonial home being a residence that constitutes the principal place of residence of a husband and wife or a defacto husband and wife who have been cohabiting for at least two years).

Clause 7 provides for a new section 71e, which will require a statement to be lodged with the Commissioner when a transaction is effected that transfers a legal or equitable interest in land, a business or other specified or prescribed property and no instrument chargeable with *ad valorem* duty is prepared. Duty will be payable on the statement as if it were a conveyance effecting the transaction to which it relates.

Clause 8 provides for a new section 82, which will impose duty on a caveat that protects an unregistered mortgage.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

EXPIATION OF OFFENCES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos 1, 2 and 4 to 10 without amendment, had disagreed to amendment No. 3, and had made the following alternative amendment in lieu thereof:

Page 4, The Schedule. Under the heading 'Commercial Motor Vehicles (Hours of Driving) Act, 1973',

After 'Section 4—Exceeding hours of driving' insert ', but only in cases where it is alleged that the driver drove for no more than 30 minutes over time . . . '.

Leave out the following items:

Section 8 (5)—Failing to provide a name and address, or to answer a question	$80
Section 8 (6)—Falsely representing that person is named in a log book	$80

ARCHITECTS ACT AMENDMENT BILL

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

WHEAT MARKETING ACT AMENDMENT 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 leave to have the detailed explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In 1983, the Wheat Marketing Act 1980, was amended via the Statutes Amendment (Wheat and Barley Research) Act 1983. That amendment enabled the Australian Wheat Board to deduct from payment to growers in South Australia an amount as gazetted annually for the purpose of payment into the Wheat Research Trust Account. The funds from that account are used to fund cereal research in South Australia. The decisions on the distribution of funds are made by the Wheat Research Committee for South Australia, a Committee mainly made up of farmers, and set up under Commonwealth legislation to distribute the Wheat Research Tax collected in South Australia.

Any grower who did not consent with this deduction from his payment could, by writing to the Minister, obtain a refund of the money deducted.

In drafting the Wheat Marketing Act 1984, the provisions of the Statutes Amendment (Wheat and Barley Research) Act 1983, were overlooked.

However, the Australian Wheat Board has continued to deduct money from grower payments for transfer to the Wheat Research Trust Account without statutory authority since the Wheat Marketing Act 1984, came into effect. During this time, the growers have continued to have the right of seeking a refund if they so desired.

The Government has decided to move immediately to amend the Wheat Marketing Act 1984, to incorporate the provisions of the Statutes Amendment (Wheat and Barley Research) Act 1983, into the Wheat Marketing Act 1984, and to make those provisions retrospective to when the Wheat Marketing Act 1984, came into effect.

Clause 1 is formal.

Clause 2 deems this amending Act to have come into operation at the same time as the Wheat Marketing Act 1984, came into operation.

Clause 3 inserts the provision that was enacted in 1983, providing for annual wheat research deductions to be made from the amount payable to wheat growers for the wheat of each season. As before, wheat growers may, in respect of any particular season, refuse consent to the deduction being made. The committee that recommends to the Minister each year the rate of the research deduction, continues in existence.

The Hon. PETER DUNN secured the adjournment of the debate.

PAROLE ORDERS (TRANSFER) 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 leave to have the detailed explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The amendments proposed by this Bill will increase the number of documents that may be used to accompany requests for parole order registrations in this State and that may be used for parole order registrations in other States.

The proposed amendments will alleviate the difficulty currently being encountered in obtaining the judgments or orders by virtue of which parolees became liable to imprisonment, and will allow a wider range of documents to be used for transfers of parole. The extra documents that may be so used are certificates or statements of conviction, warrants of commitment and certified copies of any of those documents. The Bill therefore significantly facilitates the transfer of parolees and, as the overall aim of the principal Act is to allow parolees to return to the States in which they live, there are obvious cost advantages in making the process easier. Other States have amended, or are planning to amend, this uniform legislation in the same way and for the same purposes as now proposed.

Clause 1 is formal.

Clause 2 provides that the documentation to be sent to an interstate authority when the Minister requests registration of a parole order may include a conviction or warrant of commitment evidencing the original order for imprisonment, or a certified copy of such a document.

Clause 3 effects a similar amendment to the provision dealing with registration in this State of an interstate parole order.

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Residential Tenancies Act 1978. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is a minor technical amendment of the Residential Tenancies Act 1978. It is necessary because of some uncertainty which has developed during the preparatory work which has been necessary to implement the Government's desire to make moneys available from the Residential Tenancies Fund, on strictly controlled conditions, to support some specified housing projects proposed for the International Year of Shelter for the Homeless.

That application of the income from the fund was recommended by the Residential Tenancies Tribunal, subject to some detailed control mechanisms, and approved in accordance with the requirements of section 86 *(d)* of the Act. The amount involved was $400 000. The tribunal recommended that this money be contributed towards total capital costs of $710 000 in three joint projects to provide shelter for the homeless. The application for funds for this program came from the Housing Advisory Council Industry Committee, which has a membership representing all sections of the building industry, public and private. The industry committee developed these proposals in conjunction with the South Australian Housing Trust and they are among a list which the committee has submitted to the International Year of Shelter for the Homeless Secretariat.

The tribunal considered the projects and selected from the list three housing projects to which it was prepared to recommend providing funds upon strictly controlled conditions. One is to provide premises in Princess Street in the city of Adelaide which would be administered by the Sisters of Mercy to provide emergency accommodation for 10-12 homeless women in the Adelaide area and to develop a day care centre for resident and non-resident women. Such a project would go some way to overcoming the inability of existing emergency facilities to deal with the needs of homeless women in the Adelaide area. The Sisters of Mercy identified that there are 50-60 homeless women in the area in need of this type of accommodation. Another project involves renovating existing premises at Mile End recently purchased by the South Australian Housing Trust to be operated as a shelter for homeless youth. The third project, at Glenelg, involves the renovation of premises in Byron Street, at present owned by the South Australian Housing Trust, to provide accommodation for 12 persons in boarding style accommodation. Again, it is contemplated that a community organisation would operate the premises to provide accommodation services to homeless people.

By a similar process, a smaller allocation of $18 500 was approved, on the recommendation of the tribunal, for research into the situation of boarders and lodgers. The Residential Tenancies Tribunal has before it further applications for support for similar kinds of projects.

Honourable members will be aware that paragraph 86 *(d)* authorises the application of income from the fund 'for the benefit of landlords or tenants in such other manner as the Minister, on the recommendation of the tribunal, may approve'. In making its recommendation, the tribunal considered closely the question of its power to make these recommendations under this paragraph of the Act. It came to the conclusion that these proposed allocations were within the scope of that paragraph, because of the benefits which accrue to landlords and tenants alike from these additions to the total rental housing stock in ways which meet the needs of persons whom landlords often find to be difficult propositions as tenants.

However, during the detailed work to implement the decisions to apply these funds in the way I have mentioned, some uncertainty has developed about the appropriate way to interpret the phrase 'landlords or tenants' in that paragraph of the Act. There are differences of view as to whether the phrase limits allocations to projects which benefit persons who are (or have been in the past) parties to a residential tenancy agreement within the meaning of the Act, or whether the expression can be interpreted more broadly. It is possible to argue that the allocations of the sort I have mentioned have indirect benefits for persons who are parties to residential tenancies agreements, and are therefore authorised by paragraph 86 *(d)*. It is, however, not appropriate to let these recent doubts remain where significant sums of money may be involved. Accordingly, this amendment is proposed in order to remove that possible area of doubt.

The proposed allocations for the projects already detailed is to be made on a properly controlled basis, with binding

undertakings to apply the moneys to the projects approved and an agreement only to pay them out of the fund upon acceptance of audited progress cost accounts. Undertakings will be required that the projects will be used for their nominated purposes for a minimum of 25 years. As for the research project, the recommendation is that it be subject to close and regular review by the Chairman of the Residential Tenancies Tribunal and the Commissioner for Consumer Affairs.

The Government believes that there should be no risk of any impediment to these worthwhile projects which will make a significant contribution to the International Year of Shelter for the Homeless and which reflect the views already expressed in the setting up of the Select Committee on Availability of Housing for Low Income Groups in South Australia. I commend the Bill to the Council.

Clause 1 is formal.

Clause 2 amends section 86 of the principal Act which deals with the application of income derived from investment of the Residential Tenancies Fund. The amendment is designed to enable income to be used, with the Minister's approval, for research into the availability of rental accommodation, areas of social need related to its availability or non-availability, and for projects directed at providing accommodation for the homeless or other disadvantaged sections of the community.

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

ADJOURNMENT

At 12.4 a.m. the Council adjourned until Wednesday 25 November at 2.15 p.m.