LEGISLATIVE COUNCIL

Wednesday 25 November 1987

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

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

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

South Australian Superannuation Board—

South Australian Superannuation Fund Investment Trust—Reports, 1986-87.

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

Pursuant to Statute—

South Australian Ethnic Affairs Commission—Report, 1986-87.

QUESTIONS

HEPATITIS B

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Attorney-General a question about hepatitis B inoculation in the Police Force.

Leave granted.

The Hon. M.B. CAMERON: Most members will remember the publicity in the press at the start of this year about the State Government's decision to allocate funds to the Police Department so that an extensive immunisation program against hepatitis B could be done on active service police officers, officers in the 'at risk' category. The move was after the South Australian Police Association warned the Government that it could face huge compensation payouts if an officer caught the disease in the normal course of their duties. The issue went away for a few months only to resurface in May when two police officers refused to escort a hepatitis B infected prisoner to the city watchhouse, following a union ban on the handling of such infected prisoners.

Police eventually lifted their ban late in May after meetings with the Emergency Services Minister and an undertaking that there would be no further delays in the implementation of a $30 000 immunisation program for police. Agreement was also reached on an examination of widening the immunisation program to cover all police officers.

I have now been told that funds so far allocated have been sufficient only to inoculate about half of the high risk officers at one patrol base. To illustrate the point, only 20 patrol members at one police division (Port Adelaide) out of 45 will be inoculated.

I have received a copy of a letter that has been sent to Dr Hopgood, copies of which have been sent to a number of people, including the Attorney-General. That letter, which highlights the particular problem, states:

Dear Sir,

We the undersigned wish to bring to your attention the following points relating to the planned inoculation of South Australian Police Officers against hepatitis B. While the decision by Government to provide inoculation against hepatitis B for those officers, deemed to be high risk, was respected by members as a responsible move, this feeling of respect has turned to one of astonishment once it was realised that funds allocated only allowed for half of those officers to be inoculated. To illustrate the absurdity of this point: of 45 active patrol members in a police subdivision, 20 will be inoculated. Of 42 C.I.B. personnel within our division, a particularly high risk group, only 20 will be inoculated.

The duties performed by all of the above members are of equal risk. Are we to assume that work practices will be introduced whereby only the inoculated police officers will be permitted to have dealings with the category of persons who are most prone to the disease, i.e. drug users, aborigines, etc. Of course this option defies common sense and any practical application. In a work situation where the risk to all is equal, why are half to be inoculated and the other left to take the risk of infection?

We consider all Police Officers on active duty, other than those in administrative positions, are currently at risk of contracting hepatitis B. The instances of police having to deal with carriers of the disease has escalated at an alarming rate, in parallel with drug abuse. The Government whilst allowing inoculations to half of the 'high risk' officers, has virtually admitted future unconditional liability, for any claim laid against them by an officer, not included on the program, who may contract the disease.

We had initially been advised that the officers listed for inoculation were only the first of an overall program and the remaining officers would be inoculated shortly. We are now advised that this is not the case and despite the protests of the Police Department and the Police Association, the Government has no plans to inoculate the remaining officers working in these high risk areas.

Some members have even requested to be inoculated at their own expense, with an undertaking by the Government to reimburse them at a subsequent stage when funds were available, but this too was refused.

We feel that in the present situation, inoculation against hepatitis B should be considered as much an essential tool of trade to the modern police officer, as are radios, vehicles and handcuffs. Not a privilege for a token few. Bearing in mind that the majority of members have young families, should a police officer or a member of his family contract the disease, the resultant outcry against the Government would be horrendous. We the undersigned request that the Government reconsider its position on hepatitis B inoculations and allow for all officers who through the course of their employment are placed at high risk to be included on the program. We do not consider this request unreasonable. We are simply asking the Government to show some compassion and concern for the individual police officer and his family.

The letter was evidently signed by all members of that Port Adelaide patrol base. I am sure the Attorney-General will get a copy. Most members would realise that hepatitis B is a very serious disease; 80 per cent of liver cancers are thought to be caused by hepatitis B. So it is a very serious matter indeed for people in the work force who are at risk. My questions are:

1. Does the Government intend to make sufficient vaccines available to all police officers so that all police officers in the 'at risk' group (not half, as appears to be the case in at least this station) can be inoculated?

2. In the case of St John's staff I understand that only professional officers are being inoculated and volunteers have not been inoculated against hepatitis B. Will the Government make funds available for operational volunteer staff, who are in an extremely high risk area, to also be inoculated?

The Hon. C.J. SUMNER: I will refer the question to the appropriate Minister and bring back a reply.

OVERSEAS VISITOR

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about Tourism South Australia and an overseas visitor.

Leave granted.

The Hon. L.H. DAVIS: A wellknown international publishing house commissioned a North American author and journalist to visit each Australian State over a period of several months this year to gather material for a major publication on Australia that would highlight the unique experiences and places that can be enjoyed by visitors, particularly outside Australia's capital cities.

It is not an exaggeration to say that this person is an author and journalist of international repute. The project had the strong support of the Australian Tourism Commission. Approximately two months before his visit to South Australia he contacted a senior officer employed by Tourism South Australia and provided him with a comprehensive list of places that he would like to visit outlining areas of potential interest where the department's suggestions would be welcomed. The same procedure was adopted for each Australian State. All States rolled out the red carpet, recognising the importance of the project, and cooperated with this writer—except South Australia. When the person arrived in Adelaide several months ago he made contact with the same senior officer to whom he had spoken two months earlier.

He was dismayed to find that no itinerary had been arranged. Worse than that, the officer was not at all apologetic about his oversight, and he was unhelpful and extremely disinterested. Apparently, the person was more interested in telling the writer what he should see rather than listening to hear what the writer wanted to see.

There were other problems associated with this total breakdown in communication. For example, there were difficulties with hire cars. As the writer described it to me, 'It was not a good experience.' It was several days into his initial 10-day visit to South Australia before the department got its act together. Fortunately, in the meantime, the writer had made use of several personal contacts in South Australia to work out a program of things to do and see. I have spoken to people in South Australia involved in tourism who are deeply embarrassed about the shoddy and extraordinary treatment of this leading writer whose views on South Australia will appear in a major publication with a wide circulation in North America and, quite possibly, other countries throughout the world. Not only was a basic request for information some two months earlier ignored, but also the problem was compounded by the disinterest and unhelpful behaviour on his arrival in Adelaide. My questions to the Minister are: first, is the Minister aware of this incident? Secondly, will she ensure that in future any persons of similar status visiting South Australia are helped in the appropriate and courteous fashion?

The Hon. BARBARA WIESE: It would be very helpful to me in instances like this, when the Hon. Mr Davis is seeking information about the performance of officers within Tourism South Australia, if he would provide the names and details of particular instances.

The Hon. L.H. Davis: Are you saying you are not aware of it?

The Hon. BARBARA WIESE: No. How would I be aware of it when I do not know the person's name, you fool! It is virtually impossible for me to respond to questions of this nature which are designed to smear officers of Tourism South Australia without the names of the individuals who, presumably, are raising these issues with the Hon. Mr Davis. I cannot take these issues seriously unless he starts to cooperate and take a responsible attitude to the whole question. However, I can talk about familiarisation visits to South Australia in a general way.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I am aware of many publications including South Australia. Would you please just wait? It happens to be the case that officers of Tourism South Australia are hosting visits to this State almost every week of the year. We have numerous inquiries every week of the year from Tourism Australia, from publishing houses around the world and from journalists around the world seeking information and assistance in organising trips and tours to South Australia so that they can write articles about South Australia and so that they can publicise the things that there are to do and see in South Australia.

Tourism South Australia enjoys an excellent reputation in the trade for organising very fruitful and useful tours for such journalists. In fact, we have seen the products of their work appearing almost daily in newspapers and journals around the world, because they send copies of the articles that they write once they have returned home. Those publications are being gathered and we are enjoying quite a deal of publicity in various parts of Australia and other parts of the world as a result of the visits of those people which, by and large, have been organised by officers of Tourism South Australia.

If there is one writer who has had a problem with a trip to South Australia and has not had his needs met by officers of the department, then I will be happy to take that up with the Managing Director of Tourism South Australia, but I need to know the name. The Hon. Mr Davis needs to take a more responsible attitude to the work of Tourism South Australia because it is doing a very good job in the marketplace.

The Hon. L.H. Davis: In other words, if I had given you a name, it would have been all right to raise it.

The PRESIDENT: Order!

DOMESTIC VIOLENCE

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the Domestic Violence Council report.

Leave granted.

The Hon. K.T. GRIFFIN: In the Domestic Violence Council report released yesterday by the Premier recommendation 100 provides:

> That a new complete defence be created which can be acted upon by a defendant charged with murder where the elements of such defence are a proven history of personal violence by the deceased against the accused or against any child or children of the accused's household.

In a dissenting report the Attorney-General's representative on the Domestic Violence Council says in respect of this recommendation of the majority:

> The fact remains that the law cannot turn a blind eye to the voluntary taking of human life. To establish a defence means complete exculpation. The present law, especially as it is continuing to evolve, appears satisfactory. It provides a better assessment of culpability than does a complete acquittal . . . It (that is, the defence proposed by the majority) appears ill-conceived, and the present evolution of the law is to be preferred.

The report in today's *Advertiser* indicates that the President of the Council for Civil Liberties has expressed concern about the recommendation, as has the President of the Criminal Lawyers Association. Does the Attorney-General support the dissenting report of his representative on the Domestic Violence Council or does he agree with the majority recommendation?

The Hon. C.J. SUMNER: The Government has not made a decision on this particular recommendation or indeed a number of other recommendations relating to the proposals from the Domestic Violence Council in relation to changes to the law. As the honourable member has indicated, there was dissent to the majority report from Mr Kleinig of the Attorney-General's Department and, in relation to some other aspects, from Inspector Cornish of the Police Department. The Government has now released the report and referred to the Attorney-General for consideration the rec-

ommendations relating to changes to the law. This is one of those recommendations that has been so referred to me.

The Government certainly has not taken a decision to propose legislation in accordance with recommendation 100, and has not endorsed that recommendation. I think that there would be major problems with a complete defence as suggested by the majority of the Domestic Violence Council, if by 'complete defence' it is meant that an acquittal to a charge of murder, rather than the reduction of a charge of murder to manslaughter which is provided for by the present law relating to provocation would, by law, be available to a person in these circumstances. I think that there are major problems with providing for a complete acquittal in the circumstances outlined in the Domestic Violence Council report.

However, there may be a case for examining the law of provocation and its operation, particularly following a celebrated case in South Australia some years ago when the honourable member was Attorney-General. It was the so-called axe murder case where initially the defence of provocation was not left to the jury by the judge. The Full Court held that in circumstances where there had been a significant abuse of children and of a female spouse, following which the female spouse had killed the husband, the defence of provocation was available. That was the Full Court's decision and, upon retrial, although the defence of provocation should only lead to a reduction in the charge of murder to manslaughter, in that case the jury decided to acquit the accused person altogether. I suppose that would seem a somewhat strange verdict to lawyers, but it does prove that juries have minds of their own in these cases.

That is probably the most prominent case of its kind in recent times where a complete acquittal was the result. The Full Court said that in circumstances where there had been an abuse of children and the female spouse, provocation should have been left to the jury, and when it was so left the woman was acquitted. Whether that statement of law takes the matter far enough is an issue that can be addressed in considering this recommendation, that is, whether there is any need to amend the law of provocation in these sorts of domestic violence circumstances so as to reduce the charge from murder to manslaughter.

Major problems exist in the proposal for a complete acquittal on the argument that some kind of attenuated or implied self-defence is contained in the suggestion by the Domestic Violence Council's task force. Where there has been a premeditated act of killing, it would be very difficult to provide a defence which allowed for complete acquittal of the person, no matter what the circumstances. The recommendation has been referred to me: that is the Government's decision. Obviously, it will be considered, but I would think that probably the most realistic question to examine would be whether or not a need exists for any adjustment to the law in the circumstances in which provocation can be a defence in these types of cases, thereby reducing the charge from murder to manslaughter rather than providing for complete acquittal.

The Hon. K.T. GRIFFIN: By way of supplementary question, in respect of these recommendations of the report that have been referred to the Attorney-General for consideration, will the Attorney-General indicate what procedure he would envisage following in his review of these recommendations, what further consultation, if any, may be proposed and, if so, with whom and over what period of time would he expect the review to proceed? By what time would a decision be made?

The PRESIDENT: I remind honourable members that a supplementary question should arise from the answer which has been given to the first question.

The Hon. K.T. Griffin: It did, because he said he was going to review them: it was quite supplementary.

The PRESIDENT: It is bordering.

The Hon. C.J. SUMNER: Without having all the recommendations in front of me there are some recommendations that normally would be relatively easy to accept. There are others, such as the one the honourable member has referred to, that might be somewhat more controversial and, if the telephone calls to my office that I have had this morning are any indication, then I would suspect that that particular recommendation has attracted some controversy in the community. Quite rightly so, I might add.

Obviously there are degrees of difficulty in dealing with the issues that are now within my province to consider. The report has been released for public comment, so any member of the public is entitled to comment on the recommendations and I would certainly invite comments on those recommendations dealing with the changes to the law, practice and procedures. I have not considered the formal process that will now be adopted, but I would expect to invite comment, if not on all the recommendations, at least on some that may be particularly difficult. Then, I will take it to Cabinet to bring any changes to the law that I think should be recommended following the task force's report.

The Hon. K.T. Griffin: Can you give any time?

The Hon. C.J. SUMNER: I have not given any thought to it. I am just answering now in response to the honourable member's question, and doing the best I can. I have not actually set down a timetable, and I have not considered how the matter will be handled, but I expect that I will seek public comment on the recommendations, consider them, and then take proposals to Cabinet on which one would expect support. A draft Bill would then probably be prepared and circulated in the normal way. There is no particular time limit. Some recommendations may be able to be implemented more quickly than others, probably because they are not as controversial.

TOMATOES

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking a question of the Attorney-General, representing the Minister of Agriculture, in relation to dimethoate dipping of tomatoes.

Leave granted.

The Hon. M.J. ELLIOTT: I recognise that this is outside the range of expertise of the Attorney-General, nevertheless I want the opportunity—

The Hon. C.J. Sumner: You might be surprised.

The Hon. M.J. ELLIOTT: I was approached by tomato growers earlier this month because there was a proposal at that time to approve dimethoate dipping of tomatoes to control fruit fly coming in Queensland tomatoes. Queensland tomatoes have been banned because of the risk of fruit fly in South Australia and there was no way of treating them, it was claimed, apart from dimethoate dipping and, for health reasons, that dipping had not been allowed. Apparently the Department of Agriculture had put this under some sort of review. Prior to the meeting on Friday 13 November I rang the Minister's office and was told that the Minister was studying the situation and would make up his mind over the weekend.

The following Monday, 16 November, I had the meeting with the tomato growers, and while there I rang the Min-

ister's office and I was told that the Minister had decided that he was not going to approve dimethoate dipping. Within 48 hours I had another phone call from the same person to tell me that a press release had just been put out stating that dimethoate dipping had been approved. Therefore, there had been a remarkable somersault: I was told at that time that the reason for it was that tomatoes had become very expensive. I asked some questions about the safety of dimethoate, and the person from the Minister's office assured me that dimethoate was extremely volatile, that it leaves the tomato very rapidly, and that there were no toxicity problems at all.

I have been given a report today which has been assembled by Warick Raymond, a PhD in Chemistry, and which states that tomatoes that have been dipped in dimethoate should be withheld for seven days at 21 to 25 degrees Celsius, and that if kept at a lower temperature, 14 days at 14 degrees Celsius, or 36 days at seven degrees Celsius, and it is implied that, if you try to store the tomatoes over that time, as you go through the withholding period, the fruit will spoil. The implication is that most tomatoes bought by South Australians will not have been through the recommended withholding period that has been given in the past with this chemical. He has also said that the literature suggests that dimethoate dipping may work in stopping future stinging of the fruits (in other words, future infection) but may not have sufficient penetration to kill the fruit-fly already present.

The third allegation he made is that dimethoate is only slightly soluble in water. In other words, if consumers, being aware that there could be dimethoate on the skin, attempt to wash it off, they will not succeed. To remove the dimethoate an organic solvent is needed. He even suggests that, even if there is a 99 per cent cure rate, we are still taking a fruit-fly risk in South Australia.

Other problems have been pointed out to me in relation to fruit coming from Queensland. Apparently tomatoes have been coming in illegally for some time, and that is one thing the Minister said he wanted to stop. In fact, about 9.6 tonnes has been seized in the past six months. The evidence given to me by growers is that they have been telling the department about shipments that have been coming in and it has not been followed up. In fact, they have reported seeing shipments going into warehouses and after inspection inspectors have said that there is nothing there. I have heard that from several sources, which leaves me wondering about the inspection processes. So, there is some question about the capacity of inspectors.

The third prong to what I have to say is in relation to the inspection of fruit and vegetables, and foodstuffs generally, in South Australia.

The Hon. CAROLYN PICKLES: A point of order, Ms President. Is this a brief explanation or is this a second reading speech?

The PRESIDENT: I think it is relevant to dimethoate in tomatoes, which was the question in relation to which leave was sought. It does seem relevant. I hope it is all necessary for the question.

The Hon. M.J. ELLIOTT: Yes, it is. Ms President, we can recall that it was only recently that there was a scare with DDT and other chlorinated hydrocarbons, and it is interesting that the South Australian testing procedures did not pick them up until after they had been picked up overseas. Questions have been raised with me whether or not the South Australian testing procedures are ample to pick up any contamination should the dimethoate levels go over and beyond the prescribed safe levels. When I asked the Minister's assistant how often surveys were taken, he said that they were *ad hoc*. I asked how often and he could not tell me. There is a matter of concern there.

Why did the Minister base his decision to allow dimethoate dipping on the basis of the price of tomatoes rather than on whether or not dimethoate is safe? Why did he not wait for the NH&MRC to report? I believe the NH&MRC is investigating that matter and hopes to release a report in two months; why did he not wait for that? How confident can we be that, first, the fruit has been dipped and therefore does not have fruit-fly in it and, secondly, if it has been dipped, that we are not getting fruit which has more than the regulated amount of dimethoate on it? Has there been any contemplation by this Government to consider the labelling of fresh foods for additives in a similar way to the way in which we expect additives to be covered in canned fruits and vegetables?

The Hon. C.J. SUMNER: I understand that this matter arose because of the shortage of supply—

An honourable member: What about safety?

The Hon. C.J. SUMNER: Just a minute! This matter arose because of a shortage of supply of locally grown tomatoes in the Adelaide market. I do not want to go into the reasons for the shortage of supply, but that seems to have been a fact.

The Hon. Peter Dunn: I think the Minister has got some wrong information there.

The Hon. C.J. SUMNER: I will explain and members can tell me if this is correct. If there was a shortage of supply of tomatoes (as I understand there was) which was having a fairly dramatic effect on the price to the South Australian consumer, it was also the high price that led to the bringing into South Australia of tomatoes from Queensland that were bypassing the fruit-fly inspection procedures. In other words, they were being brought in on the black market without proper inspection or treatment.

In terms of public safety then, surely the Government had some responsibility to examine whether or not, because of the high price of locally grown tomatoes, there were tomatoes coming from Queensland untreated and threatening the safety of not just the tomato growing industry but the whole horticulture industry in South Australia. It was in the context of that background that the decisions were taken. Therefore, it is not true to say that the Minister's decision was based exclusively on price rather than safety; it was also made on the basis of safety—that is, the safety of the horticultural industry in South Australia—as a result of the potential risk of fruit-fly from tomatoes coming from Queensland.

The Hon. Peter Dunn: They have been coming for years.

The Hon. C.J. SUMNER: It may be that they have been coming for years. As I understand it, tomatoes have been coming in without passing the regular inspection procedures. As to dimethoate (and I have noted what the honourable member has said), I understand that tomatoes dipped in dimethoate have been available for years to other southern markets. I refer to New South Wales, Victoria, I believe New Zealand, and Tasmania. So, that needs to be taken into account as well. I merely mention those matters to give the honourable member the background history, because it is not as simple—as it never is—as honourable members who sit on each of the crossbenches often make things out to be. That was the background of the matter. It was not a matter of taking price above safety. There are two aspects of the safety argument taken in the context of the fact that Queensland tomatoes dipped in dimethoate have been available to other southern markets for many years. That was the context in which the decision was taken. If there

are any questions that have not been answered, I will refer the honourable member's question to the Minister.

DOMESTIC VIOLENCE

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

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday, when the Premier and the Minister of Health released the long awaited task force report on domestic violence, they issued a press statement, a report relating to which states:

> The Government strongly supports the view expressed in the report that all South Australians have a right to be safe at home. We accept that there can be no excuses for violence and other forms of abuse in the home and within families. It is not acceptable behaviour in any culture, the Ministers said.
>
> Mr Bannon and Dr Cornwall said the report pointed to domestic violence as an extremely serious law and order issue.

I and all my colleagues share those sentiments, but we happen to be more interested in actions and commitments rather than mere sentiment. In this context it was an interesting coincidence yesterday that I received a copy of a letter from an Adelaide firm of barristers and solicitors directed to the Legal Services Commission of South Australia. The legal practitioner who wrote this letter is most critical of what she claims to be the harsh policy adopted by the Legal Services Commission in relation to victims of domestic violence. I quote the letter in full:

> Dear Sir,
>
> re: *Legal Assistance for Victims of Domestic Violence*
>
> I write as a concerned legal practitioner at the treatment many of my clients, victims of domestic violence, are getting from the commission. I do legal work for—

and she names a woman's shelter—

> a shelter for women all of whom must be victims of domestic violence to gain admission to the shelter. Most of these women have grave concerns for their own safety and the safety of their children should they leave the shelter and be sighted by their husbands. Most of these women are destitute and live on a pension.
>
> I believe all these women should have the opportunity to obtain a custody order and restraining orders and be granted legal assistance to do so. This is being denied them at the moment. Under your funding policy your assignments officers are refusing all legal assistance unless I can prove to their satisfaction my clients have been recently 'beaten' by their husbands, or that there is definitely a dispute over custody.
>
> I am being forced to advise clients they must go to counselling to see whether there is a dispute and then to wait until the husband applies for custody before I can get legal aid. This can take up to six weeks, during which time the client is hesitant to grant access or leave the shelter.
>
> If the parties agree, at counselling, that custody and access are not in dispute, I am unable to get legal aid to register a consent order. The woman cannot afford the cost of legal fees and is therefore unable to obtain the security of a custody order.
>
> I am most concerned about the Commission's harsh policy in this area and ask that you consider changing your guidelines as a matter of urgency.

That letter was also sent to the Domestic Violence Service, the Women's Adviser to the Premier, the Women's Information Switchboard and to all women's shelters. I ask the Attorney-General: first, in respect of the definition of 'domestic violence' in the report of the Domestic Violence Task Force, does he not agree that the commission's current policy that a wife must be recently beaten by a husband is the only ground on which she can currently gain legal assistance? That seems to be a very narrow interpretation of domestic violence compared to that which was endorsed in the report.

Secondly, as the press statement released yesterday by the Premier and the Minister of Health would have us all believe that the Government is serious in its resolve to combat the incidence and effects of domestic violence, and also in view of the Government's so-called social strategy, does the Attorney believe that the current Legal Services Commission policy of providing legal assistance to clients only if they have been recently beaten by their husbands and not on any other grounds is compatible with the social justice strategy that has been accepted by the Government and whether it is compatible with the sentiments endorsed by the Government in respect of the Domestic Violence Task Force report? If the Attorney does not think that they are fair, just and equitable guidelines, but in fact considers that they are harsh, will he ask the commission to reconsider those guidelines as a matter of urgency?

The Hon. C.J. SUMNER: The Legal Services Commission receives funding from the Federal and State Governments—

The Hon. K.T. Griffin: Not this year.

The Hon. C.J. SUMNER: It has received State funds by way of interest on trust accounts.

The Hon. K.T. Griffin: That is not State funds.

The Hon. C.J. SUMNER: It is traditionally classified as State funds.

The Hon. Diana Laidlaw: So you do have an interest in the policy?

The Hon. C.J. SUMNER: Just a minute. They are classified as State funds and, in fact, in relation to legal aid dispensed by some Legal Services Commissions around Australia the only State funds are, in fact, interest on trust accounts and Consolidated Interest Account. So, there are Commonwealth funds, there is a State Government contribution and there is interest on trust accounts which provide funding both from the Commonwealth and State Governments for legal aid.

In its operations and by its charter the Legal Services Commission is independent of Government. Obviously, it is not independent of Government in terms of funding, but it is independent as far as its operations are concerned, given that it has a certain level of funding. It is also obvious that, no matter what form of legal aid one has, it will not cover every case where people cannot afford their own legal expenses. So, priorities must be set, and the Legal Services Commission sets those priorities by setting out criteria whereby people qualify for legal aid assistance. That is the general position.

With respect to this particular question, I am not aware of the full details of the Legal Services Commission policy, but I am happy to refer the honourable member's question to the Legal Services Commission for consideration.

DISABLED CHILDREN

The Hon. R.I. LUCAS: I understand that the Minister of Tourism has an answer to a question that I asked on 13 August in relation to funding for disabled children.

The Hon. BARBARA WIESE: My colleague the Minister of Education has advised that on 4 February 1987 he wrote to the then Commonwealth Minister for Education expressing increasing concern over the effects of reductions to the State in special education funding under the program then administered by the Commonwealth Schools Commission and later transferred to the Commonwealth Department of Education.

Subsequently, a report was released entitled 'Special Education Services Study Interim Report'. This report, commissioned by the Commonwealth, advised that circumstances surrounding proposals for reallocation of Commonwealth

special education funding implied a need for intergovernmental negotiation if a severe dislocation of services in South Australia and Victoria was to be avoided.

Accordingly, the Minister of Education wrote to the Commonwealth Minister for Employment, Education and Training on 10 August 1987 drawing attention to the considerable problems which the proposals would bring for the charitable service organisations likely to be affected. He urged that no decisions be taken in regard to special education funding arrangements without prior consultation with the State Government, and asked for intergovernmental negotiations to be set in train as quickly as possible. A reply to that request has yet to be received. In addition, the Minister of Education has made other representations to the Commonwealth Government on this matter.

TOOLMAKING PROJECTS

The Hon. I. GILFILLAN: I am advised that the Minister of Tourism has an answer to the question that I asked on 8 October 1987 concerning toolmaking projects.

The Hon. BARBARA WIESE: In view of the length of this reply I seek leave to have it incorporated it in *Hansard* without my reading it.

Leave granted.

I raised your questions relating to toolmaking in the automotive industry with my colleague the Hon. Minister of State Development and Technology. The following information is provided in response to your specific questions.

1. In October 1986, a Tooling Project Office, staffed by a manager, a project officer and a secretary, was formed within the Department of State Development and Technology. Its role was to liaise between Holden's motor company and potential tooling centre participants. At that time the American firm Autodie of Grand Rapids, Michigan, was identified as the major participant, and negotiations between these companies were assisted by the Tooling Project Office, which also afforded Autodie secretarial services. When Autodie withdrew from the negotiations with Holden's motor company at the end of July 1987, the project office continued to assist Holden's motor company until the firm announced on 16 September that it would continue its Woodville tooling operations itself.

In announcing his company's decision Mr Ray Grigg, General Manager of Operations, thanked the Department of State Development and Technology for its work in reviewing viable options to ensure the ongoing availability of a modern tooling facility in South Australia which would be competitive into the 1990's. He acknowledged the extensive efforts by the Department on behalf of the Government in working towards a strategy which retained a skilled trades base in South Australia. In conclusion, Mr Grigg said:

> Following a year of confusion for our employees it is time to settle things down, confirm the future employment of the toolroom workforce, and concentrate on the solid workload before us.
>
> We are very excited over the significant product and facility programs now under way at Holden's and their successful completion must be our priority.

As a result of this announcement, the Department of State Development and Technology has since wound down the Tooling Project office, but is continuing negotiations at a senior level with Holden's motor company to encourage the development of Woodville as a high technology, state-of-the-art toolroom in as short a time a possible.

2. With regard to the provision of the workforce necessary for the tooling project in South Australia the following points are provided.

The State Government is cognisant with the need to assist the toolmaking industry to update its technology from manual design drafting and conventional machine tools to CAD/CAM and computer numeric controlled machine tools, or CNC for short. The Government is taking an active role in encouraging the Industry to achieve these goals. Initiatives taken by the Department of State Development and Technology and the South Australian Centre for Manufacturing are aimed at increasing toolmakers awareness of these technologies and the need to adopt them in the near future. The Department of State Development and Technology has provided and continues to provide incentive assistance to firms investing in high technology equipment and training in CAD/CAM for employees of firms.

The positive announcement that Holden's motor company would re-equip its toolroom has encouraged other firms to take the decision to re-equip likewise. A major benefit to South Australia will be reduced dependency on interstate and overseas toolmakers to supply tooling for the State's manufacturer. As a result, this will inevitably lead to a higher level of technology being employed by South Australian toolmaking firms and toolrooms, and therefore emphasises the need to ensure training facilities are able to play an active role in developing a skilled tooling workforce.

On the issue of skills formation, the May 1986 report 'Tooling, a Strategy for South Australian Industry', addressed skills and training issues. The report noted that:

> The availability of trade skills, and appropriate training to produce those skills will be of critical importance to the proposed (tooling) venture. Notwithstanding the reduced levels of tooling activity in Australia over recent years, there has still been a consistent shortage of skilled tradesmen.

3. Have any 'strong remedial measures' been taken or are they to be taken? In this training context, the type of strong remedial measures seen as appropriate are being currently addressed as follows:

(i) The desirability of having toolmaking as an indentured trade: Arising from the work of the Plastics and Rubber Industry Training Committee and other bodies, the development of a new declared vocation under the South Australian Industrial and Commercial Training Act is nearing completion and it is anticipated that apprentices will be recruited to this new trade in early 1988.

(ii) The desirability of including an element of full-time training in the period of indenture: The new declared vocation to which I have referred will include a full required course of instruction, the duration of which will be in the region of 950 hours (or the equivalent of some six months). This will include elements of theoretical and practical work in the off-the-job setting of a TAFE college. Further, the full-time 39 week trade based pre-vocational courses in the metal trades and related areas are providing entry level training of high relevance to young people seeking apprenticeships, and can attract educational and indenture term credit to course graduates. This form of accelerated training is proving to be of increasing relevance and value in a number of trade areas.

(iii) Means to ensure that engineering trade students have access to equipment appropriate for the development of the skills required in a modern toolroom: This is linked with other recommendations regarding the location of toolmaking trading facilities. Although there will continue to be some facilities strategically located to meet local needs (e.g., at Elizabeth College of TAFE); the move to focus toolmaking training at the Regency Park College of TAFE is under way and is expected to be completed early next year.

Also relevant in this context is the encouragement given by this Government, and the Commonwealth Government to companies and organisations to enhance apprenticeship

and trade training, e.g., via the implementation of group training arrangements (such as group apprenticeship schemes), and the use of in-house facilities for off-the-job training on specialised equipment which, realistically (for cost and other reasons) cannot always be duplicated outside of a given industry.

At the present time, the Department of TAFE is restructuring its courses by the increased use of modules and a credit point system. This flexible structure enables TAFE to quickly respond to the training requirements for the new skill profiles which arise as industry changes. The arrangement enables the worker who has completed modules specified within the industry to then build upon those modules and complete portable, nationally recognised TAFE qualifications. For example, a tradesperson can study modules in hydraulics or pneumatics, to meet an immediate skill requirement, and then complete further modules to qualify for an advanced certificate in fluid power.

Pending the finalisation over the next few months of the new declared vocation and the focusing of specialised training at Regency Park College of TAFE, every effort continues to be made to ensure the provision of appropriate training (in terms of quantity and quality) in this most important area of toolmaking. For instance, this year almost 200 people are pursuing specific studies as follows: 93 fitting and machining apprentices undertaking the toolmaking elective; 60 tradespersons undertaking the advanced certificate in toolmaking; and 39 tradespersons undertaking technical update courses such as computer aided design and manufacture (CAD and CAM).

CHILD ABUSE

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

Leave granted.

The Hon. DIANA LAIDLAW: About three weeks ago I asked the Attorney when we could expect legislation that he had forecast at the beginning of this session in terms of amendments to the Evidence and the Community Welfare Acts to address some of the recommendations in the task force report on child sexual abuse. The Attorney said that he would introduce it shortly, and 'shortly' is a relative term, particularly, I suppose, in the legal profession.

It has since been suggested to me, however, that one reason for the hold-up is that increasingly there has been concern within the Community Welfare Act that we should be in this State maintaining the provisions for mandatory reporting by all the classifications required to report suspicions or allegations of child sexual abuse to the Department for Community Welfare. Concern has arisen in this regard because of the large number of notifications made just in case there is some suspicion of abuse, yet there is increasing concern amongst the Children's Hospital, SAACC and other agencies that an increasing number of notifications have not the remotest substance at all, and that the Child Protection Council, amongst others, is considering getting rid of this mandatory reporting provision.

It has been suggested to me that that is one of the reasons for what I call the long hold-up in the introduction of this legislation arising from the report of the sexual abuse task force. I would appreciate the Attorney's clarification on that matter because it is a rumour that is circulating quite widely.

The Hon. C.J. SUMNER: The honourable member has heard a rumour, apparently, that has caused her to ask this question. It must be getting near the end of the session. Obviously, members opposite have run out of questions.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: I am very interested to hear the rumour. I am quite happy for the honourable member to let me know any rumours that are out and about in the community, but it is not one that I have heard.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Maybe.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That is all right. I am in enough trouble as it is. I have not heard the rumour. I expect the Bills to be introduced shortly. I anticipate that they will be introduced—

The Hon. R.I. Lucas: Before Christmas?

The Hon. C.J. SUMNER: Yes, before Christmas. I think there is a strong likelihood that they will be introduced before Christmas. When they have been introduced, they can lie on the table. All members can make their comments, and let us know what they think. Mr Borick can have his comments and the opposition to Mr Borick can have their comments, and Parliament will be very well informed and fully able to debate the issues immediately on the resumption in the New Year.

The Hon. R.I. Lucas: Are you making changes to the mandatory reporting?

The Hon. C.J. SUMNER: That is not a rumour that I have heard.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: I am not going to tell you what is in the Bill.

The Hon. Diana Laidlaw: It could be?

The Hon. C.J. SUMNER: No, I will not get into that sort of semantic debate about this issue.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Hundreds of copies have been circulating, not very much in confidence, I understand. If the Hon. Ms Laidlaw has not seen the copies yet, she is obviously not as well in contact with the network or the rumour mill as she apparently thinks she is. No, it would be quite improper in the light of the confidential nature of the discussions that have been proceeding to date for me to comment on what might be in the Bills in the final analysis. It is a difficult area, as all members would know. It is difficult in policy and there are also some problems with drafting. A number of interests have to be considered, often conflicting. I anticipate that the honourable member will be able to spend her Christmas recess studying the Bills. Unless there is a last minute problem with their introduction, I anticipate they will be introduced in Parliament before we rise for the Christmas recess.

ROSS D. HODBY

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 Hodby case.

Leave granted.

The Hon. K.T. GRIFFIN: Members will remember that one Ross D. Hodby is now before the court on charges relating to allegations of misappropriation of trust moneys which belong to various investors who entrusted that money to him. As I understand it, the matter has not yet been resolved in the court, but the difficulty which the hundreds of creditors face is that many of them have a mortgage over land that they believed secured the moneys which they advanced through Hodby for the purpose of investment.

I had previously raised in this Chamber the question of the assistance to be given to those creditors in establishing their entitlement but, more particularly, to raise the question of the security which they believed they had under the Real Property Act through the mortgages over land and registered in their names. As a result of an action in the Federal Court taken by the Official Receiver in Bankruptcy, the Federal Court has held, on appeal recently determined, that those creditors who believed that they were secured are not in fact so secured, and that money which is secured by the mortgages must be pooled in a fund held by the Official Receiver and be distributed to the creditors *pro rata.*

The concern which has been expressed to me by the creditors who believed that they were secured is that even though they had taken every step to search the title at the time the money was advanced, and even to hand over the money at the time that they also received the mortgage and the title, their belief in the Real Property Act system has been shattered by the Federal Court decision.

Earlier this year I raised with the Attorney-General a question about a review of the implications of the Federal Court decision, because there needed to be a certainty that when mortgages were given and titles delivered as security, creditors could rely on them. The Federal Court of Appeal decision tends not to substantiate that assertion. My questions to the Attorney-General are: Has he made any examination of the earlier decision of the Federal Court and, more recently, the decision of the Full Court of the Federal Court with respect to the security provided by the Real Property Act? If not, will he do so, and will he arrange for that review to be undertaken at the earliest opportunity?

The Hon. C.J. SUMNER: The issues raised by the honourable member are important and have been raised by him before. There is now a clear indication of the state of the law from the Full Court in relation to this matter. The effect of the Full Federal Court judgment on the issues that the honourable member has raised obviously need examination, and I will do that and let him know the results of that examination.

SOUTH AUSTRALIAN MENTAL HEALTH SERVICES

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

That this Council is concerned by the announcement by the Minister of Health of the amalgamation of the Glenside and Hillcrest Hospitals, the sale of land at Carramar Clinic, and the setting up of the South Australian Mental Health Services because of:

1. The lack of consultation with the boards, staff, and patients of the health units concerned.
2. The lack of consideration for patient care and the welfare of the care-givers.
3. The fact that the decision has been taken and announced without any strategic plan having been produced.
4. And that care-givers have been given only until March 1988 to produce a strategic plan for clinical services.

Yesterday in this Council the Minister for Health, after being asked what we commonly call a dorothy dixer from one of his members, made a statement rejecting reports that the State Government has plans to amalgamate the Glenside and Hillcrest psychiatric hospitals. Rather, the Minister told this Council that the Government's proposal was to amalgamate the boards of the two hospitals, a decision that had been driven by the boards themselves.

As is usually the case, the Opposition was accused of all sorts of scuttlebutting and of grossly misrepresenting the facts, by its claim that there was an intention on the part of the Government to amalgamate the two hospitals. Further, the Minister attempted to present a rosy picture of Government-union consultation on the issue by claiming that both the Royal Australian Nursing Federation and the Federated Miscellaneous Workers Union had been fully briefed of moves to reorganise and upgrade South Australia's mental health services generally.

Let's examine the facts, because that is the source of people's concern over the Government's move, not any scuttlebutting on the part of me or the Opposition. Everybody associated with the move has been told time and time again (I am informed) that amalgamation of the boards would not affect clinical services, but that has proved to be a lie. Two weeks ago senior staff at Glenside were told there will be a drastic change in clinical services and that they had a very limited time for input into that process. This makes the consultation process the Minister spoke of yesterday an absolute farce.

The Minister yesterday was quick to point out the involvement of Miss Judy Hardy, Acting Director of Mental Health Services with the South Australian Health Commission, in the framing of a consultative process to develop a strategic plan for mental health services in this State. In a note to the Minister yesterday Miss Hardy was quoted as reporting that a group of senior psychiatrists are meeting in the immediate future to discuss the consultation process. That information, provided yesterday by the Minister, was puzzling because to date there appears to have been little consultation with staff and administrators at Glenside. At the same time I am told that psychiatrists have called for a moratorium on moves to amalgamate the two hospital boards, pending wide ranging discussions on the whole area of mental health. They obviously feel that there has been insufficient discussions on the whole issue of the South Australian Mental Health Services.

Copies of letters sent to me last week also indicate great concern about the amalgamation of the Hillcrest and Glenside boards. If the Minister wants to begin a witch-hunt about who is providing me with this information he can forget about the people who are named in those letters; he ought to start with people fairly close to himself.

One internal memorandum contained in these documents from a senior professional at Glenside who might I say I have never heard of and have certainly never spoken to contains a report on a meeting earlier this month with Miss Hardy. This memo states that Miss Hardy made it quite clear then that the establishment of the South Australian Mental Health Services was a *fait accompli.* She told this meeting that the amalgamation of the boards and the structure of 10 zones and 30 units to administer the SAMHS was non-negotiable and therefore not up for consultation. So much for consultation, and claims by the Minister that the matter had not been before Cabinet. If it has not, then I am surprised that there has been such a dogmatic attitude adopted by this person from the Health Commission who has made it absolutely clear that that matter was not for negotiation—non-negotiable.

This dictatorial attitude, quite evident in the Minister normally, seems to have filtered down to staff in the commission, and we have this Health Commission officer telling people at Glenside that consultation will not be entered into on certain matters. In fact, the only issues that appeared to be open to discussion was the provision of services in the 30 units to be set up. In that area staff have been told that they have until March to come up with their recommendations or have them imposed by the Health Commission. They either do it or else it will be imposed, and if they fail to cooperate it will still be imposed. One can imagine the

feeling that that created in the staff of Hillcrest who felt that they were being left aside.

Of course, in the meantime medical staff still have to provide services, hospitals still have to function, and Christmas is just around the corner. It is a farce to say that they have to do such a major amount of work in the timeframe that has been given to them. The three month period for coming up with suggestions does not give staff much time for discussion.

So much for the Minister's talk of consultation, and claims that there is no March deadline. If the Minister is backing away from indications given by him and this person from the Health Commission on the setting up of SAMHS let him say so now. The memo continues that Miss Hardy has said:

> The South Australian Health Commission believe[s] it [SAMHS] will be for the betterment of mental health service delivery. In 1981 and again in 1984 Miss Hardy had produced documents detailing the 'problems' in South Australia, and they had not substantially changed.

Miss Hardy also told that meeting that pending finalisation of its constitution, ministerial appointments would account for probably eight members of the board with possibly two elected members representing staff from the organisations it will administer. She also told the meeting that the board would draft a job specification and advertise for a chief executive officer.

That memo goes on to say that Miss Hardy had indicated, at that meeting, that the individual hospital boards at Glenside and Hillcrest would be dissolved, probably before the end of December, and that a human services subcommittee had told Miss Hardy to produce a strategic plan for South Australian Mental Health Services, including the most appropriate location of services, by March 1988.

Miss Hardy told the meeting that while she hoped to involve staff in the consultation process in working out this plan, she had only a brief time in which to work and so could not accommodate large groups. It seems that this Health Commission officer is agreeable to consultation provided it does not take up too much time and does not involve too many people providing input. So much for consultation.

At this meeting on 10 November Miss Hardy also outlined the total lack of planning by the South Australian Health Commission about the future of the State's mental health services. She also indicated that Carramar Clinic at Parkside was to be sold off and staff relocated, but exactly where she was unable to say. She had already been to Carramar and had told them the same thing without any prior consultation of any sort. She also told those at the meeting that the relocation of Glenside's beds and services, while being some time off, was a possibility but hinged on the transfer of the Repatriation Hospital to the State and/or further development of Flinders Medical Centre or Noarlunga Hospital.

So, it seems the holy dollar again rules when it comes to the provision of health services by this Minister. Kalyra Hospital needs to be upgraded, the Minister is fed inflated figures about the cost of that work and the financial benefits of divesting the services, and chooses the latter. Carramar Clinic needs to be upgraded. The Minister is fed some inflated figure of $350 000 to do the work, and a real estate agent's estimate of $1.5 million if the property was sold, and quickly it becomes imperative to close down that fine institution which services Unley and Mitcham, as well as the rest of the State, although there are no plans as yet as to where its services might be relocated. They have been told that they do not know where the relocation is to be. How long will it be before the Government can see even bigger dollar signs by selling off Glenside?

While the discussion with Miss Hardy earlier this month left Glenside staff puzzled and worried about patients' and their own futures, it appears that talks with the Chairman of the South Australian Health Commission (Dr Bill McCoy) have also failed to shed any more light on a long-term strategy for South Australian Mental Health Services, other than the sale of valuable pieces of real estate.

Dr McCoy, I understand, attended a special board of management meeting at Glenside on 6 November. Dr McCoy freely admitted at that meeting that there were no definite decisions of fixed ideas about the future development of psychiatric services, but he did admit that SAMHS was an attempt to make savings and bring community services into focus. Of course, what was not explained was where the present system was becoming buried. Again, Dr McCoy like Mrs Hardy was unable to give any assurances on Glenside's future beyond the next 12 months to two years. Dr McCoy indicated that no-one could say whether Glenside would continue after that time frame, and even whether Hillcrest would in fact be sold. So, again, there is no total certainty about mental health services in this State and this is worrying to patients when, for example, they hear that Carramar is to close next year with no plans yet as to whether it will continue elsewhere. Staff morale is also adversely affected.

The concern of senior staff at Glenside is that the formation of the SAMHS is being imposed on them and, up to 9 November, as I understand it, had still not been voted on by either the Glenside or Hillcrest boards. This is despite the claim by the Minister yesterday that the merger was driven by the two boards.

The main fears of staff still remain unresolved despite having consultation with both Dr McCoy and Mrs Hardy, and the questions remain. There is no plan that adequately explains the reasons for the merger of the two psychiatric hospitals. No details have been released of the costing of such a merger, or any savings that would flow from such a move. Despite 18 months of talks there has not been adequate consultation with patients, the community, or staff of both hospitals or patients. Staff have still not got answers to questions on why the merger is necessary, what benefits a merger would produce, why the present set-up could not achieve the desired result, what sell off of properties will occur, and where will patients be relocated.

The Minister has made much of the fact that I have upset a number of members of the Health Commission executive, and as a result they would never work with me if I become Minister of Health.

The Hon. R.I. Lucas: Wouldn't they have the option?

The Hon. M.B. CAMERON: I hear what the Minister says about the commission's executive and I have noted it carefully. It is something that I have never heard before from any Minister and that I hope these public servants will one day convey these feelings to me personally because I would like to hear from them exactly what they have to say. I shall be happy to accept their resignation when I become Minister, if that is the way they feel. That will be entirely their decision. I would like plenty of advance notice of people who will not work with me so that we can look around for alternative people at this stage.

The Hon. R.I. Lucas: Dr Cornwall has identified a few.

The Hon. M.B. CAMERON: So it seems. I was rather staggered at the statement by the Minister. I have documentation on the matter and will read it out as it indicates that these facts are not my concerns but rather the concerns of people who are clearly very senior within the system.

The first document details a number of questions that the medical staff believe have not been answered and states:

This document is an attempt to reflect the concerns expressed by the medical staff of Glenside Hospital whenever the proposed merger of Glenside and Hillcrest Hospitals is discussed. We are seeking information which is clear and unambiguous so we can better understand and contribute to the future of psychiatric services in South Australia. We have been told repeatedly that the proposed merger is an administrative one only and that we should participate in the process in a positive way. We would like to be able to do so but feel frustrated by the limited information we consider we have received about certain matters that we believe are crucial. We also have a high level of anxiety that any merger will seriously impinge on clinical services.

1. It seems to us that the merger has been imposed on both hospitals against the wishes of the two executives, their reservations being based on the lack of planning rationale to date.
2. As far as we are able to ascertain, there is no plan that adequately explains reasons for the merger, expected benefits or implementation.
3. Our present information base contains no costing of the proposal.
4. On the knowledge we have we are concerned that there has been no proper consultation with the individuals most likely to be affected, that is, the patients, the community served by the hospitals and the staff of the two hospitals.
5. As far as we know, neither the universities nor the College of Psychiatrists have been consulted and yet the hospitals teach medical students and train psychiatrists.
6. We continue to hear 'rumours' about the future sale or closure of Glenside Hospital.

On the basis of these concerns and anxieties we would like to receive lucid and reliable answers to the following questions:

1. Why is the merger considered necessary?
2. What benefits will it bring—administratively and clinically?
3. What specific things can be achieved with the merger that cannot be achieved without it?
4. Who will decide the future role of Glenside Hospital?
5. Will Glenside's land, in part or in full, be sold?
6. Will Glenside's beds be relocated to Hillcrest, to the Repatriation Hospital or elsewhere?
7. Can the South Australian Health Commission unequivocally assure the medical staff of Glenside that there will continue to be hospital based services on the present campus, as well as continuation of the community programs? If so, for how long?
8. Will the staff of, patients of, or community served by Glenside Hospital be enabled to participate in discussions and decision making about the hospital's future? If so, how?
9. Will they all be enabled to participate in discussions and decision making about the future development of psychiatric services in South Australia? If so, how?
10. Has the SAHC involved the undergraduate and postgraduate teaching institutions (that is, the Universities and College of Psychiatrists) in discussions about the future of the hospitals?
    (a) If not, why not?
    (b) And if it is intended to involve them, how will this be done?

Following this a letter was sent to Hillcrest Hospital on 9 November 1987 indicating that the questions had been asked of Dr W. McCoy. The letter indicates what happened when the questions were asked of Dr W. McCoy, and states:

Also enclosed is the document outlining the questions we asked Dr W. McCoy when he attended the special board of management meeting [at Glenside Hospital] on 6.11.87. While his replies were mildly reassuring, when I was listening to them, on later reflection I became increasingly concerned about his insistence that there were no plans, no definite decisions or fixed ideas about the future development of psychiatric services. Nor could he (or any of the others present, Mrs J. Hardy, Mr M. Forwood, or Mr D. Blaikie) articulate the problems for which SAMHS is believed to be the solution.

Members may have wondered why I moved this motion. I moved it because of the concern clearly felt by the staff and others at Glenside Hospital and Carramar who simply have not been involved in the consultation process. Mental health services is a delicate area and must be approached with great caution by politicians and others. I increasingly get the feeling that, unfortunately, because of the approach of the present Minister—which is almost a jackboot mentality—towards the health services in the State, that it is filtering down through the system.

We now have people going out into the system with the same view—'This is what will happen and you will take it or else'. In mental health services that is quite the wrong approach. I am concerned that perhaps some of these people are becoming infected with this disease of trampling over others. Perhaps it is similar to the training of a sheep dog. If it gets the idea that it can bite, it is very hard to stop it at a later stage; it becomes a habit. It has become a habit with the Minister and it may well become a habit with the people in the Health Commission. That is most unfortunate because many of the good bureaucrats are being lumbered with the same title of being dictatorial and unsympathetic towards the feelings of people in the system who have a real and genuine concern about their jobs. We are dealing with very genuine people and their concerns should have been addressed a long time ago.

This whole matter has been considered for nearly 18 months and this is the first time that the staff, who will have to operate any new system, have been consulted. At Carramar they were not consulted, but were just told that the building was to be sold and that they would be relocated. This has already happened to some extent and at St Corantyn's; I understand the psychiatric services there have been virtually reduced to nil. I say to the Minister that this is a real concern. I hope that he will ease back from the rather dictatorial way in which his staff have gone about the process until now.

I indicate that certainly it is an area that we will look at carefully before the next election. It is a very sensitive area. Eighteen per cent of the community have some sort of mental health problem. It is a very large area and one of real concern to the people of South Australia. I trust that the Council will pass the motion to perhaps give the Minister a gentle reminder of the need for proper consultation within the whole system, not just within Cabinet subcommittees and the Health Commission.

The Hon. R.J. RITSON: In speaking to this motion I want to talk about standards of mental health care, and then point out how dreadfully wrong the Health Commission has got this question of relating to, cooperating with and giving moral support to the clinicians who work at the coalface in this area.

First, the mental health services in our public hospitals in South Australia are, by and large, very good. They do not suffer the crises of staffing levels and accommodation shortages that characterise the situation in the eastern States. They certainly do not suffer the strictures that bind the English national health system. When I was in England in 1983 to study matters affecting mentally abnormal offenders, I was speaking to a very senior psychiatrist in the Government services. He made the point that for some types of patients in certain institutions psychotherapy was just not available for people with depressive illnesses owing to the shortage of staff. Patients who might have been amenable to psychotherapy were in fact treated with antidepressive drugs or electroconvulsive therapy as a matter of expediency rather than a matter of choosing the optimal form of treatment.

In South Australia we do not have this situation. I can say, as a general practitioner who is a referring doctor, that I have always been pleased and satisfied with the services given to my patients when I have referred them to the two major mental hospitals in South Australia. However, as the Minister said in his reply to the dorothy dixer yesterday, there is nothing that cannot be improved.

I do not believe that the Minister wishes to damage the health service; I believe he wishes to improve it. However,

what has happened in this instance is that a heavy-handed bureaucracy—with or without his understanding of what has happened—has treated the people at the coalface in a way which has left them confused, anxious for the future, and feeling shut out of things and demoralised.

The Minister in his ministerial statement, disguised as a reply to a question, cast a fuzzy haze of bald statements about consultation. He dropped the names of important people from whom he said he took advice, without telling us exactly what advice they gave him, and he referred to a number of seminars and meetings, again without telling us what went on at those meetings. For the benefit of the Council, I will pursue that further to show how the shutting out process (which was never really necessary) has damaged morale, as indeed it has.

The first seminar at Eden Park, to which the Minister referred proudly as an example of extensive consultation, produced an audience reaction of great alarm—so great indeed that Dr McCoy at that seminar said that as a result of the disagreement he would arrange for a reference committee to come up with methods and ideas to be presented to another seminar of the same people as to where to go from there. The point of disagreement at that seminar was the decision to amalgamate the two boards. It is of interest to me that later in his answer to the dorothy dixer the Hon. Dr Cornwall also claimed great support from the Federated Miscellaneous Workers Union at the first seminar.

The Hon. J.R. Cornwall: I was at that seminar. I have a bit of an advantage on you. Your description of it is entirely inaccurate. It is fantasy land; it really is fantasy land.

The Hon. R.J. RITSON: If there was no disagreement on the question of the amalgamation of the boards at that seminar, which resulted in the forming of a reference committee, then we would not have reached the stage where so many people are coming to the Opposition saying, 'We are concerned. Where do we stand?' The reference committee was pre-empted because before they could meet Mr Swinstead announced his chairmanship and the people on that committee actually felt that the principal matter that they were set up to discuss and consult about had been swept from under their feet. I understand that they then went to see the Minister to ask him what was to be their purpose, since—

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: A member of the reference committee, Dr McCoy and you. Didn't you see them?

The Hon. J.R. Cornwall: Who are you talking about?

The Hon. R.J. RITSON: Never mind. The fact of the matter is that the people concerned in these negotiations felt that right from the beginning the issue of the amalgamation of the boards was something on which their opinions would not be sought and that they were already pre-empted; they still feel that, in spite of the fact that the Minister has offered, and is offering, extensive avenues of consultation with regard to the future strategy for a variety of psychiatric services. All the people at the coalface are of the opinion that the amalgamation of the boards is a *fait accompli* on which they were never really heard and which is considered to be an administrative matter of no interest to the clinicians.

Whether or not the Minister is of that opinion is irrelevant. The fact of the matter is that that is what the people at the coalface believe; that is the way they feel. They also feel that administrative change is not something which can be separated from clinical effect. They are aware that there is constant administrative, financial and legal supervision and assessment of clinical decisions. They are also aware that there is no constant clinical assessment of the effect of administrative, financial and legal decisions, because people involved in those tend to take the view that it is purely an administrative matter or purely a financial matter and not of interest to the doctors.

The fact of the matter is that the doctors have to work in an atmosphere of good morale and some certainty; they believe that many things which are said to be purely administrative have clinical consequences. What I think has happened (and, as I say, I do not know whether the Minister meant it to happen this way) is these people feel shut out of any consultation on the question of the amalgamation of the boards. They are patient and are still trying to be heard on that question, but in their view, because of the way in which the Health Commission has related to them, they feel that it is non-negotiable.

I do not have all the resources of Government as Dr Cornwall does. It would be open to Dr Cornwall to cavil with minor points of what I have said and talk at a tangent to my main argument, and he may wish to do that. However, I do not raise this matter with any malice towards him. I just want him to know that, whatever his good intentions (and I am sure that he has good intentions), the fact of the matter is that the interpersonal relationships have gone wrong and the clinicians have felt shut out of a very important decision on the basis that other people say that it does not have clinical consequences. That is a fact and it is a pity it has happened.

I support comments made by the Hon. Mr Cameron that it appears to be the somewhat undiplomatic and heavy hand of Judy Hardy which has affected the public relations (if you like) aspect of this. I hope that the Minister finds a way of talking to all the psychiatrists—not having a witch hunt, but actually talking to and visiting all the psychiatrists—and giving them a chance to discuss their feelings about the amalgamation of the boards. That is a different issue from the provisions for ongoing consultation about strategies for the future generally. They are shut out of discussions on the board; and they feel that they have been treated with a heavy bureaucratic hand and that it need not have been handled in such an undiplomatic way. I support the motion.

The Hon. J.C. BURDETT: I, too, support the motion. The Hon. Mr Cameron has dealt with the major issues of patient care and the welfare of the staff who provide that care. I intend to deal mainly with some less important issues, but ones which nonetheless are related to the basis of this motion. Yesterday I telephoned the Hillcrest and Glenside Hospitals to ascertain the names of the Chairmen of the respective boards. I found that the Minister has got well down the track already in regard to amalgamating the hospitals, because they are the same—

The Hon. J.R. Cornwall: I am not amalgamating the hospitals at all; that is a total untruth.

The Hon. J.C. BURDETT: All right; it is what was said in the press. In any event—

The Hon. J.R. Cornwall: It was said by Martin Cameron in the press.

Members interjecting:

The Hon. J.C. BURDETT: There is a proposal for a South Australian Mental Health Services, which will conduct all mental health services in South Australia including those two major hospitals, which are of course a key point in the delivery of those services. The Chairman of the board of each of the hospitals, I was told, is Mr Allan Swinstead. So, there is a partial amalgamation already, with a common Chairman. I must say that the Minister has done very well in getting Mr Swinstead on side to the extent that he is

prepared to accept both those positions. I note that the Hon. Dr Ritson also referred to Mr Swinstead when he spoke on this matter.

I recall in this Chamber some time ago recounting an occasion when the Minister bawled out Mr Swinstead in front of psychiatric outpatients at the Hillcrest Hospital when he was Chairman of the board of that hospital. Certainly, Mr Swinstead was very unhappy with the Minister at that time. I also recall Mr Swinstead speaking to me on the occasion at the Hilton Hotel when the Minister presented him with the first ever certifcate of accreditation for a psychiatric hospital in Australia. Mr Swinstead was not very happy with the Minister then either, but the Minister has clearly mended his fences very well indeed and has got Mr Swinstead on side.

I mainly want to talk about the question of the sale of Health Commission land which was announced in the press as being part of the process of amalgamation or—if the Minister says that is wrong—of the setting up of the South Australian Mental Health Services. It has been announced that the land at present occupied by the Carramar clinic is to be sold, and it certainly appears that some, or perhaps all, of the Glenside Hospital site is also to be sold, and the question has been posed whether or not the Hillcrest Hospital site will be sold.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: Okay, but it has been raised. In this Chamber on 21 August 1986 I asked the Minister a question in relation to Health Commission land (page 515 of *Hansard* of 21 August 1986). I said:

> On 14 August 1985, at page 243 of *Hansard* I asked the Minister a question concerning the Minister's announced intention to sell off $20 million worth of Health Commission property and apply it to health improvements. The headline in the *News* of 13 August 1985 stated '$20 million sale plan for health mansions'.

The Hon J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: It was a headline in the *News*. I continued:

> In his answer, the Minister said, at page 244 of *Hansard*:
>
> So, I put together—

and this was in 1985—

Members interjecting:

The ACTING PRESIDENT (Hon. M. Feleppa): Order!

The Hon. J.C. BURDETT: I am not referring to Mr Randall Ashbourne at all, and I have not seen him about this issue. So, as far as I am concerned, he is quite irrelevant on this particular matter, although I have very high regard for the articles which he writes. I continue quoting from *Hansard* as follows:

> So I put together a significant portfolio of properties. I have Cabinet approval over the course of the next three years or thereabouts to put up a succession of packages to realise on these properties. In some cases, as I said, it will be land that is available at places like Glenside and Hillcrest. In other places it will involve a staged rehousing or reaccommodation of existing services and accommodation.

That was the end of what the Minister said at that stage, and I proceeded to say:

> It is now, Madam President, almost 12 months down the track from when that question was asked and answered. My questions are as follows.
>
> 1. What progress has been made with the plan?
> 2. What properties have been sold or approved for sale?
> 3. If any sales have taken place or are planned, what improvements will the proceeds be allocated to?

The Minister said:

> At the moment, Ms President, there is a very extensive consultancy proceeding. From memory, the consultants are examining, in the first instance, five or six major properties and holdings of the South Australian Health Commission. I am awaiting a report. It will be a very significant report because it will contain a number of recommendations which will in many ways establish precedents for the way in which we can proceed with an orderly land and property disposal and rationalisation. With regard to how that money will be applied, it will, of course, be processed through Treasury. It will revert to the general capital account and thereby the consolidated account, but we will be given significant credits in developing the five-year capital works program from those sales as they proceed.
>
> I do not have the report of those consultants at this time, but the consultancy has been proceeding now, as I understand it, for a reasonable period. I am pleased that the honourable member has reminded me. I shall call for a progress report to see just where it is at. However, he should not concern himself too unduly. The whole question of property rationalisation and sale, as part of a very large and positive capital works program in the health and welfare portfolios, is proceeding satisfactorily.

That was on 21 August 1986. I think it is about time that we found out where it is at now.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: The Minister was quite correct in referring to the fact that when Government property is sold the money goes not go to the department which was using the land that was sold but into the Consolidated Account. He said that he hoped to get significant credits, and of course that may well be the case and we want to know what those credits will be. This is an important matter.

John Mant, in an article in the *Australian Journal of Public Administration*, volume 56, No 3, September 1987, which deals with 'Public and Government land—Post Colonial Land Systems', refers to what happens to the proceeds when a department sells land. He says on page 303 of that publication:

> The present methods of accounting for real estate assets do not encourage public sector managers to offer property for disposal. Holding and maintenance costs do not appear in their individual budgets. Budget bids for capital funds for acquisition of property are unrelated to the proceeds that may have been received by consolidated revenue from the disposal of any property. In short, there is every reason for retaining property and no incentives for disposing of it.
>
> Various mechanisms have been discussed or implemented to encourage managers to make more effective use of their existing real estate assets. For example, the Victorian Government has agreed to a notional crediting of departments for some of the proceeds of some of the properties which are sold.
>
> The issue of principle is whether the Government's priorities from year to year should be affected in any way by the extent to which a department may have a reservoir of under-utilised real estate.
>
> Does such a 'credit' in reality mean anything? Public sector managers could be suspicious that over time, annual allocations by Government would be reduced to those departments which had managed to obtain large credits from property transactions. In addition to such mechanisms, most Governments have attempted to develop a register of Government owned land, usually as a separate exercise from the development of a general land information system.

This brings me to the point that if Carramar Clinic is to be sold, and it appears from what has been in the press that it is, and if all or a large part of Glenside Hospital is to be sold and, as the Minister himself said (as I quoted), that perhaps part of the Hillcrest Hospital is to be sold, what benefit will that be to patient care? It will reduce patient care in some aspects. It will make it much more inconvenient for the people who now go to Carramar Clinic or are housed at Glenside or Hillcrest or are outpatients.

It is important for a lot of these people to be able to continue with established practices. They have had the practice of going to these places; they know how to get there and they are cared for by the same people. If there is to be this program, and it is fairly clear that there is, of flogging off these properties, certainly the patients will be disadvantaged. They will not be going to the same places; they will not be housed in the same places. What benefit will it be to the patients or the excellent people who look after them?

If the money could be used directly to benefit the patients or the staff, that would be a different matter, but it is clear from what the Minister said when I previously asked the question, and it is clear from the article I just read by John Mant, an expert in this kind of area, that the money does not go to the Health Commission. The money goes into consolidated revenue, the consolidated capital fund. There is the question as to whether it is possible for the department or commission in this case to get any kind of credit. In Victoria, apparently, this is being thrashed out, and from the answer that he gave in 1986, it is clear that the Minister is trying to thrash it out here. He does have to come up with a plan. He obviously has to get a report and has to get Cabinet approval, and I realise he cannot tell us everything that Cabinet will do.

I ask him, when he responds in this debate, whether he will give us some idea of what properties will be disposed of and what other properties will be acquired, leased, or whatever in order to provide the same service for these very disadvantaged people, the people who attend mental hospitals or live in them, or attend as outpatients. What will he do to provide the same service or a better service than they now receive? That is what he should be looking at now. How will he get access to the money to do that? I accept that he is negotiating for credits, but he should tell us something of the extensive report which he says he has. I appreciate that he cannot give all that information now. He should tell us something of the properties that will be disposed of and those which will be acquired—either purchased or on rental—to replace them, and how adequately they will satisfy the patients and the staff. He should inform us of the credits and in what form the Health Commission will obtain credits in order to get some benefit out of the sale of the land. It is for those reasons that I support very strongly the motion so ably moved by the Hon. Martin Cameron.

The Hon. J.R. CORNWALL (Minister of Health): It seems to me that Mr Cameron, with his rural background and his connections, ought to know that when your horse breaks down, the thing to do is dismount and lead it back quietly to the saddling enclosure. It is very cruel to continue to flog it, and it is likely to cause irreparable damage. Why he continues to flog the horse that broke down some days ago in this matter, I do not really know.

Secondly, let me refer briefly to the Hon. Mr Burdett's reference to property rationalisation generally. I am pleased to be able to tell him, as I said, that we would be working on this program over a three year period, and some of the major fruits of that are about to start appearing. I anticipate that I will be going to Cabinet prior to Christmas but, if not, certainly after Christmas, with the first of a $10 million package which will involve very significant credits for the health system, as I said. It will not be direct trades, one to one, but certainly the Premier and Treasurer and Cabinet generally has acknowledged that in order for Ministers right across the board to ensure that we are making the wisest use of our Government property folio, there have to be incentives.

In the event that we are able to put up packages involving rationalisation or the sensible realisation on excess assets or assets not required, the overwhelming majority of that money in most instances will be returned within the portfolio areas, and I stress areas—plural—of the Minister concerned. I am afraid you will have to wait until I can give you a little Christmas present, or a very big Christmas present, or at least in the event that we do not quite make that deadline, I will have something very attractive for you in the New Year.

With regard to the alleged savings that the Hon. Martin Cameron talks about, I presume he is talking about recurrent savings. Frankly, the whole idea of this exercise is to have a central voice, an advocacy, and a strong advocacy role for a South Australian Mental Health Service that will ensure that more resources, whether they be out of a standstill global budget allocation to the Health Commission or otherwise, are put into the Mental Health Services generally. I will explain that again in a little more detail in a moment.

The other point I wish to make is that any change at all is perceived as being somewhat uncomfortable by at least some people in the system. When you try to effect change, even though it is change significantly for the better, significantly to upgrade services, if there is any change in the *status quo*, particularly for people in the clinical areas, it has been my consistent experience as we have persisted in improving health services in this State that someone always gets their nose out of joint. That, I now have to say, is the lot of the radical reformer. If you want to be comfortable, if you do not want to be up front, if you do not want to be involved from time to time in some matters that are of necessity controversial, the safe thing to do is to do nothing. That is not of my nature.

I see my job as Minister of Health and Community Welfare as being relatively interventionist, certainly to act as an advocate for the system across the board, and I will continue to do that. I would continue to do it no matter what portfolio areas I was responsible for. For that, I think I need hardly apologise. I am, I believe, a reasonably radical reformer with reason—

The Hon. Diana Laidlaw: A radical reformer in coalescence?

The Hon. J.R. CORNWALL: You will have to wait for the release of the green paper, but you will not have to wait long. It is due out within days.

The Hon. Diana Laidlaw: It is not new news.

The Hon. J.R. CORNWALL: But you have not seen the options. Mr Cameron made reference to regions and something else. I must confess that I have never heard of this, unless he is talking about the regions and the districts that are canvassed as part of the options available in a continued coalescence or amalgamation—a series of alternatives that will be proposed in the green paper to be released within the next week. I certainly have had no proposition put before me that talks about regions. What was the other word? I was quite specific. Ten regions and 30 something.

The Hon. M.B. Cameron: Read *Hansard.*

The Hon. J.R. CORNWALL: I must say I have never heard of it.

The Hon. M.B. Cameron: You had better ask Miss Hardy; she is the one who said it.

The Hon. J.R. CORNWALL: She is the one who is alleged to have said it. It is most certainly news to me. I will briefly put on the record the facts as distinct from the fantasy that is promulgated by Mr Cameron. The amalgamation of the boards of Glenside and Hillcrest hospitals is the result of recommendations of no less than three reports. A major report was done for us by Touche Ross from memory in my first term as Minister. I will not be held to that under the pain of grievous mortal sin, but it is my recollection that it was done something like three years ago. It looked at management and industrial relations in particular, but it was a major report.

Immediately after the last election I asked John Uhrig, one of South Australia's leading and most noted industrialists with a vast experience in the private sector, to review the whole operation of our public and teaching hospitals in the metropolitan area, and to look at the role of boards of

directors, to look at how they could be integrated, and to operate literally in cooperation to achieve trans-hospital cooperation just as we would expect if they had been a number of branch offices. John Uhrig produced quite a radical report in which he recommended that there should be one board for the whole metropolitan Adelaide public and teaching hospital system, that is, the seven general hospitals and the two psychiatric hospitals.

That idea was far more radical than we accepted as a Government. In the event we are getting the amalgamation of the Queen Victoria and the Adelaide Children's Hospital boards, and we are getting the amalgamation of the boards of Glenside and Hillcrest hospitals.

The third report was the Taeuber Report, and that looked at the efficiency and administration of the health services generally, and the Health Commission in particular. We have this continued thread running through of how we can better manage the system, and better management is what I have been about ever since I was allocated the health portfolio and sworn in on 10 November 1982, a little more than five years ago.

Regarding the consultation or alleged lack of it, a consultative process has been in place since early 1987 with the boards of management and chief executive officers of both Glenside and Hillcrest hospitals. That has been ongoing literally since very early this year and it is almost December, so it has gone on for many months. The South Australian Health Commission's Chairman (Dr McCoy) met with both boards of directors in early 1987 and obtained from both boards support for the continuation of the exercise. Therefore, both boards have been very well aware of it for a period of almost 12 months, and indeed it had been canvassed even prior to that time.

The boards have been literally in the exercise almost from the outset. On 12 June 1987 a consultative forum of 50 people met. From each hospital this included the chief executive officer, the Director of Clinical Services, the Director of Administration and Finance, the Director of Nursing, the medical and non-medical staff representatives to the board, and two additional board members. Other representatives were present from the Health Minister's office. I was there personally as Minister of Health and I participated fully in the exercise and the group discussions that occurred in the course of the forum. In addition there were representatives from the mental health accommodation program, community mental health, community health, voluntary groups, the Royal Australian and New Zealand College of Psychiatrists, the Department for Community Welfare, the Department of Correctional Services, the Mental Health Advisory Committee, and various representatives from the industrial trade unions concerned directly with health.

One would have to agree, even on the most cursory examination, that that was a very representative forum. The consultative forum, contrary to Dr Ritson's foolish allegations, considered a draft policy document and service delivery model. Small reference groups were formed to further develop those papers. A second consultative forum was held on 13 October this year, again comprising about 50 people. I was not personally present at the second exercise, but virtually all the players who were at the first exercise were there. There was a unanimous agreement to a draft policy and service development guidelines—a document that was considered by that forum of 50 people.

There were no major objections at that forum to the implementation of the proposal. The Hillcrest board of directors is supportive of amalgamation. The Chairman of the South Australian Health Commission met with the Glenside Hospital board on 6 November, and it agreed to go along with the proposal. The proposal in the draft form—certainly not a fully fleshed-out strategy, but the proposal in principle—went to the human services subcommittee of Cabinet on 9 November 1987 and received general support. As I said in this place yesterday, that does not imply and must not be taken to imply formal Cabinet approval because the matter at this stage has not been to Cabinet. It will, in the fullness of time, and I will come to that shortly.

The consultative mechanism has been established for the development of a strategic plan for mental health services. That process is outlined in a letter from the Chairman of the Health Commission (Dr McCoy) to Mr Alan Swinstead, to the Chairman of both existing boards. I read it almost *in toto* into *Hansard* yesterday, and I will not bother members with those details again. The Royal Australian and New Zealand College of Psychiatrists has been requested to act as an honest broker in this whole exercise, that is, in the development of a strategic plan. As I said yesterday, the process proposed was Professor Ross Kalucy's proposition and has the support of Dr Norman James, the Administrator and Medical Director of Hillcrest Hospital. It is anticipated that we will have a draft strategic plan by March 1988.

Let me say at once that if that time frame proves to be too tight, we will extend the time to the extent necessary. I also say that significant work has already been undertaken. This process is dependent to a large extent on the expert knowledge of clinicians and practitioners in the area, including psychiatric nurses, and it should not be necessary, we believe, to conduct extensive surveys. They are certainly not envisaged at this time. Internal mechanisms—and this is most important—have been developed by Glenside and Hillcrest hospitals to ensure that all staff have the opportunity to participate in the consultative process.

We are literally consulting people to the point of exhaustion. It is suggested that there has not been or will not be adequate consultation in the process of attempting to make these good services even better. Even Dr Ritson admits that they are by Australian standards and, as I discovered on my recent overseas trip, by world standards, good mental health services. However, there are still some deficiencies. We are determined to rectify them, and I will explain that in a moment.

The sale of Carramar is a specific issue which seems to have upset a small number of people (one of whom has been Mr Cameron). The honourable member may have been exercising his democratic right, as he is entitled to do, because we do not regard or classify employees in the very vast health system as public servants, so they can be disloyal to the system without attracting a formal sanction. They should and must in my view (and I have put this on many occasions and it is starting to filter through) be prepared to stand the odium of their peers for bringing their individual institutions into disrepute. That is another matter.

With the sale of Carramar, certainly it is one of the properties that has been considered as part of the so-called 'mansions' program. Ongoing consultation has occurred with the staff, contrary to what Mr Cameron and his colleagues would have us believe. Assurances have been given (and they are firm assurances) that the present services will continue. Most members of the staff have stated that they are not particularly attached to the building. I have never been attracted to the idea that it is necessary to provide mental health services or any other health services from stately mansions. It is a ridiculous notion to suggest that we should retain mansions such as Saint Corantyns and Carramar which are valued variously at just below or well above $1

million to provide a service that can be very adequately provided from decentralised locations that can adequately deliver or organise (and we are talking of community services, so essentially they must be in the community and extending into it) from much less expensive purpose-built or adapted accommodation. I am not about to apologise to one or two disgruntled individuals who are concerned they might lose their gracious mansion.

The great majority of staff at Carramar I am advised want to become part of the proposed South Australian Mental Health Service. The proposal to sell the building and lease it back (and that is one option open to us) would allow the services provided by Carramar staff to be considered within a context of a strategic plan for mental health services in South Australia. Over the ensuing five years (remembering that it is a five year plan) we would be able to proceed at our leisure to reorganise and upgrade the services according to that plan as it was developed.

I will make some general comments with regard to our mental health services, remembering that we have Dr Ritson's word for it that they are the best in this country. I am very keen that in some areas they be made better. The South Australian institutionally based mental health service is relatively good when compared with the rest of Australia. The Hon. Mr Cameron should note, as he might just learn something instead of getting into this venom that he likes to deliver in the bear pit atmosphere that he creates and might like to do something constructive (which would be a welcome change), that deinstitutionalisation in this State, as in this country and many countries around the world, took place in the absence of the development of community-based services. The advent of tranquilisers and other psychotropic drugs in the early and mid 1960s and early 1970s led to what was hailed at that time as a revolution in the treatment of psychiatric patients, most of whom formerly had been institutionalised on a long-term basis.

In this State, as in other parts of the country and the world, the number of beds in our two major psychiatric hospitals has literally been halved over that period of 15 years. However, we have to acknowledge (and it is a very serious problem) that the number of homeless chronic mentally ill is increasing. We have previously not been doing very well for them—I am the first to admit that. If there is one area in which I see as having a higher priority than almost any other area in my portfolio areas it is in that very difficult area of providing accommodation, in particular community accommodation, for the chronically mentally ill. Prior to that proposition now mooted, there was virtually no mechanism for services to be developed on a State-wide basis according to priority need.

I said yesterday and repeat today that we literally have a central body, a board, responsible for mental health services State-wide that can act as an advocate in the system and can obtain more money by reallocation, whether through the budget process and my Cabinet colleagues deciding that they agree with me that it deserves this high priority or, alternatively, by reallocation of money within the global budget of the Health Commission. We desperately need a focus in responsibility for the delivery of mental health services, and we certainly need a central advocacy mechanism.

Psychiatrically disabled persons are the most discriminated against in our society. I am sad to have to say that in 1987. They are not even covered by the equal opportunity legislation at this time. Glenside and Hillcrest hospitals (and this is an interesting statistic), despite the fact that the number of beds has been halved over the past 15 years, provide inpatient and outpatient treatment to about 22 000 individuals each year, and receive, despite deinstitutionalisation, 93 per cent of the adult mental health budget.

Obviously, there needs to be redistribution within the mental health system and there needs to be redistribution within the global allocation of health funds. The way to achieve that is by setting up a separate authority with some sort of focus to organise health services on a State-wide basis. That is why we propose to establish South Australian Mental Health Services with its own board in charge of State-wide services with its own senior chief executive officer.

The board will literally be charged with the responsibility over the next five years of developing upgraded services for the mental health accommodation program, with substantially upgraded services for community mental health in particular and the reallocation rationally of resources in both physical and recurrent budget terms. It will also be charged with the community mental health services.

I return again to the allegations—the Goebbels-type lie—that has been peddled that an intention exists to amalgamate the two hospitals. Goebbels had a very clear policy that, if you took a big enough lie and repeated it often enough, people would believe it. That is what has been the tactic of the Opposition in this matter. I have said and repeat that no intention exists to amalgamate the two hospitals in the sense of running a twin hospital campus, and that is not proposed. The future of Glenside will be considered in the five year strategy, but at this stage it is not possible to be definitive. One of the things that at least some of the proponents, including Professor Kalucy, would like to see happen would be a decanting of beds and decanting of community accommodation in various flexible forms to the southern suburbs where it is so badly needed. One of the—

An honourable member interjecting:

The Hon. J.R. CORNWALL: No, at the Repatriation General Hospital, preferably. One of the reasons why we cannot make definitive statements on that, at this time, is that although there is a general commitment by the Department of Veterans Affairs and the Federal Government to an eventual amalgamation, and a twin hospital campus involving Flinders and the Repat. (and, of course, some shared services and some community services are already delivered from the Repat. by the Flinders staff), there is still a great deal of negotiation to occur to reach agreement as to when the time would be appropriate. I have never made any secret of the fact that I would prefer that to be sooner rather than later. We are in a unique position in this State because of the Repatriation Hospital's continuing close association with the Flinders Medical Centre, which is one of the leading teaching hospitals in the country. In my opinion there are great advantages to be gained by everybody from a merger. I am literally talking about 1990 or as soon as possible thereafter.

At this stage the RSL—to be practical and not misrepresent its position—certainly makes the point that it will take about 20 years for the last of the veterans from the Second World War to virtually have passed over and gone to their eternal reward. Therefore, it is talking in terms of something closer to the year 2010. I will be meeting with it soon to begin some discussions—I certainly would not describe them as negotiations as, in the first instance, I want to put our position and I want to ensure (and it is very important that I get this on this record) that I will give them cast iron guarantees. If I am not able to do that then, of course, I would not expect it to continue to talk to us.

At the recent HACC meeting in Canberra when the matter of home services and home care for returned servicemen and women came up, I said that we gave those people an

absolute guarantee in 1939, and I am almost old enough to remember it. I was four years old when war broke out and I have always had a good memory. I certainly remember that in the post-war period the Labor Government of that time, in that amazing period between 1945 and 1949, when the whole post-war reconstruction proceeded in this country in a most remarkable way, the soldier settlement scheme was established—

Members interjecting:

The Hon. J.R. CORNWALL: Well, I do not think you can describe the soldier settlement scheme as a failure. Soldier settlers, particularly in zone 5 at Greenways, at Mingbool and at Mount Schank—the areas the honourable member ought to know very well—by and large did very well, and they were very happy with the soldier settlement scheme. Successive Liberal Governments, up to and including 1972, did let the soldier settlers down on Kangaroo Island pretty badly, but I do not want to be diverted. The simple fact is that that cast iron guarantee was given. I remember it well. I will never proceed in this matter unless I am able to give the RSL a cast iron guarantee to continue to meet the commitments that were given to the servicemen and women when they volunteered for overseas service in 1939 through to 1945. Therefore, I am unable to say at what pace that might proceed or precisely what the time frame might be for the decanting of some, or all, services, institutional and community, from Glenside more and more into the southern suburbs.

One thing I can say with great clarity is that while I am Minister there will certainly be no amalgamation of the Glenside and Hillcrest Hospitals. There will be no mass transfer of patients and administration from Glenside to Hillcrest, and it is a cruel distortion of the facts and a malicious twisting of reality to suggest that that is contemplated. I ask the Opposition just for once (and I know it will be almost entirely out of character) to consult with the Health Commission, and I offer them extensive briefing—

The Hon. M.B. Cameron: I already do.

The Hon. J.R. CORNWALL: Well, Mr Cameron sniggers away. The idea that there might be some bipartisan approach in the area of mental health he seems to fund amusing—

The Hon. M.B. Cameron: I consult regularly with some of your people.

The Hon. J.R. CORNWALL: You behave more and more like a fool in this place, which is a great pity. The reality is that, on the statement and the assessment of the Royal Australian and New Zealand College of Psychiatrists, at any one time 25 per cent of the population suffers in some degree from very moderate to severe psychiatric illness. At any given time in South Australia, one way or another—running the gamut from the worried well (people who are under stress and then because of that have some degree of psychotic illness) through to the chronic schizophrenic and other people with organic major ongoing and disabling mental disorders—anything up to a quarter of the population is affected.

I do not believe that previously we have provided out of the institutions in the community the sort of support, day care, counselling, community mental health services, community accommodation programs and that range of services, including some integration with the general community health services, that are required. Let me say that nobody else has either, but I propose that in South Australia we will lead the field. Because of the creation of SAMHS, after a suitable period of negotiation and through the development of the strategic plan, which will be made available for Cabinet consideration, and hopefully endorsement, somewhere between the end of March and the end of May next year, we will literally be able to make a good service considerably better. Obviously, I oppose the motion; I think it is spurious and mischievious.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

WORKCOVER LEVY

The Hon. DIANA LAIDLAW: I move:

That with respect to the 3.8 per cent levy imposed by the Workers Rehabilitation and Compensation Board on organisations classified as 'welfare and charitable services', this Council—

1. Registers its concern that such organisations are being required to subsidise premiums levied from industry;
2. Records its disquiet that the clerical nature of the duties of employees of most such organisations have been classified as high risk work;
3. Recognises that the levy will force charitable and welfare organisations to cut programs and/or staffing levels at a time of unprecedented demand for services; and
4. In view of the Government's social justice strategy, calls on the Government to—
   (a) impress upon the board the need to review the equity and fairness of the levy, or
   (b) alternatively, to determine the feasibility of augmenting the funds of each welfare and charitable service by the difference in the sum each service allowed for workers compensation premiums in their budget for 1987-88 and the sum determined subsequently by the board.

I remind all members that they have a responsibility, as members of this Council, to serve the interests of people the length and breadth of this State. It is therefore appropriate that I bring to the attention of members the distress and potential havoc which the WorkCover levy rate of 3.8 per cent has unleashed on non-government services, particularly those classified as welfare and charitable services (NCE) including fundraising. NCE stands for 'not classified elsewhere'. The 3.8 per cent levy per $100 of remuneration was determined by the Workers Rehabilitation and Compensation Board, which is responsible for administering WorkCover and gazetted on 7 August last.

At the outset of my remarks I should record that members of the Liberal Party, together with all other members of this Parliament, sought last year—and a little earlier, I recall—to overhaul the workers compensation arrangements in this State in an effort to stem the escalating cost of premiums, particularly premiums on primary and secondary industry, whether they be big or small industries.

However, at no time during the protracted debate on this matter did the Liberal Party support the creation of a single Government-run workers compensation insurance system. We were totally opposed to the creation of such a monopoly. In fact, I recall we voted against the passage of the Bill for this reason, among others. At that time we also issued stern warnings about the potential dangers arising from an insurance system which tolerated no competition and offered no options for policyholders to shop around for the best possible package. Caution was also expressed by the Hon. Trevor Griffin about the possibility of various classifications being used to cross subsidise the premium rates of other classifications.

It gives me no joy today to highlight that in so short a time since the establishment of WorkCover—this so called major social reform—that each of our anxieties and forecasts has been realised. However, never in our wildest dreams did members on this side contemplate a situation whereby organisations deemed to be welfare and charitable services would be king hit by WorkCover rates. It did not seem feasible, let alone possible or desirable. Yet, that is exactly what has unfolded: charitable and welfare services have

been dealt a severe blow by the 3.8 per cent WorkCover levy rate.

As I shall outline shortly, for many organisations the 3.8 per cent rate represents a crippling blow to their operations. For other organisations it will lead to a reduction in the range and/or scale of their programs or a reduction in staff levels. Meanwhile, in all instances the 3.8 per cent levy has generated feelings of despair amongst the hard working and—as all members know, if they move around their electorates—generally overworked, paid and volunteer staff associated with the wide range of charitable and welfare services throughout this State, whether they be administered by religious denominations or not.

Organisations which have made representations to the Liberal Party on this matter have been at a loss to understand on what basis the levy of 3.8 per cent was calculated. Like myself they understood that the longstanding practice in insurance was to calculate and set a premium rate on the basis of risk. Accordingly, if a company or organisation enjoyed a no claim or low claim rate, their premium rate reflected and rewarded this record. I note that in the other place on 11 November the member for Florey (Mr Bob Gregory) was under the same impression as members of the Opposition with respect to this matter. Some two weeks ago, during a private member's motion on WorkCover moved by the member for Davenport, Mr Gregory stated:

> The whole system works on the basis of risk. I thought that the member for Davenport was sensible enough to know that insurance works on the basis of risk and not on the basis of charity, nor on the feeling that we ought to give someone a go. It involves the likelihood of risk in particular types of employment. That is something he does not understand.

Notwithstanding Mr Gregory's efforts to denigrate the mover, it is he, Mr Gregory, and not the member for Davenport, who does not understand what is going on now. The fact is that since the establishment of WorkCover the time honoured insurance practices have been thrown out the window. Just as the Government got rid of the multi-insurer workers compensation in this State, so has the new Workers Rehabilitation and Compensation Board got rid of established practices.

No longer is risk the sole basis for setting premium rates, and no longer do employees within the same company or organisation who undertake different tasks with a varying degree of risk attract a different rate according to an assessment of that risk.

For the sake of brevity, I will highlight the experiences of only three of the organisations that have written to me stating that WorkCover has ignored their excellent no claim or low claim workers compensation record in the past. The Better Hearing Association is one such organisation. It has operated since 1930 and has never lodged a single claim for workers compensation. Yet, its premiums now, with the introduction of WorkCover, will rise from an amount last year of $108 to $886. That organisation has never lodged a workers compensation claim in its 57 year history. The Colostomy Association of South Australia's premiums have doubled from $65 per year to $120 per year, yet it employs only one part-time clerk and, again, has never had occasion to lodge a claim in the history of its operations.

Another organisation which I will briefly mention—and it is one to which I have referred in this Council before—is the Inter-church Trade and Industry Mission of South Australia. That organisation made the point that the total claims made since its inception over 20 years ago totalled only $323, its premium for workers compensation insurance paid in January 1987 was $2 319.38. At present, remuneration to its chaplains and staff amounts to slightly in excess of $20 000 per month. The levy of 3.8 per cent represents a monthly payment of $764 or $9 167 a year. That is an increase of 395 per cent in one year.

There are other examples, but for the sake of brevity I shall confine my comments to those three organisations. I repeat the point that the 3.8 per cent does not reflect previous claims experience, nor does it reflect that the work undertaken by the bulk of these organisations is clerical in nature. None of the organisations that have contacted me consider that the clerical nature of their work is high risk. They consider their operations to be low risk, and their workers compensation levels in the past have always reflected that.

However, with the introduction of WorkCover they are now considered to be high risk operations. I suppose that may be because in some community service areas RSI claims and long stress related leave claims have certainly escalated. The rehabilitation costs associated with each claim are high, but in the past all community and welfare related organisations have always been able to pay premiums according to their own level of perceived risk and have not had to take into account the levels of risk within other related services. So, many organisations, as I have outlined, have found that their premium levels have been raised by over 300 per cent in one year.

I also make the point that it appears that classifying welfare and charitable services in the same category as some other high risk operations is totally incompatible with the nature of the work of most of these organisations. 'Incompatible' is not the word that the Government has preferred to use to date—or even 'WorkCover'. I understand it uses the word 'anomaly'. It certainly sounds less offensive than the actual reality, but it is perhaps worthwhile for honourable members to note some of the organisations that also will be levied at 3.8 per cent. Having worked for some time to cut up 10 pages of a *Gazette* to put all these 3.8 per cent levies on one sheet for the benefit of *Hansard*, I seek leave to have my handywork incorporated in *Hansard*. It is purely statistical.

Leave granted.

APPENDIX
Work Cover Levy Rates per $100 of Remuneration

Column 1	Column 2	Column 3
SAWIC Code No.	Description	Section 66 Levy per $100
019301	Tobacco growing	3.80
019401	Cotton growing	3.80
	growing plants for supply	
019601	Agriculture nec	3.80
020401	Sheep shearing services	3.80
020501	Aerial agricultural services	3.80
020601	Services to agriculture nec	3.80
	(incl plant quarantine and wool classing but not reclassing or bulk classing)	
162001	Mining and exploration services nec on a contract or fee basis	3.80
212101	Liquid milk and cream grading, filtering, testing, chilling or manufacturing, bottling or cartonning (incl cultured, buttermilk or yoghurt)	3.80
212201	Butter manufacturing (incl casein, butter oil, ghee, buttermilk (not cultured) and dried skim milk)	3.80
216101	Bread manufacturing (incl hot bread shops)	3.80
216201	Cakes, pastries, pies, etc. manufacturing (incl canned or frozen bakery products)	3.80
216301	Biscuits manufacturing (incl unleavened bread)	3.80
234001	Yarns and broadwoven fabrics manufacturing	3.80
234801	Narrow woven textiles manufacturing (30 cms or less in width) and elastic textiles manufacturing (narrow, broadwoven or knitted)	3.80
234901	Textile finishing (incl bleaching, dyeing, printing, pleating or other finishing of threads, fabrics and other textiles (excl clothing))	3.80
244101	Hosiery manufacturing	3.80
244201	Cardigans and pullovers or similar garments manufacturing	3.80
244301	Knitted goods nec manufacturing	3.80
245001	Clothing manufacturing (excl knitted clothing and footwear)	3.80
246001	Footwear or footwear components manufacturing	3.80
253301	Veneers and manufactured boards of wood manufacturing (incl laminations of timber with non-timber materials)	3.80
253401	Wooden door manufacturing (incl wooden framed doors)	3.80
253701	Hardwood woodchips manufacturing	3.80
253801	Wood products nec manufacturing (incl cork, bamboo or cane products and picture framing)	3.80
254101	Furniture manufacturing, reupholstery, french polishing, shop fitting manufacture and installation nec (excl sheet metal)	3.80
254201	Mattresses, pillows, cushions manufacturing (excl rubber)	3.80
275101	Chemical or chemical based fertilisers manufacturing	3.80
276101	Ammunition, explosives, fireworks and matches manufacturing	3.80
276201	Paint manufacturing (excl bituminous) (incl lacquers, prepared thinners or removers, prepared tinting colours, fillers or putty)	3.80
276301	Pharmaceutical and veterinary products manufacturing	3.80
276401	Pesticides manufacturing	3.80
276501	Soap and other detergents manufacturing (incl disinfectants, glycerine and candles)	3.80
276601	Cosmetics and toilet preparations nec manufacturing	3.80
276701	Inks or printers roller composition manufacturing	3.80
277001	Petroleum refining	3.80
278001	Petroleum and coal products nec manufacturing (incl recovery of lubricating oil or grease from used petroleum waste products)	3.80
324301	Railway rolling stock and locomotives manufacturing or repairing (incl tramway rolling stock)	3.80
324401	Aircraft building, assembling or repairing (incl aircraft engines or parts)	3.80
334101	Photographic equipment or supplies and optical instruments or equipment manufacturing (incl grinding optical lenses)	3.80
334201	Photographic film processing	3.80
334301	Measuring, proffesional and scientific instruments or equipment nec manufacturing (incl watches, clocks or other timing instruments)	3.80
335301	Refrigerators, household appliances and lawn mowers manufacturing	3.80
335701	Electrical machinery, equipment, supplies, components or accessories nec manufacturing (incl powder, paste or crystal soldering or welding flux)	3.80
348101	Ophthalmic articles manufacturing (incl grinding spectacle lenses)	3.80
348201	Jewellery and silverware manufacturing (incl costume jewellery and cutting or polishing stones)	3.80
370101	Water supply (incl operating irrigation systems)	3.80
411101	House construction	3.80
411201	Residential building construction nec	3.80
411301	Non-residential building construction	3.80
476101	Meat wholesalers (excl poultry, rabbit, horse or kangaroo)	3.80
486801	Tyre and battery retailers (incl repairing tyres or tubes)	3.80
511101	Long distance interstate road freight transport	3.80
511201	Long distance intrastate road freight transport	3.80
511301	Short distance road freight transport	3.80
511401	Road freight forwarding	3.80
574201	Freight forwarding (except road)	3.80
638801	Contract packing services nec	3.80
638901	Business services nec	3.80
814201	Psychiatric hospitals	3.80
815601	Community health centres (medical)	3.80
815701	Community health centres (paramedical)	3.80
830401	Welfare and charitable homes nec (incl homes for disabled, orphans, aged not normally providing nursing or medical care service)	3.80
830501	Welfare and charitable services nec (incl fund raising)	3.80
914101	Parks and zoological gardens	3.80
934001	Laundries and dry-cleaners (incl nappy or linen hire)	3.80

The PRESIDENT: I thank the honourable member for taking the trouble to follow my suggestion.

The Hon. DIANA LAIDLAW: I was more than happy to do that. I highlight that in respect of the levies and rates that I have just incorporated in *Hansard* the following organisations have also been marked to be classified at 3.8 per cent per $100. They are industries such as the tobacco growing industry, which it has been suggested should have been levied at a much higher rate; sheep shearing services; aerial agricultural services; mining and exploration services; liquid milk and cream grading; butter manufacturing; bread manufacturing; yarns and broad woven fabrics manufacturing; knitted fabrics, footwear; wooden door manufacturing; hardware wood chips manufacturing; wood products, which are not classified manufacturing; furniture manufacturing; and chemical or chemical based fertilisers manufacturing. One that surprises me is ammunition, explosives, fireworks and matches manufacturing.

Then there is paint manufacturing; pharmaceutical and veterinary products manufacturing; pesticides manufacturing; petroleum refining; railway rolling stock and locomotives manufacturing or repairing; aircraft building; assembling or repairing; electrical machinery, equipment, supplies, components or accessories not classified elsewhere; manufacturing house construction; meat wholesalers; as well as long distance interstate road freight transport and long distance intrastate road freight transport. They are some of the many heavy and high risk industries that have also been classified at 3.8 per cent, the same level that has been assigned to welfare and charitable organisations.

It is also interesting to note that the lower levies that have been assigned, range from 2.8 per cent to .5 per cent for a number of heavy manufacturing industries. Also, industries such as beer; ale; soft drinks; alcohol beverages; tobacco products; silver, lead, zinc smelting and refining—industries ranging from, as I say, soft drinks to refining—have all been classified at a levy which is much lower than that for charitable and welfare organisations.

An additional matter of concern arises from a common story that has been related to me by all the organisations that have contacted me and my colleagues in recent weeks. These organisations, when speaking with officers in WorkCover, have all been informed of a policy of cross-subsidisation in favour of industry, in particular export industries. Essentially, they were told that their workers compensation premiums were increasing from about 1 per cent in almost all instances to 3.8 per cent because WorkCover had adopted a policy of subsidising industry. This verbal advice to organisations, when they registered their protest, has been confirmed on two occasions when I have heard WorkCover spokesmen on television news programs and radio news—

The Hon. R.J. Ritson: It is not as pure as that. They were buying the Chamber of Commerce for support at the beginning. They were buying political support.

The Hon. DIANA LAIDLAW: I think the Hon. Dr Ritson has an extremely good point. It is not one that I recalled, but that matter would help to make some sense of rates that have been charged, because certainly I have found great difficulty doing so. Lawyers and others trying to help—welfare and non-government organisations—have also found great difficulty trying to understand why charitable and welfare organisations have been so harshly dealt with by WorkCover. I share, and I believe all members should share, the indignation of charity and welfare services that WorkCover, this so-called major social reform by the Government, is prepared to arrogantly and mindlessly king-hit non-government welfare organisations in order to provide hidden subsidies to industry.

If the Government believes that subsidies to industries, in particular export industries, are warranted, it should come clean and provide direct and publicly accountable subsidies. The Government should not pursue a policy of hiding behind WorkCover to achieve these ends. In fact, I do not believe that it should even be providing hidden subsidies, especially at the expense of the non-government welfare sector. The Liberal Party believes this matter to be so grave as to warrant members in this Chamber registering their concern at this insidious practice which has no regard for the consequences of the operations of non-government organisations.

It is my wish at this stage to quickly read into *Hansard* a selection of the correspondence that I have received on this matter. It ranges from very large organisations in terms of paid and volunteer staff to organisations with one part-time worker, yet, in my view, all of them have a very valid case to put. I start briefly with the Service to Youth Council, which last year was levied at 1.2 per cent and which today finds that its levy is 3.8 per cent. It is extremely angry, and I think for good reason, that similar work undertaken by Government employees will be covered at 1.8 per cent. That will severely limit—

The Hon. R.J. Ritson interjecting:

The Hon. DIANA LAIDLAW: The Service to Youth Council, as have the others that I will refer to, has been put in the second-to-top category in terms of levies.

The Hon. R.J. Ritson interjecting:

The Hon. DIANA LAIDLAW: That might be the case. I will be very pleased when the Hon. Dr Ritson makes his contribution shortly. There is no doubt that the levy rate on the Service to Youth Council at a time when it is trying to do a lot of work amongst homeless youth and others will severely limit the excellent programs pursued by that organisation. SAUGA, the South Australian Unemployed Groups Association, has had its levy rise from 1.1 per cent to 3.8 per cent. It finds that its member organisations, those who are trying to help unemployed people in this State, will all be charged an extra $500 per annum.

So, the Government or WorkCover is requiring unemployed groups to go out and raise $500 merely for the administration costs of WorkCover at a time when the individuals involved with these groups are doing all they can merely to keep their heads above water. In my view, it is quite outrageous that unemployed groups should be charged this top levy rate for high risk.

Better Hearing Australia is another group which has written to me and WorkCover in relation to the levy. It was paying $108 and now is paying $886. It is an extremely small organisation with one full-time and three part-time workers, including the cleaner. It now operates on a deficit and receives minimum Government subsidy, and the rise has been described by the administrator of Better Hearing Australia as 'absolutely horrendous'. It has contacted WorkCover on four separate occasions and has advised WorkCover that it simply cannot pay. It would appear at this stage that, at its AGM next week, Better Hearing Australia may be recording its last annual general meeting, unless efforts can be made to change the WorkCover levy.

The Colostomy Association has only one part-time worker, but its WorkCover costs have increased from $65 per annum to $120 per annum, and the letter from the Secretary notes that it is 'duly upset about this increase'. SPELD, the Specific Learning Difficulties Association of South Australia Incorporated, notes that 'it appears to be an unreasonable charge on organisations that can least afford it.' SPELD

South Australia Incorporated has been classified as a welfare and charitable organisation, including fund-raising, and has been charged a levy at the rate of 3.8 per cent. The letter states:

> We have requested that WorkCover reconsider this classification in view of the nature of the activities of the association and the nature of the duties of its employees which are restricted to clerical work and do not involve fund-raising or any form of welfare work. The imposition of a 3.8 per cent levy is estimated to cost the association in a full year $2 280. This compares to an annual cost of $600 under the old workers' compensation scheme.
>
> Whilst this amount is not great in the case of SPELD, it represents an additional call on its very limited funds, and it means that the association will have $1 680 less this financial year to use in the pursuit of its aims which are to coordinate the assessment and teaching of children with specific learning difficulties, and to carry out research into related matters.

That is signed by the Honorary Treasurer. I have no doubt that most members in this place would recognise the invaluable work that has been undertaken by SPELD to date, and it is a great pity that it will have considerably less money to pursue its programs this coming financial year. The Indochinese Australian Women's Association in its letter states:

> We are certainly nonplussed by the recent turn of events ... At present we are paying about $1 000 per annum for cover. Under the new plan, it will be roughly $5 500. We function on Government grants, hardly come by and carefully earmarked for salary, administration, etc. What is more, most of our staff sit behind a desk or in a counsellor's chair. Hardly a 'high risk' band of people!

That letter is signed by Sister McBride, the Secretary. That association is to incur a rise from $1 000 to $5 500 and I, for one, will be at its forthcoming fete buying and selling a few goods so that it can endeavour to make up the shortfall of $4 500. What I and others would like to be doing is ensuring that that $4 500 is not going towards WorkCover and administrative costs but is going towards programs that would be of genuine help to Indochinese women and their families in this State. The Marriage Guidance Council in its letter states:

> ... Monday 9 November, we were advised that it is proposed to charge voluntary and charitable organisations a premium of 3.8 per cent for their WorkCover insurance. My board justly was outraged at the mammoth increase of this charge. Last year our premium for workers compensation was $2 424.91 and calculated on the proposed rate, with reduced staff, comes to a total of $9 647.97 for this year. This amounts to an increase of 298 per cent. Our council has received reduced funding in recent years and the cost of the increased premium makes unwarranted demands on reduced resources.

This letter was also sent to the Hon. Frank Blevins and the Director's letter to the Minister notes:

> I would be pleased to ascertain whether it is your intention to reconsider this charge and make a special rate for organisations such as our own.

The council has yet to receive a reply. The Community and Neighbourhood Houses and Centres Association, which was established in recent years by the Minister of Community Welfare with great fanfare, is extremely upset about the new 3.8 per cent levy.

The Hon. R.J. Ritson: It is on 3.8 per cent?

The Hon. DIANA LAIDLAW: Yes. It did not budget for it, and it receives almost total funding from DCW lines. The Minister, in social justice policies and others, has rightly, in my view, talked about developing community networks and systems to help people at a local level. However, we now find that under WorkCover the Community and Neighbourhood Houses and Centres Association is to be levied at 3.8 per cent. It has not budgeted for it. It will either be closing down earlier, charging more or, the most likely possibility is that women in the community will be making cakes for three more cake stalls a year.

I do not know how many men in this Parliament, like the President and myself, have made cakes for cake stalls at schools and other community organisations, but I view with horror the need of the Community and Neighbourhood Houses and Centres Association to have three more cake stalls to raise money to pay WorkCover levies. The Multiple Birth Association receives a Government grant of $6 000 to cover wages, and most of it is used to pay two people working 15 hours a fortnight. It already pays $400 and it will now have to pay $2 000. Almost all its grant will be used merely to pay WorkCover.

The Paraplegic and Quadriplegic Association outlines a situation much the same. It does not know how it will be able to squeeze any more money out of the public to pay its workers compensation bill, which will be increased by almost $4 000 in the forthcoming year. Meals on Wheels notes that its levy has more than doubled, that it is onerous and a considerable impediment to the efficient and economic functioning of its organisation.

The Arthritis Foundation points to the fact that its levy has increased by 120 per cent. Child-care centres have also written to me. The Campbelltown Children's Centre, which is in a marginal electorate, has seen its workers compensation premium rise from $3 000 to $8 500 per annum. That is an extraordinary increase. The Offenders Aid and Rehabilitation Services and many more organisations have written to me. At this stage I think that I have made the point that WorkCover is out to cripple many of our long established and invaluable non-government welfare services in this State.

It is important that, in addition to members noting the experiences of the non-government welfare sector, they should recognise the climate in which these organisations currently operate. I am sure that most members appreciate that skyrocketing numbers of individuals and families are finding it increasingly impossible to cope in their daily lives, whether their problems be financial or emotional. Often the problems are intertwined and flow from rising costs of basic goods and services. There is no doubt that Government charges have contributed to their worries.

The emotional and financial resources of these families are being stretched to breaking point. In turn, often through no fault of their own, many South Australians, from the vulnerable young to the vulnerable elderly, are being forced to resort to the welfare sector for assistance, encouragement, emotional, moral and financial support. The non-government welfare sector is increasingly unable to meet these growing cries for help. Its resources are already stretched to the limit and generally are well beyond their capacity to cope.

Paid staff and volunteers have been called on to do more with less. Many long serving organisations—some of those I mentioned today—are finding it increasingly difficult and more time consuming to attract essential funds to maintain even a basic service. No longer is their prime objective to merely complement the services provided by Government. Today they are being pressured to pick up more services that the DCW no longer chooses to provide. However, they rarely receive the extra resources to do so. They are facing, without question, an unprecedented demand for services. Their ability to cope is stretched to the limit and, on top of their dilemmas, they now find that WorkCover premiums represent what could be a king hit.

I do not doubt that the current levy will cut programs and staff as the organisations have predicted. I also do not doubt that if that is the case everybody is certainly going to be the losers, especially the needy and poor in our community. So, we would see a situation where the more vul-

nerable become even more so. Before concluding my remarks, I indicate that all the organisations I have spoken to and have corresponded with I have encouraged to get in touch with WorkCover and register their complaints and also to contact both Ministers. I have been disappointed, however, that WorkCover has insisted that it only receives written complaints and will not see representatives of these organisations personally. Therefore, WorkCover management now has in front of it stacks of letters which are an impersonal and inadequate basis on which to understand the very vital role of the non-government sector in this State.

Even more disheartening, the groups that are so worried about the current operations and potential to continue operating in the future have not even had the courtesy of replies from WorkCover. I should not be so surprised by this lack of courtesy and respect extended by WorkCover to the non-government field because perhaps it has offended so many people in this matter that it cannot possibly physically see them all or even answer the correspondence. I am aware that WorkCover is prepared to see SACOSS on behalf of these organisations and the view of SACOSS is that the need for change is vital. It is maintaining a low profile in this area for which I cannot blame it because many groups have told it that they do not wish to be made more vulnerable by additional exposure. They feel considerably vulnerable at the moment.

No doubt exists that the non-government sector has no political clout. It is not like big business and big unions which, interestingly, have attracted a .5 or 1.3 per cent rate per $100. I also believe that changes have been mooted at some time in the future by WorkCover. I understand that despite these pressures WorkCover has difficulty contemplating change if it has to confine it to charitable welfare organisations because there are so many other groups, including sporting organisations, chiropractors, physiotherapists and a whole range of other organisations and professions outraged at what appears to be the arbitrary levy that has been established. Certainly it bears no relation to levies that have been established for the same occupations interstate.

The fact that it may well be difficult for WorkCover to make changes as demanded by these organisations—either to the classifications or to the rates—I do not believe negates the legitimacy of the case they put. They are all run on very tight budgets. They run more on commitment and devotion to helping people than on resources—resources which similar operations run by the Government would demand. Most of them simply cannot absorb the extra impost from WorkCover. They certainly did not budget for it when applying for funding last financial year.

I point out in closing that the Minister of Community Welfare and, indeed, all Government Ministers are labouring the point of social justice and equity, but when it comes to the test we see examples such as this infamous WorkCover levy on the non-government sector. It defies belief that there is any social justice in the way they have imposed or classified non-government welfare organisations, particularly those deemed to be charitable and welfare services.

Therefore, this matter is so important that I am bringing, on behalf of the Liberal Party, this motion to the Legislative Council calling on it to register its concerns that organisations classified as welfare and charitable services are being required to subsidise premiums levied from industry and that we express disquiet that the clerical nature of the duties of most employees of such organisations have been classified as high risk work. We recognise that the levy will force charitable and welfare organisations to cut programs and/or staffing levels at a time of unprecedented demand for services. Last, but certainly not least, my motion provides:

This Council, in view of the Government's social justice strategy, calls on the Government to—

(a) impress upon the board the need to review the equity and fairness of the levy; or

(b) alternatively, to determine the feasibility of augmenting the funds of each welfare and charitable service by the difference in the sum each service allowed for workers compensation premiums in their budget for 1987-88 and the sum determined subsequently by the board.

I hope that the motion will have the support of this Council.

The Hon. R.J. RITSON: I support the motion. In so doing I point out what a marvellous service the Hon. Ms Laidlaw has done in bringing these matters before us, and particularly the work she has done to place the gazetted rates on the record. I for one will copy that page of *Hansard*, frame it and keep it for future reference as the disaster of WorkCover continues to work itself out and continues to work itself into the mire year by year. The Minister, by way of interjection during Ms Laidlaw's speech, said that the Government would probably fix it up. I hope that the Government can paper over it by helping some of these organisations, but the Government cannot fix up the underlying problem.

I place on record a brief summary of the nature of the underlying problem so that both *Hansard* readers can appreciate why we are faced with this difficulty. The first attempt at this sort of ideological engineering was the Victorian WorkCare scheme.

The Hon. C.J. Sumner: On a point of order, these matters are not relevant.

The Hon. R.J. RITSON: You just walked into the Chamber—you have not heard my preamble! Whilst you, Madam Chair, consider your ruling, I put to you that the issue of relevancy cannot be entirely pedantically dealt with, otherwise the parliamentary process will break down.

The Hon. C.J. Sumner interjecting:

The Hon. R.J. RITSON: You just walked in and did not even hear the preamble!

The Hon. C.J. Sumner: You are burbling on with nothing to do with the matter.

The Hon. R.J. RITSON: You did not even hear the preamble—you must be sensitive about something. This problem stems from a fundamental flaw in WorkCare. I wish to talk about the fundamental flaw to show why we have this problem. Madam President, I would ask you to consider that such arguments are not so far removed from the question in hand that they ought not to be discussed. I think if the parties do end up at law on an issue like this the restrictions on this Parliament will be against the interests of public debate and freedom of speech. I await your ruling.

The PRESIDENT: Under Standing Orders any speech must be relevant to the motion to which it is addressing itself. The motion discusses the 3.8 per cent levy imposed by WorkCare on welfare and charitable services. I would agree that comments regarding WorkCare can be relevant to this motion if they relate to any welfare or charitable services.

The Hon. R.J. RITSON: In any argument it is normal and reasonable to give some background before closing a point.

The PRESIDENT: Yes.

The Hon. R.J. RITSON: I was beginning that. I had spoken for probably less than a minute when the Attorney-General, having heard nothing of that, walked straight in the back door and without even sitting down in his place,

took the point of order, giving me no chance to show where the argument was leading.

The PRESIDENT: There are microphones. You certainly started your remarks taking up from the table which the Hon. Miss Laidlaw had incorporated in *Hansard* which was certainly relevant to the 3.8 per cent levy under WorkCare.

The Hon. R.J. RITSON: May I respectfully ask you to hear me for a few more minutes and see whether the argument draws together in a relevent way. After all, it could be argued that one word or one sentence is an irrelevancy if there is a contextual—

The PRESIDENT: I appreciate that. I just hope that anything the honourable member says can be relevant to the motion and that its relevance, perhaps in a circle, becomes obvious before too long.

The Hon. R.J. RITSON: I am seeking to demonstrate why the redistribution of charges—

Members interjecting:

The Hon. R.J. RITSON: Well you started all this!

The Hon. C.J. Sumner: You've got your ruling; get on with it within the contraints of the ruling.

The Hon. R.J. RITSON: Did you get indigestion or something? Madam President, it will be very difficult for the Government to fix this problem of redistributing the burden of costs for the benefit of subsidising industry. I do think that is relevant because, as the Hon. Miss Laidlaw stated in her speech, that is the excuse given by WorkCover officers when people complain about their increased charges.

The increased charges are an inevitable result of the promises made to manufacturing industry and the rural sector to buy their electoral and public opinion and support during the debate leading up to this matter. The promises were couched in such terms that everyone expected a reduction or, at least a containment, in the rate of increase of workers compensation costs.

I will make an explanation by way of comparison with another State because, in Victoria, the promise was to pull the global cost from on average 3.5 per cent to 2.5 per cent and that nobody would pay more than 4 per cent or more than they paid before. It was impossible to keep all three promises and what is happening in Victoria is history. In South Australia, the global cost was already down to 2.5 per cent. There was no fat left to cut, so in order to keep the promises, the redistribution costs had to be much greater. The percentage increase of premiums on the little people who are not part of the deal and who do not have institutionalised financial and political power is such that they will carry a much bigger burden in South Australia than in Victoria, with some increases here up to 800 per cent. The fictions that would need to be employed to justify that are so great that the Government has given it up and is taxing the little people to subsidise industry. It is also taxing charities.

As a result of the Hon. Ms Laidlaw's contribution today, I expect the Government to ameliorate or soften the effect of this financial disaster called WorkCover on non-government charitable organisations. As Ms Laidlaw so clearly displayed when she read from the *Government Gazette*, the clearly emerging pattern is that the Government is attempting to buy the support of heavy industry in the rural sector and of traditional Liberal supporters and, under the heading of 'cross-subsidisation', is taxing the people with no institutionalised power. The thinking is: squeeze them, squeeze them and squeeze them. More money must come from somewhere to finance this ill conceived disaster. The Minister may fix the charities in this case, but nobody will be able to prevent the person with a delicatessen—

The Hon. Diana Laidlaw: Are they going to fix the child care centres and all of those?

The Hon. R.J. RITSON: This is just the beginning. The Hon. Ms Laidlaw interjected and very helpfully suggested another area of impact that will give rise to massive lobbying of the Parliament because of the sheer politically motivated injustice that falls upon the little people from whom these massive charges will have to be squeezed so that the Government can buy the captains of industry. Shopkeepers, small business people, professionals with clerical staff, contract drivers and small manufacturers—these are the people whose problem cannot and will not be fixed. I thank the Hon. Ms Laidlaw for raising this matter. I hope that her representation of her constituents in this matter is successful, as the Minister's interjection indicated it might be. I thank her for that statistical data, which I will frame and look at every day, because it shows very clearly, like a well-drawn map, the pattern of deceit that this Government has perpetrated upon the citizens of South Australia. I support the motion.

The Hon. J.R. CORNWALL (Minister of Health): Unlike the previous two speakers, I will be brief indeed. This is a facile and, might I suggest, rather foolish attempt to get yet another millimetre or two out of what quite clearly is an anomaly that has been created under the new WorkCover scheme.

The Hon. Diana Laidlaw: An anomaly?

The Hon. J.R. CORNWALL: Yes, it is an anomaly, and it will be fixed.

The Hon. R.I. Lucas: You heartless brute!

The Hon. J.R. CORNWALL: I will tell the honourable member about being heartless and I will tell him about—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Stop cackling! I will tell members in a moment about the benefits that have accrued to non-profit private hospitals, community hospitals and religious hospitals, and then perhaps they will learn something. In the gazetted WorkCover schedule most welfare groups were included in the category 830501, which is welfare and charitable services, levied at 3.8 per cent. Some were included in category 848201, which is community organisations for the promotion of community or sectional interests and which is levied at 2.3 per cent. For most community and welfare groups this epresented a considerable increase on their previous workers compensation insurance, ranging from .8 per cent to 2 per cent, although some agencies with a higher claims record were charged at a significantly higher rate.

Following that, many community and welfare groups contacted SACOSS, the non-government welfare unit in the Department for Community Welfare, or my office expressing their concern. They did so very quickly, as one could well imagine, when they received their notices of the increases in the levy. There was an attempt in the whole WorkCover process to equalise to the maximum extent possible. The whole thrust of WorkCover was twofold: to reduce premiums across the board and make workers compensation cheaper for employers.

Members interjecting:

The Hon. J.R. CORNWALL: We did not repeat the mistakes that Victoria made. We learnt from their mistakes.

Members interjecting:

The Hon. J.R. CORNWALL: We will see. We will see at the end of the first 12 months. I do not want to canvass WorkCover in general because it is not on the Notice Paper. If members want a debate on WorkCover, they should put

another one of their spurious motions up next week and take up the time of the Council for another couple of hours.

The Hon. R.I. Lucas: If it wasn't for the Opposition, they would still be getting screwed.

The ACTING PRESIDENT (Hon. T. Crothers): Order!

The Hon. J.R. CORNWALL: On the other hand many expressed their appreciation, and I will give some examples. As I said, for the private non-profit community and church hospitals, for which the workers compensation bills have run previously between 8 per cent and 15 per cent of their payroll, the levy was reduced by up to 300 per cent. I have not heard a dissenting voice from the private hospital sector. Nevertheless, there is not the slightest doubt, which we acknowledge, that this is an anomaly. Frankly, we have one of two options. Either we take whatever action is necessary to ensure that it is fixed or, as a Government, we will have to find something like $200 000 in additional funding for the voluntary sector. Let us make no mistake. Groups in the voluntary sector (in some cases the so-called voluntary sector) in many instances virtually act as subcontractors to the Government and receive a great deal of their funding from the Government. They do not receive very much of it any more by making cakes and standing at cake stalls.

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: Ms Laidlaw said that they will have to run more cake stalls.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: I talk to the neighbourhood houses regularly. I fund the community neighbourhood houses.

The Hon. Diana Laidlaw: I know. That is why I said it.

The Hon. J.R. CORNWALL: Be quiet; stop that stupid carry on. The fact is that there is an anomaly, and we will either have to find the additional funds or correct the anomaly, because it is costing an estimated $200 000 extra a year. Mark you, I have not had one private hospital on the telephone saying, 'Look, you have saved us 300 per cent on our workers compensation cover, and we want to send you a cheque. We want to send some of your money back because you have been terribly kind to us.' I bet the Liberals have not had any cards or letters rolling in. I wonder if they have had any letters from Ashford Community, Calvary, St Andrews or Western Community. Of course they have not, and I would not expect them to have, because there has been a significant and, indeed, a major improvement in terms of the workers compensation payments which those hospitals have to make. I think that is laudable and something about which we ought to be shouting from the rooftops. However, it is the old story of the 10 lepers who were cured—where are the other nine? Mr Acting President, I am sure you remember your Biblical story well—only one came back. You do not often get praised for the good things that you do; nor in this case have we been harassed by SACOSS, which realised at once that there was an anomaly and brought it to my attention in a most constructive way, and we acted on it at once.

The Hon. R.I. Lucas: Under pressure from the Opposition weeks ago.

The Hon. J.R. CORNWALL: You are irrelevant, let me tell you. Let me assure you that you are a sad and increasingly irrelevant bunch of third-raters.

An honourable member: Whimpering.

The Hon. J.R. CORNWALL: A 'whimpering' bunch of third raters. 'Whimpish' in fact is closer to the mark than 'whimpering'.

The Hon. Peter Dunn: At least we're not runts.

The Hon. J.R. CORNWALL: 'At least we're not runts,' the cocky from the West says. I would like that on the record, because we keep a glossary of abusive terms. Mr Cameron calls me Hitler; you called me a runt.

The Hon. Peter Dunn: I did not call you a runt.

The Hon. J.R. CORNWALL: 'At least we're not runts,' you said.

The ACTING PRESIDENT: Order! I do not think that the interjections that are being bandied around are adding to the quality of the debate. I would ask that you maintain order and let the speaker be heard with respectful silence.

The Hon. J.R. CORNWALL: On 2 October, as soon as this anomaly was brought to my attention by SACOSS—as I said, in the most constructive way, without animosity (I have an excellent working relationship with SACOSS, I am pleased to say)—and following their representations to me, I immediately wrote to the Minister of Labour requesting a review of the levy on welfare and charitable services.

The Hon. R.I. Lucas: What day was that?

The Hon. J.R. CORNWALL: On 2 October.

The ACTING PRESIDENT: The Hon. Mr Lucas, I have asked for order. I am assuming it is you, or the pillar that you are hiding behind, that is speaking. I ask you to maintain some decorum.

The Hon. J.R. CORNWALL: SACOSS also wrote to the Minister on 4 November. On 17 November, Mr Les Wright, the presiding officer of WorkCover, met with representatives from SACOSS, DCW and the Department of Community Services and Health. Mr Wright agreed that WorkCover would review the rates applying to the welfare and community sector to see if adjustments to the levy could be effected to better reflect the relative risk within that sector. I certainly hope they can be; otherwise there is not the slightest doubt that, as Minister of Community Welfare, I will have to find an extra $200 000, and that in turn means that we, as a Government, will have to find an extra $200 000.

Either way, I am able to give an unequivocal guarantee that the non-government welfare groups, with whom we have the closest possible working relationship and without whom we could not maintain the first-class level of social welfare services that we do in this State, will be protected. Either way they will be protected, so this motion is purely political opportunism.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Oh, stop chattering! This motion is purely political opportunism at its worst, and I would not think that at the *Advertiser* they will be holding the front page. Like Mr Cameron, you do not know when the horse is broken down; you do not know when to dismount and lead it back.

Mr Wright agreed that WorkCover would review the rates applying to the welfare and community sector to see if adjustments to the levy could be effected to better reflect the relevant risk within that sector. This may mean that the rate for some groups who received significant reductions following the introduction of WorkCover may be increased, whilst some others who have had their levy sharply increased may be readjusted downwards. So, it may well be that organisations like the private non-profit hospitals will not thank Miss Laidlaw for making this a political issue when in fact, it was an anomaly—

Members interjecting:

The Hon. J.R. CORNWALL: I didn't raise it in a political sense at all. I have never raised it in a political sense; nor has SACOSS, more to the point, and I will come to that again in a moment. Such a review is within the review provisions of the Act and is expected to be finished within a month.

I am sorry to disappoint you, but you have just been involved with another damp squib. SACOSS and the welfare agencies have not sought to make a political issue out of the WorkCover levy but have sought, quite properly, and have obtained, quite promptly, a review through the proper channels. It is both pre-emptive and unhelpful for people to suggest that welfare programs will be cut or staffing levels reduced. That is absurd: it has never been suggested by SACOSS, and it has never ever been the intention of the Government that that should happen. I have again given an unequivocal guarantee that either the levy will be adjusted or the Government will find (because we would have to find) the $200 000.

As members are aware, in the welfare area generally in this State, the Home and Community Care program was the one agency to have its funding significantly boosted in the last difficult State budget. So, we have our priorities right, and the non-government welfare sector knows where our priorities are and knows that we support them.

Finally, if anything was needed to prick that tiny little balloon or kite that Miss Laidlaw was trying to fly today, we had Mark Henley from SACOSS on the news services this morning saying, among other things (and I am quoting his voice directly):

The problem has been identified and that is a fairly major step, and now there is a series of steps being taken to address the problem.

Mark Henley from SACOSS was not berating the Government or trying to make cheap political capital out of it; he was not acting irresponsibly, but was doing the right, proper, and appropriate thing. So, this motion, like the previous one, is a complete furphy, and the Government rejects it.

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

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 17 February 1988.

Motion carried.

SELECT COMMITTEE ON EFFECTIVENESS AND EFFICIENCY OF OPERATIONS OF THE SOUTH AUSTRALIAN TIMBER CORPORATION

The Hon. T.G. ROBERTS: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 17 February 1988.

Motion carried.

SELECT COMMITTEE ON AVAILABILITY OF HOUSING FOR LOW INCOME GROUPS IN SOUTH AUSTRALIA

The Hon. T.G. ROBERTS: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 17 February 1988.

Motion carried.

CARAVANS

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

That by-law No. 23 of the District Council of Warooka concerning caravans, made on 4 June 1987, and laid on the Table of this Council on 6 August 1987, be disallowed.

In moving for the disallowance of this regulation, I advise that the Joint Committee on Subordinate Legislation gave long and serious consideration before recommending the disallowance. The matter came before the committee in April of this year, and in August evidence was given to the committee by interested parties. That evidence has been tabled and is available for public consumption.

The Warooka council gave evidence to the committee in September. It was aware of the previous evidence given to the committee by residents of The Pines. This evidence from council was also tabled. Correspondence from the Subordinate Legislation Committee and the District Council of Warooka took place on 7 October 1987. For the record, I will quote that correspondence, which was addressed to Mr Wilkinson, the District Clerk of the District Council of Warooka. The letter states:

At a meeting held this day, the Joint Committee resolved that a Notice of motion for disallowance of the by-law be given in both Houses of Parliament. In the meantime, I have been directed to forward to you a copy of evidence given in relation to the by-law and draw to the district council's attention pages 36 and 37 of the evidence, question nos. 96 and 97.

In the light of the committee's decision, and the report to Parliament (copy attached), it would be in your interest to re-examine the whole matter and perhaps consider a more appropriate way in which to overcome the problems.

For the Council's information, questions 96 and 97 on pages 36 and 37 of the evidence were asked by Ms Gayler. Question 96 is as follows:

If the committee was to decide that the by-law approach is not the appropriate way to go and that a supplementary development plan should deal with these matters, would council be prepared to consider a by-law having a limited life of a year while you prepare and implement the supplementary development plan?

The answer from Mr Wilkinson was as follows:

That would be an excellent idea. We would want more than a year because it will take at least five years for some of the people to be in a position to gradually build a home because they like to build it themselves. Twelve months would not be enough time.

Question 97 from Mr Duigan was as follows:

And the council would be happy under those circumstances to issue a permit to everyone who currently has land at all these various places and now has a shed on them?

The answer from Mr Wilkinson is:

Yes, there would be no objection, just a straight-out permit.

So, they were the questions to which we drew the council's attention. A reply to that letter was received from Mr R.A. Wilkinson, District Council of Warooka, as follows:

Thank you for your letter dated 7 October 1987 informing this council of the disallowance of by-law No. 23 on the grounds it may unduly trespass on rights previously established by law. Council found your decision completely unsatisfactory, seeing that a supplementary development plan (copy attached) of council's proposed plan, which will go on public display at the end of this month, will only control future development, not what is existing in our townships at the moment. I believe a similar by-law for the city of Burnside has been recently passed by your committee, so it seems there is one rule for the city, and another for the country areas.

It is council's intention to write to the Minister of Local Government asking what the Government is going to do regarding our problem, when similar by-laws are being proposed by two other Yorke Peninsula councils, e.g., Minlaton.

As a council, we would like to invite all your members to inspect our area to suggest a way to overcome the indiscriminate caravaning on vacant building allotments in our holiday home townships.

I await your reply.

In relation to that letter, I would like to comment on a similar law that was raised thereon relating to the city of Burnside. It was stated in the letter that it had passed the committee and that it seemed that there was one rule for the city and one for country areas. I would like to draw the by-laws to the attention of the Council, to show by way of explanation and what was before the council, that they are not the same type of by-laws. The District Council of Warooka sent down its by-law No. 23, which it related to caravans. It provides:

To regulate control and prohibit the use of caravans and vehicles as places of habitulation.

Caravans

1. No persons shall without permission—
   (1) use or occupy any caravan or other vehicle as a place of habitation within any township in the area; or
   (2) cause suffer or permit any other person to use or occupy any caravan or other vehicle as a place of habitation within any township in the area,

provided that this clause does not apply in relation to any caravan park where the proprietor thereof has current permission under this by-law to operate that caravan park or where the park is operated by the council.

Permission

2. (1) In this By-law 'permission' means the permission of the council given in writing.

(2) The council may attach such conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

That by-law is very important, because it is very wide ranging and gives the council extreme power. The by-law continues:

(3) A permit holder shall comply with every such condition.

(4) The council may revoke such grant of permission at any time by notice in writing to the permit holder.

Continuing penalty

3. Any person who infringes against this by-law shall be guilty of an offence, and if the offence is of a continuing nature, in addition to any other penalty that may be imposed, that person shall be liable to a penalty of $50 for every day on which the offence is continued.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Warooka held on the 9th day of March 1987 at which meeting all members for the time being constituting the council were present.

That is the by-law that the District Council of Warooka put to the Subordinate Legislation Committee. The by-law relating to caravans that it said discriminated between the city of Burnside and itself is by-law No. 9, which states:

For controlling the use of caravans and vehicles as a place of habitation

Inhabiting caravans

1. No person shall without permission use or occupy any caravan or other vehicle as a place of habitation.

The foregoing by-law was duly passed by the Council of the Corporation of the City of Burnside at its meeting held on the 20th day of January, 1987, at which 13 of the 17 members for the time being constituting the council were present.

The vast difference in those two by-laws can be seen. One gives a free ranging effect that the council may attach any conditions, grants, or permission as it thinks fit, or vary or revoke—very wide ranging powers. To compare those two by-laws and say there was discrimination by the Subordinate Legislation Committee to my mind is completely wrong. There is a vast difference in the two by-laws proposed. One is a simple statement: the other a detailed by-law with wide ranging powers.

In correspondence to a Mrs Wilson from the Warooka council, it would appear that adequate notice of a township that was to be declared would be given to the Pines residents. Mrs Wilson was the secretary of the Pines Action Group. In a letter dated 18 September 1987, the District Clerk of the Warooka council stated:

Dear Mrs Wilson,

Following the September council meeting it was resolved to defer the decision on the township boundary until all ratepayers have been circularised with the revised proposed boundary, and the Subordinate Legislation Committee's decision has been handed down.

Also in a letter to Mrs Wilson dated 23 April 1987, he stated:

In reply to your letter dated 21 April 1987, I advise that The Pines has not been declared a township until such time as the people of that Area have been circulated with the actual definition of the boundary. As I have previously stated, no declaration will be made until such time all the matters have been discussed fully by both parties.

Finally, in a letter dated 27 October 1987 to Mrs Wilson, he states:

Dear Mrs Wilson,

Following our recent conversation, I reply regarding the petition sent in to the Warooka District Council, regarding the proposal to declare The Pines a township. At the October council meeting it was resolved to declare The Pines a township, so The Pines area will come under the same regulations that cover all of council's other townships of Warooka, Point Turton, Corny Point and Marion Bay. Council has no intention to do major upgrading of The Pines, for example, sealed roads, street lighting or footpaths, but respect The Pines Action Group's request to leave The Pines as it exists.

So, it would appear to me from that letter that adequate notice was not given to the people of the area of the Pines to advise them that the area would be declared a township. I believe that the Committee on Subordinate Legislation has acted within its rights to have this regulation disallowed. The Standing Orders that the committee operate under allows for the disallowance on the grounds that it may unduly trespass on rights previously established by law. That is a valid point and should be supported by this Chamber.

Therefore, I urge all members of this Chamber to support the disallowance motion. In doing so, I believe that justice will be done and that there is a way around this by-law that can be overcome in declaring a township and going through the proper procedure so that any resident in the town may appeal against any decision that is made. However, with this by-law there are no rights of appeal. The by-law operates and people have no right of appeal or anything else. I urge the Council to support the motion.

The Hon. J.C. BURDETT: I support the motion moved by the Hon. Gordon Bruce to disallow this by-law. The Joint Committee on Subordinate Legislation does not lightly interfere with the local government process, and certainly we are loath to recommend the disallowance of by-laws. No doubt, it was for that reason that the Hon. Gordon Bruce explained very extensively the motion and the reasons for it. Because he has done that so extensively, I do not intend to speak for very long.

The joint committee considered that to use this by-law in this way was very bad planning practice. It circumvented public scrutiny, whereas an SDP undergoes extensive public scrutiny. It also circumvented an appeal, and both of these things are very undesirable. As the Hon. Gordon Bruce said, it was unlike the Burnside by-law which has been referred to. This Warooka by-law was conditional, whereas the Burnside by-law was absolute. In fact, the conditions imposed by the council were in relation to septic tanks and various other things which ought not to be dealt with in a by-law relating to caravans. There are other ways of doing that, ways which include public scrutiny, an appeal and so on, which are far more direct in their application. This was using the caravan by-law for a purpose which was not disclosed in its terms, and it was a very backhanded way of going about it. It should be dealt with in another way.

As the Hon. Gordon Bruce said, when the officer of the council gave evidence, Ms Gayler (the member for Newland) asked the question of the clerk as to whether it would be a better idea to prepare a supplementary development plan, which is the proper way of dealing with the matter, and in the meantime the council could bring back a by-law with an expiry date of one or two years or an appropriate period to enable the SDP to be got up, because we are all aware that they cannot be got up terribly quickly. The clerk agreed with that procedure, but it has not been acted upon.

The Hon. Gordon Bruce also mentioned that when the committee made its recommendation to Parliament, it gave as the reason that the regulations unduly trespass on rights previously established by law. Standing Order 26 of the Joint Standing Orders which relate to the Joint Committee on Subordinate Legislation requires the committee to consider four things, and one of them is whether the regulations unduly trespass on rights previously established by law. We considered that in a broad sense they did. Perhaps they did not in a narrow, technical sense, but certainly in a broad sense they did. In any event, we are not restricted to those matters provided in the Joint Standing Order 26. We can recommend disallowance for any reason, and the Hon. Gordon Bruce has given adequate reasons. We are simply required to consider those things, and we thought that, in a broad sense, this by-law did trespass on rights already established by law.

For these reasons, and having given long consideration to this matter and being mindful of the fact that it is a fairly weighty thing to disallow a district council by-law, the committee has recommended to the Council that the by-law be disallowed, and I support the motion.

Motion carried.

[*Sitting suspended from 6.9 to 7.45 p.m.*]

ABORIGINAL HEALTH SERVICES

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council is concerned by the current policy of the Health Minister to defund independent Aboriginal health bodies and to then absorb their activities into the Health Commission,

to which the Hon. M.B. Cameron moved the following amendment—

Leave out all words after 'concerned' and insert—

1. By the current policy of the Health Minister to defund independent Aboriginal health bodies and to then absorb their activities into the Health Commission; and
2. With the role of the Department of Aboriginal Affairs in the funding of Aboriginal health programs and Aboriginal communities in the north-west of the State.
3. That a select committee be appointed to inquire into and report upon the Aboriginal Health Organisation and the allegations of mismanagement made in respect thereof, viz.:
   (a) minimal involvement in service delivery;
   (b) inability to promote unity and a coordinated approach to problem solving;
   (c) victimisation, favouritism, threats of physical violence, lack of communication and inefficient utilisation of resources;
   (d) inefficient management and an ineffective board of management; and
   (e) any other related matters.
4. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
5. That this Council permit the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 11 November. Page 1835.)

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

Leave out all words after 'That this Council' and insert 'recognises the need to assess the role, function, performance and management effectiveness of the Aboriginal Health Organisation.

1. That a select committee be appointed to inquire into and report upon the Aboriginal Health Organisation and the allegations of mismanagement made in respect thereof, viz.:
   (a) minimal involvement in service delivery;
   (b) inability to promote unity and a coordinated approach to problem solving;
   (c) victimisation, favouritism, threats of physical violence, lack of communication and inefficient utilisation of resources;
   (d) inefficient management and an ineffective board of management; and
   (e) any other related matters.
2. That the committee inquire into and report upon the role, function, performance and management of "community controlled"; aboriginal health services in South Australia.
3. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
4. That this Council permit the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

When I was addressing this issue on the last occasion I indicated that I had prepared an amendment that had been circulated. That amendment has now been slightly modified. It picks up the matters that the Hon. Mr Cameron has indicated as being appropriate for the select committee inquiry but leaves out the words that are critical of the Minister.

The Hon. M.B. Cameron: That is the only reason for having the select committee.

The Hon. C.J. SUMNER: As I said when I addressed this matter on the last occasion, I think that if one is going to have a select committee then one should have one's investigation and then come back with whatever is decided as to the appropriateness or otherwise of the Minister of Health's policies in this respect. It seems to me—and this is what I said, in effect, on the previous occasion—to be unreasonable to, in effect, be critical of the Minister and then set up a select committee to see whether that criticism is justified. My amendment leaves all the matters that need to be investigated in the motion but ensures that the select committee is set up in a neutral way without pre-empting what it might decide. In the interests of the select committee getting off to a good, fair and unbiased start, I commend my amendment to members of the Chamber.

The Hon. I. GILFILLAN: I move to amend the Hon. M.B. Cameron's amendment:

Paragraph 2—Leave out the words 'in the north-west of the State'.

Paragraph 3—After 'report upon' insert '(1)'.

—Leave out subparagraph *(e)*.

—Insert the following:

(2) Allegations concerning funding and effectiveness of the Nganampa Health Service;

(3) The funding policies for Aboriginal Health bodies in South Australia and the relationship between the Department of Aboriginal Affairs and the South Australian Health Commission in funding such health bodies;

(4) Any other related matters.

I agree with the Attorney-General's approach to the setting up of a select committee and I think that it is desirable in all cases that select committees begin their work with terms of references that are impartially worded, particularly—

The Hon. M.J. Elliott: The terms of reference are impartially worded.

The Hon. I. GILFILLAN: The terms of reference may be, but—

The Hon. C.J. Sumner: It is the front part.

The Hon. I. GILFILLAN: From that point of view I appreciate and agree with the Attorney-General's remarks. However, I am advised that the wording of the amendments I moved significantly improve the substance of the motion.

The Hon. M.J. ELLIOTT: In light of the urgency of other business before us, I will keep my contribution relatively brief, particularly as we will be having a select committee anyway. I am afraid that I must insist that the first part of the motion as moved by me does stand for a number of reasons. It is the things that have repeatedly happened in this House that have aggravated me immensely.

The Hon. C.J. Sumner interjecting:

The Hon. M.J. ELLIOTT: He said he supported the concept, but I said that there are some good reasons why that cannot be supported. In general terms, what the Minister is suggesting sounds reasonable. However, I took great umbrage at the fact that the Minister stood up immediately I finished going through a detailed contribution on Aboriginal health and did not answer any of the allegations. We need not have gone as far as a select committee motion. When I first began speaking I said that I had certain information before me that needed to be cleared. If the Minister had brought forth information at that time which cleared up and disproved what I said, we would be no longer debating this matter and would not be looking for a select committee. The Minister chose not to give a detailed answer to what I had to say.

Since then the Minister has used coward's castle to slur people repeatedly. If for no other reason than the slurs he has thrown on people without their having any chance to defend themselves, he stands condemned. For that reason the first part of my motion must stand. A large number of people have become extremely distressed and I would like to take this opportunity to give one person a chance to defend himself, having been attacked. I refer to Mr Glendle Schrader, who has been attacked in this place. A number of aspersions were cast on him and on the Nganampa Health Council generally—a council set up by this very Health Minister some four years ago. He is now attacking them.

Mr Schrader wrote a letter to the President of the Council because he was not sure whom to write to in the beginning, having been attacked in this place with no chance to defend himself. A copy of that letter was also sent to me and possibly to the Hon. Mr Cameron and the Minister of Aboriginal Affairs (Hon. Greg Crafter) on the matter of the Nganampa Health Council and the things said about it and Glendle Schrader. I will read the letter to indicate the sort of slur that has been cast on people who cannot defend themselves and to indicate why a select committee is absolutely necessary. I will read the entire letter. I will keep the rest of my speech short, but this letter should be on the record. It is written by Yami Lester, Chairman of the Nganampa Health Council. He is well respected in the Pitjantjatjara lands. The letter states:

Dear Madam President,

It has come to our attention that the South Australian Minister for Health, the Hon. Dr John Cornwall, delivered a ministerial statement upon the Nganampa Health Council to the South Australian Parliament on 4 November 1987. We feel that this statement issued by the honourable Minister was substantially incorrect and misrepresented the issues. We write this letter in response to the ministerial statement, and request that you present the facts of this matter before the South Australian Parliament.

When the Nganampa Health Council assumed responsibility for the delivery of health care throughout the Anangu Pitjantjatjara lands on 1 December 1983, it took over a health delivery system which had failed and was in chaos. In four years the council has achieved major improvements in every area of health care throughout the Anangu Pitjantjatjara lands, and in many areas we have achieved successes which are unprecedented in the area of Aboriginal health throughout Australia.

For your information we provide the following basic list of our achievements:

1. the introduction of professional, acceptable and accessible primary health care services.
2. the development of a standard medical treatments manual.
3. development of a new patient record filing system.
4. development of a standardised drug imprest list.
5. publication of two health reports containing extensive demographic and morbidity data.
6. day to day education and training of Aboriginal health workers.
7. the undertaking of the most extensive environmental and public health review ever conducted throughout the AP lands.
8. improved community health education and promotion.
9. development of an air transport system for the rapid carriage of patients and staff.
10. development of a dental service which operates through it the AP lands.
11. development of X-ray services through the Pukatja Community Health Centre.
12. development of a new community health nursing award for Nganampa staff.
13. development of interpreting services for patients within the Alice Springs Hospital system.
14. in 1986-87 the reduction of hospital transfers by 23 per cent.
15. in 1986-87 the achievement of 19 births upon the AP lands, which is an increase of 14 over the previous year.
16. the development of a specific health worker curriculum.
17. and services to some 40 000 patient contacts per year.

Madam President, we wish to draw your attention to statements made in the house by the honourable Minister for Health and the facts as we know them.

He then refers to statements made by the Minister in this place, as follows:

Statement 1:	North-west communities can justifiably complain about NHC.
Fact:	The Nganampa Health Council is our Health Service and we are proud of what we are doing and have complete support from all of our communities.
Statement 2:	Examine the way in which $2.7 million is being used.
Fact:	The NHC submits a yearly budget proposal to DAA and the SAHC. This proposal is scrutinised and a budget issued to NHC by DAA. NHC provides financial statements and annual audits to both DAA and the SAHC, demonstrating line per line expenditure. Both DAA and the SAHC are entirely familiar with the exact expenditure of the council.
Statement 3:	Communities are provided with top heavy European style health services.
Fact:	Due to years of neglect by the South Australia and Federal governments the Yunkanyatjarra and Pitjantjatjara people suffer one of the highest levels of morbidity of any identifiable community within Australia. Most illnesses are directly attributable to insufficient environmental and public health resources. The council's operations are not top heavy, but provide for an equal distribution of resources throughout all of its area of operations. The council is pursuing a formula of health care delivery which has included the following: *(a)* 1984—introduction of primary health services. *(b)* 1985—publication of first health report and standard treatments manual. *(c)* 1986—Uwankara Palyanku Kanyinjaku—review of environmental and public health factors which are causing extreme levels of morbidity.

(d) 1987—development of specific Pitjantjatjara health worker curriculum and mass community education upon environmental and public health review findings.

We challenge any health professional to debate the appropriateness of the council's health program and intervention initiatives.

Statement 4: Why health workers are bypassed and disempowered.

Fact: The NHC employs more health workers than any other category of employee on the AP lands. Health workers have assumed greater responsibility for primary health care delivery and have been provided with professional and hands on health education. We are proud of our health workers and know that they are taking on greater health responsibilities.

Statement 5: There appears to be massive management problems.

Fact: Neither Dr Cornwall nor the SAHC have ever directly conveyed to me or our council any concern upon our management of the council, except once in relation to an aspect of financial accountability.

Our Council and our funding agents were both dissatisfied with the accounting system which was introduced during the last financial year when a new accountant was recruited.

The Hon. C.J. Sumner: You are accepting all this, are you?

The Hon. M.J. ELLIOTT: I am putting the contrary view to that put by the Minister. The letter continues:

This accounting system has since been replaced, as has the accountant, and the Council has now produced financial statements which the SAHC has complimented us upon.

Statement 6: DAA attempted to negotiate with NHC to upgrade its financial management and to make Mr Schrader more accountable.

Fact: DAA have to date never attempted to negotiate or indeed impose new financial management arrangements with the Council, except in a minor degree as regards the release of capital funds.

Mr Schrader is an employee of our organisation and is accountable to our organisation. If the Minister or his Commission have any concerns in respect to the performance of one of our employees, they should either telephone me or write to the Council detailing these concerns. This has never been done.

Statement 7: Mr Schrader formally rejected DAA's conditions for funding.

Fact: Without any prior notification the department of Aboriginal Affairs attached special conditions to its 1987-88 grant offer. The Nganampa Health Council initially rejected three of the four special conditions presented to the Council as being inappropriate. As an employee Mr Schrader is not in a position to reject or approve special conditions imposed upon our Council. The special conditions which were under dispute were:

(a) performance indicators to be submitted—as the Council already supplies the most extensive performance indicator through its annual health reports, this requirement was felt to be unnecessary.

(b) NHC to submit to the department monthly statements of income and expenditure comparing them with the approved budget in accordance with the specific cost centres—the Council informed the department that it was more than happy to supply monthly financial statements, if sufficient staff were allocated to the Council to undertake this increased workload. Also, as the department has not issued the Council with a budget it is impossible to make comparisons against approved expenditure.

(c) that no senior positions be advertised without the prior approval of the Director of the DAA in South Australia—The Nganampa Health Council is our community controlled health service—it is not the Department of Aboriginal Affairs health service. Our Council has not altered its health care program since our inception in 1983. We feel that the only reason the department demanded this condition, was in order to make further staffing cuts upon our Council.

The Council was forced ultimately to accede to the conditions even though there has been no corresponding increase in staff or resources to cope with the extra workload.

Statement 8: (Mr Schrader) presides over a health service which has failed.

Fact: The Council's Executive presides over the Nganampa Health Council and in the main we feel that it has been a great success and have provided substantial evidence to prove that.

The Hon. C.J. Sumner: This is going to a select committee. Come on.

The Hon. M.J. ELLIOTT: I am going to read it so, if the honourable member wants to waste more time by interjecting, he can. The letter continues:

Statement 9: (Mr Schrader) accused the department of trying to destroy the NHC.

Fact: We feel that the Department of Aboriginal Affairs in South Australia has at times substantially obstructed our Health Service and the progress of its development.

Statement 10: Mr Schrader attempts to dupe the people of South Australia. . . blame the deficiencies of the Health Service which he manipulates on 'cut backs' by DAA.

Fact: The NHC has published two annual health reports which detail the complexity and enormity of health problems faced by people upon the Anangu Pitjantjatjara lands. Neither the Minister, the SAHC, nor the DAA have wished to enter into a detailed discussion of the ramifications of the information provided in the health reports. Rather, we have been attacked by governments for providing factual information and attempting to obtain the necessary services to alter the health environment upon our lands. We invite the Minister and his department to constructively discuss both the Nganampa Health model of health care and the Council's funding history.

Statement 11: 15 million dollars to north-west from DAA.

Fact: This figures includes 6 million dollars in CDEP funding, which is a substitute for unemployment benefits. The remaining 9 million dollars includes the majority of essential services required to operate the communities and homelands upon the AP lands. As the South Australian Government provides very little in the way of infrastructural funds, the majority of the cost is borne by the Department of Aboriginal Affairs.

Statement 12: Simplistic or ill conceived outbursts by manipulators who wish to blame others for their own deficiencies.

Fact:	The NHC strongly denies this. In particular the council has always provided factual information to both the government and the opposition parties in South Australia. When questions were asked of the government by the opposition, the Honourable Minister for Health responded by attacking the Nganampa Health Council for having provided the information.
Statement 13:	(Mr Schrader) '. . . says the budget for this year from the SAHC has not been approved, leaving the Council in the dark'.
Fact:	Neither the Council or any of its employees have ever stated that they had not received a budget from the SAHC. The Council has stated that it has not received a budget for 1987-88, as the Department of Aboriginal Affairs formulates the overall budget for the Council. During the past financial year the Council's recurrent income was made up of 80.2 per cent from the Department of Aboriginal Affairs and 13.05 per cent from the SAHC. DAA have in the past incorporated SAHC funding as general revenue within the NHC budget. Without prior warning, the SAHC issued NHC with a line per line budget for the current financial year. However, as this budget has not been incorporated into the overall budget by DAA it is relatively meaningless.
Statement 14:	Trying to pin down Mr Schrader.
Fact:	The NHC has operated relatively the same health program since its inception in 1983. Both the DAA and SAHC are familiar with this. Within the past four years the Council has had five reviews of its operation by government. Information upon the Council and its financial activities are possibly more public than any other Aboriginal organisation within Australia.
Statement 15:	Audit necessary due to Mr Schrader's refusal or inability to provide audited accounts and because of increasing deficit.
Fact:	The NHC has always provided statements and annual audits and its accounts. A new accounting system and staff have now been brought into place and financial statements have been provided to the end of September 1987.
Statement 16:	Mr Schrader has deliberately and provocatively obstructed the work of the external auditors.
Fact:	The Council has provided the external auditors with all financial information which they requested and required. The external auditors have formally been requested to provide an example of one occasion when the Council or its staff did not provide financial information. The Council has not been provided with an example of any occasions when the external auditors were inhibited in the conduct of their audit.

In Summary Madam President we object to the unwarranted attack which had been brought upon our Council by the Honourable Dr Cornwall and would like the South Australian Parliament to understand the degree of prejudice and misinformation which our Council has been subjected to.

The health of our people is something we are very concerned about and we are taking action to improve it. However, to accomplish this we need the assistance of government and government agencies rather than the denial of access to necessary services and resources which are taken for granted by most South Australians. In the past we have developed a number of good working relationships with South Australian government Ministers and their officers, and we shall attempt to continue to do so. What we would ask is that we be given a fair hearing and not be treated just as a political football for the convenience of politicians.

Mr Yami Lester—Chairman

Nganampa Health Council Inc.

By reading that letter, I have shown that there is another side to the many attacks that have been made on Aboriginal health services in South Australia. It appears that a select committee will be established, and I welcome that. I hope that at last true light will be thrown on what is and what is not happening. It is to be hoped that the select committee will uncover the person who is spinning yarns, whether it be the Minister or the people who have been accused of doing the wrong thing. I ask members to support the select committee and the motion.

The Council divided on the Hon. C.J. Sumner's amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, Peter Dunn, M.J. Elliott (teller), I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (7)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, T.G. Roberts, C.J. Sumner (teller), and G. Weatherill.

Pairs—Ayes—The Hons L.H. Davis and C.M. Hill. Noes—The Hons Carolyn Pickles and Barbara Wiese.

Majority of 3 for the Ayes.

Amendment thus negatived.

The Hon. I. Gilfillan's amendments carried.

The Hon. J.R. CORNWALL: May I have a point of clarification at this stage, Ms President? Some of these words refer to investigating or *de facto* investigating the Federal Department of Aboriginal Affairs. That is not within our charter and is plain silly.

The PRESIDENT: I think the Council can move any motion it wishes. Whether it can be acted on is another matter.

The Hon. J.R. CORNWALL: I simply point out that in practical terms a select committee of the Mickey Mouse House in South Australia cannot investigate the Federal Department of Aboriginal Affairs.

Members interjecting:

The PRESIDENT: Order! Order!

The Hon. J.R. CORNWALL: That is just a fact of life.

The PRESIDENT: Order! The amendment on which we have just voted talks about the relationship between the Department of Aboriginal Affairs and the South Australian Health Commission, not an investigation of the Department of Aboriginal Affairs.

The Hon. J.R. CORNWALL: I just thought that we ought to have it on the record.

The Hon. M.B. Cameron's amendment, as amended, carried.

Motion as amended carried.

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

That the select committee consist of the Hons M.B. Cameron, J.R. Cornwall, T. Crothers, Peter Dunn, Carolyn Pickles, and the mover.

The Hon. J.R. CORNWALL (Minister of Health): I want to briefly say that I warmly welcome the appointment of this select committee. We have had a demonstration in this Parliament of a range of opponents who vary from the grossly ignorant to those who are politically opportunistic. As Minister of Health, I have tried (and will continue to try while I am Minister) to do what I think is best, in consultation with Aboriginal communities, and not with those six or so people in positions of influence who purport to represent them—whether those people be in Housing and Construction, the Aboriginal Health Organisation, the Department for Community Welfare, or wherever we find these people, who do nothing but try to destroy the initiatives.

I welcome the select committee because it will be able to get to the truth and the heart of the matter with respect, not only to what has been going on in Aboriginal affairs in areas like the Aboriginal Health Organisation and Nganampa but also to the whole business. The time has come for us to smarten up the whole business.

The Hon. M.B. CAMERON (Leader of the Opposition): It is unusual to speak to these motions, and I would not normally do so. However, I am pleased that the Minister—

An honourable member interjecting:

The Hon. M.B. CAMERON: I am provoked into it. I am pleased that the Minister welcomes this select committee. It is unfortunate that we feel obliged to have it, but a number of things have been said about various people in Aboriginal organisations that I believe need to be investigated, and it is important that we find the truth.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: Yes, thank you. I am pleased that the Attorney supports me. I am pleased that we have such unanimous support, because Aboriginal people feel that they have been cast aside and that their opinions are not being listened to. It will be an interesting select committee indeed, and it will be very enlightening for people like the Hon. Mr Crothers if we get there.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: It will be a very interesting exercise indeed and I, like the Minister, welcome the whole process.

The Hon. M.J. ELLIOTT: I might as well join the happy trilogy and point out once again as we determine the composition of this committee that I, too, am glad that this committee is going forward. I will be going into it with an open mind. As I have said all along, I want to ensure that the other side of the story is told.

Motion carried.

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

That the select committee have power to send for persons, papers and records and to adjourn from place to place; and to report on Wednesday 17 February 1988.

Motion carried.

IN VITRO FERTILISATION (RESTRICTION) ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the *In Vitro* Fertilisation (Restriction) Act 1987. Read a first time.

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

That this Bill be now read a second time.

The purpose of this short Bill is to extend the life of the principal Act beyond 30 November 1987. Members will recall that when the principal Act was introduced a select committee was still deliberating on a wide range of issues related to reproductive technology. At the same time, there were proposals by private, commercial entrepreneurs to set up private-for-profit clinics marketing IVF services in advance of any recommendations of the select committee. That was clearly an undesirable situation. The Government was concerned not only that adequate safeguards were needed to ensure the development of such clinics did not jeopardise the quality of services delivered to South Australian patients but also that no radical changes which could affect quality assurance occurred while the select committee was deliberating.

The *In Vitro* Fertilisation (Restriction) Bill 1987 was therefore introduced to enable the existing three programs to continue to operate, but to prohibit any other person from carrying out an *in vitro* fertilisation procedure. It was intended that the legislation would operate until any legislation arising out of the select committee's report had been enacted. The date of 30 November 1987 was inserted as the sunset date. It is now quite clear that the Reproductive Technology Bill will not be enacted by that date. This Bill therefore seeks to extend the moratorium date until 31 March 1988.

Clause 1 is formal. Clause 2 amends section 6 of the principal Act to extend the operation of the Act to 31 March 1988.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill.

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

CROWN PROCEEDINGS ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Crown Proceedings Act 1972. Read a first time.

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

That this Bill be now read a second time.

Section 6 (3) of the Crown Proceedings Act presently provides:

Subject to this Act, any process or document relating to proceedings by or against the Crown that is required to be served upon the Crown shall be served upon the Crown Solicitor.

In recent times, the Crown has increasingly briefed out certain civil matters to private legal practitioners to act for and on behalf of the Crown. Section 6 (3) is to be modified to enable private parties involved in Crown proceedings to serve relevant process on the briefed legal practitioners. This would be a more direct and convenient mode of handling business rather than the presently circuitous mode of service on the Crown Solicitor. Conversely, service on the briefed practitioners should be deemed sufficient service on the Crown.

Therefore, it is considered desirable to amend the Act to enable service of process by a party on a solicitor nominated by the Crown Solicitor. Where, therefore, the Crown Solicitor gives proper notification, to the other party (or parties) or his, her or their solicitor (or solicitors), service should thenceforth be effected on the solicitor nominated by the Crown Solicitor in the notice. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 6 of the principal Act which is the provision dealing with the service of process and documents in Crown proceedings. The amendment substitutes a new subsection (3) to provide for service according to any special provision of the Act that is relevant to service of the process or document and to allow for service on a solicitor other than the Crown Solicitor where the former is acting for the Crown.

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

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL (No. 2)

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 1973. Read a first time.

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

That this Bill be now read a second time.

Following several serious misappropriations of clients' funds by land brokers who also acted as finance brokers, earlier this year I established a working party to examine and report on the need for legislation regulating the conduct of finance brokers. On 26 October 1987 Cabinet endorsed the recommendations of the report and approved its release for public discussion as a white paper. Because of the serious nature and the number of misappropriations of clients' funds in recent years by brokers, the Government wishes to proceed with two legislative recommendations of the working party as a matter of the utmost urgency.

A legal opinion received by the working party cast doubt on whether a land broker, and in particular a company with which he was associated, a land agent or anyone acting as a finance broker was required to pay all moneys received by him or her into a trust account, which is subject to audit under the Act. It appears that brokers who have misappropriated funds when acting in the dual capacity of both finance broker and land broker often lent clients' funds in the name of a company associated with the broker. The company often had at least one bank account (and possibly several) separate from the land broker's trust account maintained in accordance with the Act and subject to audit. All clients' moneys received by a land broker, even if for an associated investment company, and in whatever capacity either as a finance broker, land broker or land agent should be placed in an audited trust account. The amendments seek to require this beyond any doubt whatsoever.

Under the current provisions of the Act, agents and brokers are required not later than the prescribed date in each year to pay to the Commercial Registrar the prescribed annual licence fee and lodge an annual return containing prescribed information. Where an agent or broker fails to pay the annual licence fee or lodge the annual return, the Registrar can impose a penalty fee (currently $100) and can suspend the licence of the agent or broker until he or she has lodged the annual return and paid the prescribed fee. The Bill provides that these same sanctions apply to the non-lodgement of an audit report on agents and brokers trust accounts. Agents and brokers are currently required to lodge the audit reports by 28 February in each year. However at present there are no suspension provisions for failure to do so.

The Real Estate Institute of South Australia has requested further amendments concerning the licensing criteria for land brokers. It is currently a requirement for the entitlement to be licensed as an agent or registered as a manager under the Act that the applicant be neither bankrupt nor insolvent. The primary reason for this is to eliminate the possibility of trust funds being seized, frozen or misused. This reason applies equally to land brokers and, indeed, land brokers often handle considerably more moneys on behalf of others than do agents. However, there is presently no such requirement in relation to land brokers in the appropriate section of the Act. The Bill inserts such a requirement and also provides that bankruptcy is a ground for disciplinary action against a broker. These amendments bring the licensing and disciplinary criteria for brokers into line with those which apply to managers and agents.

During the course of the working party's work, the Finance Brokers Institute of South Australia Incorporated was formed. The Institute aims to cover all persons, whether land brokers or not, who engage in finance broking. The Government welcomes the formation of the institute. It now means there will be a representative industry body to which the Government can turn for advice on finance broking matters. It is proposed to prescribe a code of conduct for finance broking under the Fair Trading Act. That code will be developed by the Commissioner for Consumer Affairs in conjunction with the institute. All those engaged in finance broking who wish to have input into the development of the code which will ultimately regulate them would be well advised to join the institute. I 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.

Clause 3 introduces a criterion of financial solvency into the qualification for licensing as a land broker.

Clause 4 introduces the concept of an 'associated financier' and makes consequential amendments to the definitions of 'trust money' and 'fiduciary default'.

Clause 5 provides that money paid by or to an agent or associated financier in connection with a loan transaction must pass through the agent's trust account.

Clause 6 amends section 68 to provide for suspension of licence in case of failure to lodge an auditor's report within the prescribed period.

Clause 7 amends section 76 which deals with claims on the indemnity fund. The amendments are consequential on the expansion of the concept of 'fiduciary default' to cover defalcation or misapplication of trust money by an associated financier or staff of an associated financier.

Clause 8 amends section 85a to enable the tribunal to take disciplinary action against an isolvent land broker on the ground of insolvency.

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

OPTICIANS ACT AMENDMENT BILL (No. 2)

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

That the time for bringing up the report of the select committee on the Bill be extended until Tuesday 1 December 1987.

Motion carried.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Production of milk in Australia has traditionally been divided into two sectors: milk for human consumption (market milk) and milk for manufacture into products such as cheese. The market milk industry is regulated by individual States, through authorities such as the Metropolitan Milk Board. The regulation of marketing of manufactured dairy products is covered by Commonwealth Government legislation administered by the Australian Dairy Corporation.

Since 1 July 1986, new Commonwealth marketing arrangements have applied for manufactured milk (Kerin Plan). Under the Kerin Plan a levy on all milk is used to support export returns, and this plan has stabilised industry returns. Recent interstate trade in market milk between Victoria and New South Wales has threatened the stability of the Kerin Plan. On two occasions the New South Wales Minister has called for the removal of the levy on all milk and therefore threatened the stability of Australia's dairy marketing arrangements.

Discussions are continuing in Victoria and New South Wales to retain stability in the industry, but the threat to the Commonwealth marketing arrangements remains. If the Commonwealth marketing plan does collapse, pressure will be placed on domestic prices for manufactured dairy products and market milk. Under the Metropolitan Milk Supply Act, the Metropolitan Milk Board and industry cannot fix a maximum only price for market milk, to combat possible discounting from interstate market milk. The board currently sets fixed prices and in future will set a maximum and minimum price as recommended by the Board's Review of Milk Pricing.

The amendments to the Metropolitan Milk Supply Act will allow the board, by notice, to declare a maximum only price if the industry is threatened from discounting. Such a notice will be for a specified period not exceeding 30 days.

Separate from the pricing issue, the Superannuation Board and the Metropolitan Milk Board have agreed in principle to an arrangement whereby the board funds in advance for its accruing superannuation liabilities. This arrangement would be prohibited by section 14 (2) of the Metropolitan Milk Supply Act, which states that superannuation contributions be paid annually in arrears. This amendment to the Metropolitan Milk Supply Act will allow the board as a public authority, in terms of the Superannuation Act, to enter into an arrangement with the Superannuation Board under section 11 of the Superannuation Act.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the Bill on proclamation.

Clause 3 provides that the Metropolitan Milk Board may enter into arrangements with the South Australian Superannuation Board with a view to its employees becoming eligible to apply for acceptance as a contributor to the Fund.

Clause 4 provides that the board may vary the retail prices fixed by regulation for milk and cream sold in the metropolitan area so that a maximum price only applies. Other prices and charges may be adjusted accordingly. The board may exercise this power by notice in the *Gazette* and a notice has effect for no more than 30 days, unless it is extended. When a notice ceases to have effect the regulations continue in force as if the amendments contained in the notice had not been made.

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

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 11 November. Page 1827.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, which repeals the Second-hand Goods Act enacted in 1985 and which transfers existing police powers to inspect goods, records and other related matters with respect to second-hand goods to the Summary Offences Act 1953. It also transfers other relatively minimal requirements placed upon second-hand dealers to the Summary Offences Act. If the Bill passes, no longer will second-hand dealers be required to hold a licence; nor will they be required to keep comprehensive records of goods bought and sold in the sense that that information is presently required. As presently required, it duplicates normal business practice. The powers given to police to search and enter the premises of second-hand dealers is retained.

It is also a Bill in which the policy of negative licensing, of which the Opposition has been a strong advocate for some years, is adopted. Where a person who carries on business as a second-hand dealer commits an offence against the Summary Offences Act or in so far as it relates to second-hand goods, or is guilty of some offence involving dishonesty, the court may suspend the person from carrying on business for a period of not less than 12 months. The concept of negative licensing has been a central theme of the Liberal Party's policy on industry deregulation, and I am pleased that the Government has seen fit to adopt the concept in this measure.

However, one aspect of the penal provision which incorporates the negative licensing concept does cause the Opposition some concern. There is in effect provision for a minimum penalty. So, if the court in dealing with an offence involving a second-hand dealer is of the view that the dealer ought to be suspended from carrying on business, if that decision is made, then the suspension must be for a period of not less than 12 months. The length of the period beyond 12 months is, of course, a matter for the discretion of the court.

As I have expressed on a number of occasions, I have considerable difficulty with the concept of minimum penalties, notwithstanding some of the criticism one can make of the courts from time to time about manifestly lenient sentences. The fact is that the courts ought to have discretion. They ought to be able to tailor the penalty to the offence and the offender, and if it is believed to be manifestly lenient, then the Attorney-General has the option to appeal. That, I think, is the proper way to deal with the question of penalties, and it seems to me appropriate in the case of this Bill that the same sort of discretion be allowed. Because I have a concern about this concept of a minimum penalty in proposed section 49d, I will be seeking to delete the minimum penalty and allow the court a wide-ranging discretion in determining for what period, if any, an offender should be prohibited from carrying on the business of buying or selling or otherwise dealing in second-hand goods.

The Bill represents a significant area of deregulation. It meets with the approval, so far as I can ascertain, of all those involved in the second-hand goods industry. My consultation has been with a variety of the associations that represent second-hand dealers, antique dealers, and others. One other matter that has been raised with me, this time by the Antique Dealers Association of South Australia, is the obligation with respect to the keeping of records where second-hand goods, particularly antiques, are brought in from overseas. The Antique Dealers Association of South Australia Inc. states:

> As a majority of our members are importers of antiques and rely in some cases wholly or at least substantially on importing to obtain their trading stock, I would suggest that it would be highly unlikely that they would be able legally to impose this provision [proposed section 49a(2) and (3)] on the supplier overseas. Goods imported from and purchased overseas are always recorded on a shipping manifest, so could therefore be easily traced to that form of record keeping. With goods purchased from or through auction rooms or reputable second-hand dealers, we

would like to suggest, as these sources must of necessity already comply with this Act, that an official receipt from the seller should be sufficient proof of purchase.

The difficulty I have with that particular paragraph is that no longer will there be a specific definition of 'second-hand dealers', although there will be certain criteria by which it will be determined whether or not one is carrying on that business for certain purposes provided in the Bill. However, I suggest that there will not be the sort of ready identification of a second-hand dealer or, for that matter a reputable second-hand dealer, sufficient to enable antique dealers to rely only on an official receipt from a seller.

I think that they have a good point in relation to goods that are brought in from overseas where the obligation would be to obtain from the person from whom the dealer buys or receives second-hand goods written confirmation of the information required to be recorded under section 49a(2). That information is an accurate description of the secondhand goods, the serial number, if any, of the goods, the description of any mark or label on or attached to the goods, identifying ownership, the date on which the goods were bought or received, and the full name and address of the person from whom the goods were bought or received.

I think there is a good reason for providing some relief to those who bring in antique or second-hand goods from overseas. I propose to amend only one other matter. It is not necessarily peculiar to this Bill. Proposed section 49f deals with the liability of directors of a body corporate and provides, in the form that is common to much legislation now, that if a body corporate is guilty of an offence each of its directors is guilty of an offence and is liable to the same penalty as is prescribed for the principal offence unless it is proved that the director could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

I am concerned about the extent to which this is now included in legislation, I would suggest not necessarily with good reason. I do not blame anyone in particular for it. I think it is a trend that has gained momentum. I have previously expressed concern about reverse onus clauses, particularly in respect of directors of companies, whether they be big public companies or even moderate size companies, and I am not convinced that in many of the Bills that come before us there is a substantial reason for providing a reverse onus clause that makes a director guilty of an offence if the body corporate is convicted, where the onus is then on the director to show, on the balance of probabilities, that the director could not by the exercise of reasonable diligence have prevented the commission of the offence by the body corporate.

It is an issue that I raise on this occasion because it is in a number of Bills that are before us, and one in particular concerns agricultural chemicals. I do have a concern about the prevalence with which it appears in legislation. I think that it is appropriate, therefore, to raise it in the context of this Bill. I will move amendments to deal with the three matters to which I have referred, but in order to get to that point, and in any event, the Opposition indicates that it is prepared to support this Bill because of the significant deregulation that it proposes and the fact that it puts all dealers in second-hand goods on an equal footing as opposed to the practice under the present Act where a number of people had complaints about exemptions that were granted to, for example, trash and treasure markets and others, and there was a very strong view held amongst second-hand dealers carrying on business from established premises that they were being disadvantaged *vis-a-vis* those who did not have to have premises, who were in a sense itinerant and who were not subject to the same fairly significant constraints that the Act places on those who carry on business from established premises. The Opposition supports the second reading of the Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support and note that he has indicated some issues he wishes to raise and amendments that he has placed on file. These matters can be dealt with during the Committee stage.

Bill read a second time.

EXPIATION OF OFFENCES BILL

Consideration in Committee of the House of Assembly's message.

(Continued from 24 November. Page 1971.)

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

That the Legislative Council do not insist on its amendment No. 3 and agree to the alternative amendment made by the House of Assembly in lieu thereof.

This issue now comes down, following a conciliatory approach by the House of Assembly, to one disagreement, that is, on the applicability of an expiation notice in circumstances where a person is charged or apprehended for driving longer than the time allowed by law. The suggestion from the House of Assembly is that the expiation procedure should apply to those circumstances, but only up to 30 minutes beyond the otherwise legal cut off point. So, if a driver drives for 30 minutes longer than the time that the law permits, a prosecution in the courts will proceed. If it is only up to half an hour beyond what the law permits, an expiation procedure will be available. That is now the only point of disagreement and I ask the Council to resolve the issue by accepting that proposition from the House of Assembly.

The Hon. K.T. GRIFFIN: I am pleased that the House of Assembly has accepted the amendments made by the Legislative Council except in respect of this matter. I am prepared to also be conciliatory and indicate that the Opposition will support the motion. The only difficulty is the constant problem of expiation notices being issued where possibly warnings would have sufficed. I suppose that where a driver drives for no more than 30 minutes over time, there will be a greater tendency to issue expiation notices rather than simply giving a warning perhaps on the first time of detection. Be that as it may, in the spirit of conciliation I am prepared to indicate the Opposition's support for the House of Assembly amendment.

The Hon. I. GILFILLAN: I will not be conciliatory. The amendment improves the substance of the Bill and is sensible. I can see that there could be a relatively innocent or insignificant extension of the hours by up to half an hour, which really ought not to be a matter that goes to court. It is not the context of the offence which so properly in our earlier debate seemed to be inappropriate for an expiable fine. I therefore indicate our enthusiastic support for this move as it improves the original Bill.

Motion carried.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1973.)

The Hon. I. GILFILLAN: I will make several points in regard to the Democrats attitude on this issue. I make

absolutely clear, as it is by far the most important issue, that the projects involved in this exercise of providing shelter for the homeless are all very important and high priority challenges for anyone concerned about relieving those in low grade or inferior accommodation or without a home of any sort. It is equally important, in the context of legislation, to recognise that the interest on the fund that will be directed to supporting in part at least the projects under consideration is not set up with that in mind. I do not accept an argument which states that the interest on the fund is a separate entity financially from the fund itself.

It is with some concern that the Democrats view that this use of the money does not set a precedent for its future use in projects that may come up and be in their own right fully justifiable for support. As this year is the Year of Shelter for the Homeless and as we have accumulated a substantial total of interest funds not at this stage spoken for for any other expenditure, it will receive the support of the Democrats for this one-off situation. Certain amounts of money could be allocated for specific projects, some of which have been listed in the second reading explanation.

We will, however, for our support to be given to the Bill, insist that the specifics of the projects be included (with, as near as possible an estimate of the amount of money involved) in an undertaking by the responsible Minister. The Bill would clearly identify that Minister as the Attorney-General, as he is responsible for it. It is also important to note that it would be quite inappropriate for the Government to present this issue as a magnanimous gesture on behalf of the Government for the IYS Program. It is not. It is an adroit and appropriate use of funds properly belonging to the tenants of South Australia. The public credit ought to be acknowledged.

I make plain in my contribution that we will oppose any extention of this principle into any further year when interest may accumulate in that fund. Any interest accumulated in that fund over and above its other commitments as clearly identified in the Bill should go back by way of reduction in bond moneys required from tenants.

I would not object if that were made preferentially to tenants who can be identified as being in needy circumstances and therefore would appreciate that reduction in bond or, if it is a simpler and more appropriate gesture, for it to be done right across the board.

I indicate that the Democrats support the projects. Several others have been outlined to us which would and could be added to the three that were mentioned in the Minister's second reading speech. My analysis of those projects is that they are all worthy of support but obviously it is up to the tribunal and the Minister to make a final judgment. I therefore urge the Attorney-General, if he is looking to secure our support for this Bill, to provide a full and detailed list of the projects that are likely to receive funding and the amount of funds that will be allocated to them.

The Hon. K.T. GRIFFIN: It is unusual for the Hon. Mr Gilfillan to indicate the Democrats' view on this Bill before the Opposition. It is not prevented by the Standing Orders so I do not raise any technical objection to it, but I really want to put on record that, although the Hon. Mr Gilfillan has been able to express a view prior to the detailed explanation of the Opposition's point of view, it ought not be taken as a precedent for the consideration of any other Bills in so far as the Opposition is concerned.

With this Bill, as with all Bills introduced by the Government, the Opposition has referred it to a variety of interested persons and organisations within the community to endeavour to get a considered reaction from them before making up our mind as to the final attitude that we will express on it. The difficulty that arises with this Bill and with several others is that we are in the last two weeks of the session for this year so there is some requirement to deal as speedily as possible with certain legislation and that, of course, puts added pressure on those who seek to consult with people in the community who are likely to be affected by or have an interest in this particular legislation.

Without pre-empting the Opposition's position on this Bill, it looks very much to me as though the Government has been caught with its pants down. The Minister of Housing and Construction made a statement in January of this year that $1.4 million would come from the residential tenancies fund for projects in the International Year of Shelter for the Homeless. The Minister had not consulted with the Attorney-General, although the Minister said that he did. The Attorney-General said that had not occurred although consultation may have taken place with officers of his department, and the applications to the Residential Tenancies Tribunal, which are required by the Act, had not even been made. I understand that applications are still being made.

Some technical difficulties have prompted the introduction of this Bill. Early next week I propose to indicate the Opposition's final and considered view on the Bill. It does have some difficulties and, as the Hon. Mr Gilfillan indicated, the money that would be appropriated is not Government money or taxpayers' money but principally belongs to the tenants. Landlords also have an interest because those moneys act as security for the purpose of unpaid rents and compensation for damages and other disbursements which tenants are obliged to pay but on which they might default. There are other important considerations on this matter and I will finalise the Opposition's position early next week. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

REPRODUCTIVE TECHNOLOGY BILL

In Committee.

(Continued from 24 November. Page 1970.)

Clause 13—'Licence required for artificial fertilisation procedures.'

The ACTING CHAIRPERSON (Hon. J.C. Burdett): The Hon. Mr Cameron has moved an amendment to insert new paragraph *(ac)* (i) and (ii).

The Hon. M.B. CAMERON: The Minister indicated, either by way of interjection or when speaking, that he felt that my current amendment was redundant as a result of his amendments. I have since taken some advice on the matter and I gather that they are not redundant and that they are separate matters. Concern has been expressed to me by Professor Colin Matthews about this amendment, but his fears are based on a lack of understanding of the interpretation of the word 'immediately'. It does not necessarily mean within two days as he feels it would be read. It means within the present cycle. The Hon. Dr Ritson has some further advice on that, so perhaps he can clarify the position. This amendment is important.

The Hon. R.J. RITSON: When the Committee last sat, the Minister expressed the view that paragraph *(ac)* (i) would conflict with his very good amendment to clause 10, containing several parts. The part to which he referred provided for the right of the person whose ova were taken for fertilisation to determine the fate of embryos that came from it. I can understand how under the pressure and tiredness at first reading it could be mistakenly seen as this amendment

requiring the clinicians to act otherwise than in accordance with the directions of the donor of the material. However, if one reads the amendment with the Minister's clause 10 amendments in mind, this amendment says:

To freeze embryos that are not immediately required for transferance into the human body but that may be required for that purpose at a later time.

Now, whether they are immediately required or whether they may be required for that purpose at a later time will be determined by the donor of the material in accordance with the Minister's recommendation. So, if a patient was to say, 'Thank you, Doctor, I am delighted that I conceived with the first cycle and I want the surplus embryos donated to a recipient' or 'If I conceive with the first cycle', then quite clearly those embryos surplus to requirement would be stored in accordance with the patient's wishes, whether or not this amendment was in force.

Similarly, if the patient said, 'I don't want any surplus embryos, I want only a certain number of eggs taken' or 'I want eggs taken for future cycles but, if I conceive, I don't want anything else done with them, I want them discarded', obviously that would happen as well. So, this amendment is partly overtaken. It is not in conflict with the Minister's amendment, but is partly overtaken by his amendment.

The only circumstance in which in practice this would have an additional effect would be where a patient did not care what happened to the surplus embryos and said, 'I don't mind what you do with them, Doctor'. It is our view that this amendment then becomes a guide as to what to do with the surplus embryos. A decision has to be made at the point where the embryos reach the stage where they are ready for implantation. What are we going to do with them? In accordance with the Minister's amendment to clause 10, you obey the patient's directions; if there are no directions, then (ac) (i) simply provides that they have to be classified either to be discarded or to be frozen but that the option of maintaining them in culture for scientific purposes does not exist.

It seems to me to be not in conflict with the amendments to clause 10, to be partly overtaken by the Minister's other amendments, but to have an effect which, in the absence of any other guidance due to a set of circumstances where the patient gives no guidance (perhaps where it is fairly obvious one way or the other whether the embryos ought to be preserved or discarded) that the third option, namely, of maintaining embryos that are not required by the patient or any recipient for transfer into the uterus for other purposes, does not exist.

In fact, (ac) (i) and (ii) go together and I still think that they add something to the security of that aspect of the Bill. I am absolutely sure that they are not in conflict in any way with the Minister's useful amendment, which enables the patient to give the direction, and whilst admitting that there is an area of overlap in which they are partly overtaken by that amendment, I still think there is some usefulness in incorporating them into the Bill.

The Hon. J.R. CORNWALL: I suppose I should show my hand, as it were, Mr Acting Chairman. As far as I am concerned, this is a legal matter, not a technical, scientific or even a conscience issue in a sense, although obviously all of our members will be permitted a conscience vote on it.

The Hon. R.J. Ritson: It is not all that fundamental, I agree.

The Hon. J.R. CORNWALL: I think it is very fundamental indeed. If this amendment should perchance sneak through, then we will take a QC's opinion on it, because it is very much a matter of law. This Committee passed a series of my amendments last night; my amendments to clause 10 were obviously moved on the basis that everybody was allowed a conscience vote and they were based on four or five unanimous recommendations of the select committee.

Those amendments quite clearly vest the discretion as to the fate of the embryos—freeze, thaw, successive cycles, donated or whatever. As I understand it, in law that will mean (at least in layman's terms) that the couple will own the embryo. We now suddenly have a situation where we have an amendment which a member of the Opposition is persisting with which talks about a condition requiring the licensee—'requiring', not giving the licensee some sort of discretion, not asking that the licensee ought to canvass with the couple certain matters or anything else—'requiring' the licensee, as a condition of the licence. Never mind what the couple's wishes are, you require the licensee—

The Hon. R.J. Ritson: No, no.

The Hon. J.R. CORNWALL: No, no. Let us talk about this as a matter of law and as a matter of fact: you require the licensee to freeze embryos that are not immediately required and to ensure that embryos that are not required for transferance into the human body are not maintained.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: You had your say.

The ACTING CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: Thank you very much, Mr Acting Chair, for your protection. This is not a political issue as far as I am concerned. It is very much a conscience issue and a matter of law. I have taken the best legal advice that is available to me, from a source for which I have great respect, and that advice is as follows:

Clause 13 (ac) (i) and (ii). The amendments which you moved—

that is me—

to clause 10 and which have been accepted—

and it is my recollection they were accepted unanimously—

The Hon. R.I. Lucas: I raised them, too.

The Hon. J.R. CORNWALL: The Council overwhelmingly supported them on a conscience basis, and they were the unanimous recommendations from the select committee and I thought put this matter to rest.

The amendments which I moved and which were accepted require that the couple in an IVF program have the right to decide how surplus embryos are to be dealt with, provided that the embryos are not maintained beyond 10 years. In other words, when a couple enters the program at the outset they sign a prescribed form. They give informed consent having been apprised of all the possibilities: freeze and successive cycles.

If one becomes pregnant in the first or second cycle there will be frozen embryos left over. The couple then has a discretion on their consent form to say, 'We want them kept until we make up our mind 12 months down the road,' or 'We want to have them donated to a couple which, on clinical grounds, the program considers are suitable candidates', or they can say 'We want them thawed at once and want nothing more to do with them. We now have a pregnancy, and both of us are very happy; we want the embryos removed from the nitrogen deep freeze and thawed at once.' That decision is left to the discretion of the couple. The whole spirit and intent of that amendment is that the couple own their own embryo.

The Hon. R.J. Ritson: That is not disputed.

The Hon. J.R. CORNWALL: Well, clearly it is disputed, because the amendment says 'a condition requiring the licensee'—not requiring the participating couple, but requiring the licensee. Let us be clear about that. I would not describe it as a formal legal opinion, but certainly it is

certainly very senior and expert legal advice that I have received on the matter.

The amendments now being moved by the honourable member provide that a condition of being granted a licence to undertake IVF must be that embryos which are not immediately required for transference into the human body but which will be required for that purpose must be frozen. Embryos not required for implantation must not be maintained. That is a condition of the licence.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: Hang on, Dr Ritson, you can respond as you wish. The right given to the couple to decide under clause 10 has just been withdrawn. That is the effect of the amendment on my advice—and I am not talking off the top of my head or politically: I am talking on the basis of considered legal opinion which has been given to me by a senior legal officer who has considered the matter over the last 18 or 20 hours. Let me repeat: the right given to the couple to decide under clause 10 has just been withdrawn. That is the effect of the amendment, as I am advised by a senior member of the legal profession.

The provisions in clause 10 are the unanimous recommendations of the select committee. Nobody contested that last night, and it was passed overwhelmingly by this Committee on the basis that the three elements in the four subclause amendment were based on the unanimous recommendations of the all-Party select committee. Of course, the amendments now proposed are—and again I am quoting from the legal advice that I have received, not the political advice—at complete variance with those recommended by the select committee and make a complete nonsense of clause 10. They are not my words, not my florid prose, not my imagination, but the advice given to me by a senior member of the legal profession. So, it seems to me that we have no option on the grounds of common sense but to say, 'For goodness sake let us forget about these amendments, which are now foolish, counterproductive and, more importantly, legally unacceptable in all the circumstances.' They are at variance with the amendments passed by this Committee to clause 10 which now stand. I rest my case for the moment.

The Hon. R.J. RITSON: Certainly it is not the intention of members on this side of the Chamber to make a nonsense of clause 10.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: Just listen, because you were not listening to the first part of what I said as you came into the Chamber.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: I am trying to have a calm and rational discussion on this matter, and I hope that the Minister will respond in similar gentle style. I welcomed the Minister's amendments to clause 10. I have discussed this matter with two lawyers.

The Hon. J.R. Cornwall: Can I shortcircuit this?

The Hon. R.J. RITSON: Would you just allow me to talk to you through the Chair for one minute. It would not be my wish to make a nonsense of the clause 10 amendments which the Minister described. The discussions that I have had with two lawyers indicate that in reading the amendments to paragraphs *(a)* and *(c)* there is no conflict: the two do lie together, because it only applies under conditions where embryos are not immediately required for transference but may be required for that purpose at a later stage.

The point is that under the amendments to clause 10, whether or not they are required immediately or later is determined by the donor. My advice is that the donor is the person under that amendment who determines whether or not they are immediately required and that there would be discretion on the part of a clinician to make a decision about requirements only if the donor was silent on those issues. I do not think there is a lot of point in having a discussion about my lawyer versus your lawyer, and I do not think that these are the most crucial amendments of the whole Bill.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: I do not think that further debate along these lines will be very fruitful. As I understand, the interpretation is that the donor will say whether the embryos are required, whether or not they are wanted for later cycles, and if the donor is silent this clause will operate. The donor determines whether they are immediately required for transfer or whether they may be required later in accordance with the amendments so usefully passed by the Minister. So, my advice is that they sit easily together. Also, I do not think a great deal will be lost—

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: Do you want a filibuster? I do not.

The Hon. J.R. Cornwall: No, but I can explain it to you.

The Hon. R.J. RITSON: I was just about to wrap up my comments and hear your reply. I do not think a great deal will be lost in terms of the relative importance of what we are doing tonight if we lose the little bit that is left after the overlap occurs. I ask the Minister to respond.

The Hon. M.J. ELLIOTT: I want to ask a question of the Minister, but first I will make an observation. As I see it, the proposed amendments are only inconsistent with what was passed last night if under paragraph *(b)* a person has any other option besides that of freezing an embryo or its no longer being maintained. If the person has no other option, I fail to see how the clauses—

An honourable member interjecting:

The Hon. J.R. CORNWALL: Let me explain it to both of you, and I will do so in simple language which I am sure you will understand while better or more learned minds than mine are working out a compromise. The amendment that we all passed last night gave discretion to the couple. It acknowledged that the couple involved in the program owns the embryo. They can say whether they want it, whether no surplus embryos are to be frozen, no surplus eggs are to be fertilised, all surplus eggs are to be fertilised, all surplus embryos are to be frozen, all surplus embryos are to be available for ET in the next and successive cycles or whether, when there are embryos that are surplus to their requirements, they should be thawed at once, left on a recurring 12 months basis, and so on. So, the discretion is very much with the couple participating. Now, this amendment as it presently stands aborts that.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: I am sorry, but it does.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: Hang on! We have learned Parliamentary Counsel consulting at this very moment with the former Attorney-General. I have my senior legal adviser sitting on my left wing. That is purely a coincidence: she might very well sit on my right wing, because she is a very professional person who does not take sides in these matters. If this amendment is accepted as it sits, it takes away the discretion of the couple. What I think Mr Cameron is trying to achieve, and what I think he will acknowledge in a moment that he is trying to achieve, is that, in the event that you have a couple who vacillate, who cannot make up their minds—or maybe do not care—the discretion ought to rest, and indeed the responsibility must devolve com-

pulsorily, if you like, to the licensee. So, if you have a couple who say, 'We don't really know; we are in your hands, doctor. We have complete faith, but we do not know how to make up our minds. You have canvassed this with us, but either we are unable or unwilling to make up our minds. We will leave it entirely to your discretion', then we need guidelines for the licensee or persons to whom he or she deputes this control.

If we are able to arrive at a form of words which gives us that position, then I am entirely happy with it. But, you cannot have a situation where, on the one hand, a major amendment on a conscience basis provides that the couple involved in the program have the right and the responsibility to determine in their initial consent form what the fate of the embryos might be, and also to do that on a recurrent basis, but in any event the embryos not to be kept for more than 10 years, and, on the other hand, say that you have a specific condition requiring a licensee to do certain things at the outset. They are at variance. What you are trying to achieve is not at variance with the amendments that we passed last night. So, if we can find a suitable form of words, I indicate that my conscience, as well as my commonsense, will allow me to accept an amendment phrased along those lines.

The Hon. K.T. GRIFFIN: I do not see any inconsistency between what we passed last night in clause 10 and the amendment proposed by the Hon. Mr Cameron, but I can see the difficulty which the Minister is experiencing. It seems to me that we can overcome that problem with a link between the amendment which has been proposed and the principle which was adopted last night which the code of ethical practice must reflect. I think that is possible, because what we passed last night gives a right to the donor to make a decision about how the embryo is to be dealt with or disposed of, but it immediately imposes a condition that it is not to be maintained outside the human body for a period exceeding 10 years.

The amendment of the Hon. Mr Cameron, in the context of the husband and wife making a decision, seeks to ensure that that decision is reflected and is binding upon the licensee by a condition which says that in the circumstances of a decision having been taken, for example, that the woman does not want to retain surplus embryos, then they are not to be maintained if they are not to be donated to any other person. However, if they are to be retained either for the purposes of that woman at a subsequent stage or for donation at a subsequent stage, then they are to be frozen. It provides a safeguard against abuse by the licensee. I believe that a suitable form of link words can be drafted which will accommodate the views being expressed by the Minister and by the Hon. Mr Cameron, but it just needs a little time for those to be drafted and then to be considered.

The Hon. M.B. CAMERON: I seek leave to withdraw my amendment subject to further amendments being drawn up. I suggest that we recommit this clause at a later stage so that new amendments to replace those that I have withdrawn can be moved. Is that the proper procedure?

The CHAIRPERSON: Yes.

The Hon. M.B. CAMERON: I need an indication from the Minister that he will be prepared to recommit the Bill for that purpose.

The Hon. J.R. CORNWALL: Yes.

The Hon. R.J. RITSON: I am happy with that.

Leave granted; amendment withdrawn.

The Hon. R.I. LUCAS: In the light of what has just occurred, I will not prolong the debate. I will not move my amendment to clause 13 *(ac)* (i), which is different in wording to the Hon. Mr Cameron's amendment to clause 13 *(ac)* (i), although it is similar in intent. I ask that either the Hon. Mr Cameron or the Hon. Dr Cornwall advise the Committee if they are the words to be used. If not, then I am not fussed. I indicate my support for what the Hon. Mr Griffin has said, that is, some form of linkage between the clause 10 amendments moved by the Hon. Dr Cornwall and the amendments to be moved by the Hon. Mr Cameron. I indicated last night my concern at some aspects of clause 10, and in particular paragraphs *(b)* and *(d)*.

The final point I would like to make is that if the Hon. Dr Cornwall is to seek a learned QC opinion in relation to the linkage of the two, he might at the same time have the learned QC go over the argument we had last night in relation to the legal interpretation of subparagraph *(d)*. I will not pursue that now, but if a QC is to go over his clause 10, I should be pleased if the Minister would be prepared to get a legal opinion on all of clause 10, not just paragraph *(b)*.

The Hon. J.R. CORNWALL: No, I am not prepared to give that undertaking. Last night, we as a Committee passed clause 10 and my four amendments to that clause with a very clear majority. If we were to get into setting a precedent of saying, whether it was on a conscience issue or a straight Party political issue, that every time we made a decision in this place we had to submit it to an eminent QC for a learned opinion, we would really reduce this place to being more absurd than it currently is.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Well, I don't want it to deteriorate even further.

The Hon. Peter Dunn: You brought it in about two minutes before we debated it.

The Hon. J.R. CORNWALL: I know, and I know that you would have had great difficulty understanding it, Peter, but then you have great difficulty understanding most of the things that go on in this place. I believe that you are a very good farmer and not a bad pilot, and you should have stayed with the things you do well.

An honourable member interjecting:

The Hon. J.R. CORNWALL: No, I was a good veterinarian actually, and I enjoyed a very good reputation in the South-East and more recently when I set up a small animal practice on the peninsula. That is another matter for another day if you want to debate my skills.

The CHAIRPERSON: Order! Just stick to the clause.

The Hon. J.R. CORNWALL: They shouldn't make these foolish interjections. I am not prepared to have a learned QC look at it. That would set a horrendous precedent. With regard to Mr Cameron's amendment, Parliamentary Counsel is looking at something that I think can accommodate the spirit and intent of what Mr Cameron requires and what I would conscientiously be prepared to accept. I reserve that judgment until I have seen the amendment, obviously, but I believe that we are not very far apart and it is sensible that the Bill ought to be recommitted. I am not prepared to have a QC look at it. In the event that we reach a consensus or a majority view on this one, then it will not be necessary to submit it for the opinion of anyone other than the members of the House of Assembly.

Members have made great play of the fact that there are many matters that ought to be considered by both Houses, that Parliament is supreme and so forth and, to a significant degree during the course of the debate, I have conceded that point because I am a very reasonable, practical and intelligent person.

The Hon. M.B. Cameron: Stick to the truth.

The Hon. J.R. CORNWALL: Well, I do. That is—

The Hon. I. GILFILLAN: I rise on a point of order. I do not think that the analysis of the character and the performance of the Minister has any significance to the substance of this amendment, and I would ask the Chair to rule that he is out of order. If he is in order we would all like to have a crack at it.

The Hon. J.R. Cornwall interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. Cornwall interjecting:

The CHAIRPERSON: Order, Minister. I have already suggested that we stick to the debate of the clause. As far as I know we have no amendment before the Chair.

The Hon. J.R. Cornwall interjecting:

The CHAIRPERSON: Order!

The Hon. M.B. CAMERON: I rise on a point of order. The Hon. Mr Gilfillan is not a member of my Party, but the Minister just called him a cynical skunk. I ask the Minister to withdraw and apologise and not use that language. We have a long evening ahead of us, and I do not think that that is necessary.

The CHAIRPERSON: I ask the Minister to withdraw.

The Hon. J.R. CORNWALL: The actions last night of Mr Gilfillan are on the record and stand without any need for me to embellish them. If the Hon. Mr Cameron finds the reference to Mr Gilfillan being a cynical skunk as offensive, then I will certainly withdraw the word 'skunk' and apologise.

The CHAIRPERSON: We are at the point where we now have two identical amendments on file to page 6, line 2 from the Hon. Mr Lucas and the Hon. Mr Burdett.

The Hon. R.I. LUCAS: I will not move my amendment.

The Hon. J.C. BURDETT: My amendment is consequential on a previous amendment that was lost, and I will not move it.

The Hon. R.I. LUCAS: At this stage I do not intend moving my next amendment, but I wish to speak to this part of the clause. I have a similar amendment in relation to clause 14 which I also do not intend moving. In part—and I say 'in part' not 'completely'—they are consequential on amendments that I have lost. In addition to the consequential parts of the amendment, they are still important principles that I believe the Parliament has to consider in relation to clauses 13 and 14. I will briefly discuss the principle in relation to clause 13. I notice that my colleague, the Hon. Dr Ritson, has circulated an amendment to clause 14 which I intend to support at this stage. If that is successful then, in the general recommittal of clauses, I intend to move an amendment to clause 13 which is in a similar vein.

The general principle that I wish members in this Chamber to address is the fact under the Bill as it is currently before us, with the amendments that we have passed, we have a situation where, in relation to the code of ethics, the Parliament will eventually have a say to either allow or disallow the package of the code of ethics. We also will have a say in relation to the regulations that are moved under clause 20 which the Minister indicated last night would be, in effect, substantive regulations moved with respect to individual significant matters of conscience.

In relation to clause 13, and more particularly in my view, clause 14, the Parliament has no say at all about the conditions that might be attached to the various licences that are to be issued. In relation to clause 13—the clause we are currently addressing—the Health Commission will decide what other conditions it might attach to the licence that is to be issued. As we know, under the Health Commission Act, the Minister of Health of the day has some control over what the Health Commission can do.

The Hon. R.J. Ritson: Detailed direction now since the amendment; full powers of direction.

The Hon. R.I. LUCAS: The Hon. Dr Ritson says 'full powers of direction' from the Minister to the Health Commission. In that case for 'Health Commission' we can read in brackets 'the Minister of Health of the day', on the advice of the council. Therefore, the council can give advice to the Health Commission and it can then either accept or reject that advice from the council of experts. There is nothing in the current drafting that requires the commission to accept any of the advice of the South Australian Council on Reproductive Technology—the 11 person council of experts. It must receive the advice but it does not in any way have to accept the advice of the council of experts. Then the commission can attach conditions to those licences.

In no way at all does the Parliament have any say in relation to the conditions that might be attached to that particular licence. More importantly (as I will argue under clause 14 when we are talking about licences involving experimentation, and there will be a similar argument there) the Parliament will have no say under the current drafting in relation to conditions in that case that the council might attach to the licence. The whole tenor of the majority view in the Parliament has been that at some stage the Parliament must have some say in relation to these matters. We have taken differing views as to what stage. The majority view is now after the council the Parliament will have a second bite of the cherry and will be able to allow or disallow the code of ethics.

Now that we look at the code of ethics as being, in the words of the Hon. Dr Cornwall last night, a seal of good clinical housekeeping, the conditions of the clinic as he discussed last night, are not really the major moral and ethical questions. The Minister and the select committee are giving the Parliament the right to allow or disallow those sorts of things, that is, the seal of good clinical housekeeping in these IVF clinics and also for the research licences. To be consistent with that, as a Parliament we ought to provide parliamentary oversight for the provisions contained in clauses 13 and 14 which, in effect, give *carte blanche* to the commission under clause 13 to attach such other conditions as it sees fit and in clause 14 the council such other conditions as it sees fit.

The Hon. J.R. CORNWALL: I can certainly foreshadow that we will oppose the Hon. Dr Ritson's amendment although not on conscience grounds as it is no conscience issue but rather an administrative and policy issue. I have already conceded, in the most generous terms, that all of these matters will be considered in a series of amendments by both Houses, fully debated by both Houses and the conditions, whatever they might be, as recommended will come back to both Houses of Parliament and may be disallowed by either House of Parliament. That is a more than adequate safeguard. To try to say that, on every occasion the Health Commission in the exercise of its management prerogatives requires a particular clinic to submit an interim report at the end of the first six months or to do other things like that as a condition of the licence, the matter has to come back for parliamentary scrutiny is to reduce the whole debate to an absurd level. It is untenable and we oppose it as a Government, not on the grounds of conscience but as a matter of clear principle and policy.

The CHAIRPERSON: Is it necessary to have the debate now when we do not even have an amendment before the Chair? Can we not proceed with the next amendment and deal with future amendments as they arise in order to speed up things a little.

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

Page 6, after line 5—Insert new subclause as follows:
(3a) In subsection (3)—
'married couple' includes two people who are not married but who are cohabiting as husband and wife and who—
(a) have cohabited continuously as husband and wife for the immediately preceding five years;
or
(b) have, during the immediately preceding six years, cohabited as husband and wife, for periods aggregating at least five years.

We went through the debate last evening, so I will not repeat it at length. We passed an amendment moved last evening by the Hon. Mr Cameron to restrict access to the program to married couples. My amendment seeks to define 'married couple' in terms of our common understanding of the putative spouse under the Family Relationships Act. This Parliament in at least four or fives pieces of legislation in my time, and certainly in quite a number before my entering the Parliament, has accepted the definition of 'married couple' to include the definition of 'putative spouse'.

The putative spouse definition has been debated on many previous occasions. In essence it has three parts, but on the advise of Parliamentary Counsel I have included the first two substantive parts in my amendment. The third part related to a child of a relationship and, based on the advice of Parliamentary Counsel, I certainly concurred that it was not appropriate even though I am supporting the principle of using the term 'putative spouse' in relation to this amendment.

I take the view that I wanted to restrict access to the program to certain groups of people, namely, those that I believe are in a stable domestic relationship. That stable domestic relationship is, under the terms of my definition, either a married couple or the putative spouse concept. It will certainly exclude all other groups of people who were excluded from the amendment of the Hon. Mr Cameron, other than those included in the putative spouse definition. With that explanation, I urge the Committee to support my amendment.

The Hon. J.C. BURDETT: I oppose the amendment. It goes very much beyond the concept of putative spouse enunciated in the Family Relationships Act. That Act does not refer to the term 'married couple' and does not say, as does this amendment, that 'married couple' includes two people who are not married but who are cohabiting as husband and wife, and so on. It simply creates the concept of putative spouse and not of married couple. It is only for specific purposes if a special Act picks it up in relation to family inheritance provisions, workers compensation, the Wrongs Act and matters of that kind. The Family Relationships Act specifically says that people in that situation are only putative spouses if declared to be so by a court. For the purpose of the particular application they are making—one of the areas I have mentioned or others—the Act goes on to say that the fact that the court has declared a couple to be putative spouses on one day does not mean that they are putative spouses on another day.

This concept in the amendment goes far beyond the concept in the Family Relationships Act. We have here an artificial definition defining 'married couple' as including people who are not in fact married. That does not appear in the Act at all. For those reasons and others I oppose the amendment. I certainly reject the reasons advanced by the Hon. Rob Lucas.

The Hon. I. GILFILLAN: I oppose the amendment. The issue is contentious in the public's mind and there is some indecision as to how one can distinguish a stable, domestic relationship from a *de facto* relationship. I expect that as time goes by, as there is more public discussion and as the council deliberates on this, some amendment to the Act might eventually be made. At this stage it is a far more responsible position to reserve the procedures for genuinely married couples, so I oppose the amendment.

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

The Committee divided on the amendment:

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

Noes—(9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, Peter Dunn, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, and R.J. Ritson.

Pair—Aye—The Hon. C.J. Sumner. No—The Hon. C.M. Hill.

Majority of 1 for the Ayes.

Amendment thus carried.

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

Page 6, after line 5—Insert the following subclause:
(3b) Licence conditions—
(a) (i) if determined at the time of grant of the licence—will be included in the licence itself;
(ii) if determined subsequently—will be imposed by notice in writing given personally or by post to the licensee;
and
(b) may be varied or revoked by notice in writing given personally or by post to the licensee.

As the clause stands, conditions would be imposed only at the time of the granting of the licence. That is somewhat inflexible and, on consideration, I consider it to be too inflexible. There should be power to determine conditions subsequent to the granting of a licence and to vary or revoke conditions. As members are aware, that provision is very common in other legislation. There is a right of appeal to the Supreme Court under clause 16 in relation to the decision of the commission to impose such or any condition.

The Hon. M.B. CAMERON: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 14—'Licence required for medical research involving human reproductive material.'

The Hon. R.I. LUCAS: To expedite proceedings, I inform the Committee that I will not move any of the amendments that I have circulated to this clause.

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

Page 6, after line 31—Insert new paragraph as follows:
(ab) a condition prohibiting research that may be detrimental to an embryo.

This is an important amendment and is fundamental to the views of many people on this Bill. The Bill is silent on the subject of embryo experimentation, and there do not appear to be any restrictions. If this matter were left to the council, it might come back with regulations. However, I do not believe that that is a matter that should be left to that body. It is an important matter that should be decided by the Parliament, and for that reason I have moved the amendment. It is self-explanatory, and I hope that members of the Committee will support it.

The Hon. R.J. RITSON: As you know, Madam Chair, this was one of the major matters considered by the select committee. A majority recommendation was made that such a prohibition be instituted. I am in receipt of a copy of a letter from one of the persons who works in this field and who makes the point that such a restriction may inhibit some important diagnostic work that he has carried out. However, the letter did not explain exactly what that was. This is one of the very fundamental issues which is hotly debated within the community and was one of the stimuli for the formation of the select committee. A Senate report

has been brought down on this issue and it should be determined by the Parliament.

Members will have different conscience views according to whether they take a purely physical approach to the embryo, a philosophical but humanistic approach, an ethical approach or a religious approach. It is not for me to determine the fundamental attitudes of other members of Parliament but it is for Parliament to vote on this issue.

Earlier the Minister spoke of the need for uniformity. To pass this amendment would be in line with the recommendation of the Senate select committee report on this matter. As regards the practical effect of the amendment, I do not want to belong to the flat earth society, and it may be that it would be restrictive on some future work when, on the balance of probabilities, would be to the benefit of the embryo rather than to its detriment.

If indeed that was the case, I believe that the proper course of action would be for the particular workers who wished to proceed in that direction to place their case before the Council on Reproductive Technology and, if that council agreed, on that advice the Minister could seek a Bill to permit that project to go ahead.

My view is, first, that we ought to place the restriction on detrimental embryo experimentation, but with the understanding that there may be occasions when particular workers will wish a private Bill, if necessary, to seek approval to conduct a project which may be detrimental but may, on the other hand, be beneficial. We can face that situation when specific projects are put before us. Until then, I speak in order to represent the view of a significant number of people who regard the embryo as something which ought not be treated as a mechanical object of little value. In representing those attitudes in the community, I commend the amendment to the Committee.

The Hon. J.R. CORNWALL: Let me use this occasion to test the validity of the select committee system. I will read into *Hansard* and remind the Committee, and the members of the select committee, what the select committee said about this. Under the heading 'Research using embryos', the report states:

> This is an area of very real public interest and concern. There is still much to learn about human reproduction, and research using human embryos has an important role to play in this regard. However, the select committee was unable to reach agreement on several matters relating to research involving embryos.

You must remember that that was after three years, so it was a contentious issue, to put it mildly. The report continues:

> Three members of the select committee believe that the respect due to an embryo requires that it be protected from research that will cause its destruction.

The three members who agreed with that proposition were Dr Ritson, his colleague, Trevor Griffin, and the Chairman, John Cornwall. So it was certainly not on Party political lines. The report continues:

> On this basis, these members believe that non-therapeutic research which is detrimental to the embryo should be prohibited.

That was the opinion of three members of the select committee (two from the Liberal Party and one a member of the Government), after three years of research and deliberation. The report continues:

> The other three members—

the Hons Anne Levy, Carolyn Pickles and Ian Gilfillan—

> believe that any research project, if approved by the council—

that is the proposed Council on Reproductive Technology—

> should be permitted on embryos which are surplus, for example, frozen embryos which would otherwise be thawed and left unused, provided that the gamete donors had given prior consent to such use of an embryo.

We have already passed an amendment in this place on a conscience basis which says that the ultimate destiny of that embryo, and the decision on an informed consent basis as to what should happen with it, should rest with the couple involved in the IVF or reproductive technology program. We ought to remember that because it is very important. The report continues:

> 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.

So, we were quite evenly divided. The report continues:

> Notwithstanding these differences of opinion, the select committee recommends that, whichever view prevails—

and please listen to this, all of you—

> the ethics of any proposed research project in South Australia involving embryos be examined by the council.

That is the proposed Council on Reproductive Technology, and that was a unanimous recommendation. The proposed amendment goes against a unanimous recommendation of the select committee. I rest my case. We do not accept this as a conscience vote; we believe that it is a matter of policy.

Members interjecting:

The Hon. J.R. CORNWALL: It is a unanimous recommendation of an all Parties select committee. I made it very clear that, when that recommendation comes back from the proposed Council on Reproductive Technology, it will do so as a specific recommendation in a specific regulation, which can then be debated on a conscience issue by both Houses. So, there are really no problems with this at all.

As far as I am concerned, we should reject the amendment and ensure that, in a matter as basic as this, namely, research using embryos, we have the opinion of the proposed Council on Reproductive Technology. As far as the Government is concerned, there is no conscience issue in the first instance, because it is a matter of policy which we have adopted on the unanimous recommendation of the select committee. The Government opposes the amendment.

The Hon. I. GILFILLAN: The Minister has indicated that there will be no conscience vote. I understand that he is speaking on behalf of the Party at large and that it is a matter of policy. Obviously, what I have to say will not be a matter of individual interest to the Government, but I feel that the work of a select committee is not a form of dictation to the Parliament as to how it should legislate. The select committee is a forum where matters are debated and discussed, often confidentially and informally, and this results in an evolved position, which is an opinion expressed from the select committee.

I was, and still am, of the opinion that the eventual research on embryos may very well become non-therapeutic, that the society will accept that and that the flow on of benefits to the community at large will be so widely accepted that there will be no widespread unease with that form of research. The argument for that will no doubt evolve through the council in its independent role of presenting case and argument to the public and this Parliament. However, I do not intend to support legislation which will in many cases cause deep concern and deep disturbance and which will, in fact, make the whole flavour of this legislation profoundly distasteful to a lot of people in our community.

It is respect for that, and not because of my personal conviction that the ultimate use of research can only be restricted to therapeutic research, that is the basis on which I indicate that I will support the amendment.

I feel that the role of this Parliament is not just to reflect the dotted i's and the crossed t's of a select committee report. There are many instances when select committee reports come into this place and we do not see any legislation reflecting them. In many cases the legislation that

evolves is at variance with recommendations of the select committee. So, the argument that a select committee came forward with certain recommendations has no binding effect on the members of this place. Therefore, with a clear conscience I indicate that it is my intention to support the amendment.

The Hon. K.T. GRIFFIN: With all respect to the Minister, he has a different understanding of what the select committee decided.

The Hon. J.R. Cornwall: No, I do not.

The Hon. K.T. GRIFFIN: He does. I was a member of this select committee. The unanimous recommendation, notwithstanding differences of opinion as to whether or not non-therapeutic research which is detrimental to the embryo should be prohibited, and notwithstanding the difference of opinion as to whether or not limits should be placed on research by legislation or determined by the council, whichever view prevails, then to whatever extent research is to be allowed, it is quite consistent for both groups having different points of view to accept and recommend that the council should consider the ethics of any proposed research project involving embryos.

The Hon. R.J. Ritson: It was the lowest common factor.

The Hon. K.T. GRIFFIN: Yes. The fact is that I was one of the three members of the select committee who believed that non-therapeutic research which was detrimental to the embryo should be prohibited. I was one of the three members who believed that the limits should be placed on research by legislation, but it is still consistent with that point of view and it is the view I held at the time I supported the unanimous recommendation No. 24 that, whatever view prevails and to whatever extent research should be allowed, it should be a matter for determination by the council as to the extent of that research. That is perfectly consistent with the unanimous recommendation and that is what I understood to be the decision of the select committee. This particular amendment reflects the view which I held as a member of the select committee, and I support it, but it is not inconsistent with recommendation No. 24; it is perfectly consistent.

The Hon. T. Crothers: It is a lawyer's point.

The Hon. K.T. GRIFFIN: It is not a lawyer's point. I was a member of the select committee and we talked about it. There are a number of recommendations here that are unanimously agreed to on the basis that they were the closest denominator.

The Hon. T. Crothers: That is what I said; it is a lawyer's point.

The Hon. K.T. GRIFFIN: It is not a lawyer's point; it is a quite rational and logical point.

The Hon. T. Crothers: Of course it is.

The Hon. K.T. GRIFFIN: If you are commending lawyers, that is great.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: I thought you were. I need not prolong the debate. I do not see any inconsistency in supporting the amendment which is being moved and the unanimous recommendation No. 24, and I do not believe that that in any way compromises the position which the select committee held.

The Hon. CAROLYN PICKLES: I have been in this place for a very brief period—two years—and I have heard some fairly amazing debates, but the one I have heard tonight from the Hon. Mr Gilfillan is the most amazing about-face that I have ever heard of in my life. I will read it again in case Mr Gilfillan cannot remember and in case he cannot read what he supported. The other three members, Mr Gilfillan included, believed that any research project, if approved by the council, should be permitted on embryos which are surplus, for example, frozen embryos which would otherwise be thawed and left unused, provided that the gamete donors had given prior consent to such use of an embryo.

Suddenly, he has this great moral dilemma about the decision and he is now saying that three years on a select committee meant absolutely nothing. The arguments that we had around that table, and the decision we came to by consensus, I thought, and very sensible consensus on this issue, mean absolutely nothing. I suggest that he has been taking money at the taxpayers' expense that he does not deserve if he does not support the position that he maintained on that select committee. There was a difference of opinion on this matter and, like the other areas where there was a difference of opinion, it was agreed that it would go to the council to decide and then come back to this Parliament by regulation. The position of our Party on this matter that it not be a conscience vote is very simple. What we are voting on as a Party tonight is merely whether or not this matter goes to the council—not on the issue itself. The debate will take place at a later time. As far as the Hon. Mr Griffin is concerned, at least I respect his opinion because he had a different viewpoint from mine, but the Hon. Mr Gilfillan is standing up in this place adopting a high moral tone and totally abusing—

The Hon. I. Gilfillan interjecting:

The Hon. CAROLYN PICKLES: Dr Cornwall may well come back into this place when it is a conscience issue and he may well vote on his conscience and that is up to him; I am not his conscience.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: You fail to understand what a conscience issue is within our Party, and thank goodness we know.

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order!

The Hon. Diana Laidlaw: I am very glad you know.

The CHAIRPERSON: Order, Ms Laidlaw! If people wish to speak in this debate there is no limit on the number of times they can get the call.

The Hon. CAROLYN PICKLES: Unlike the members of the Liberal Party we know, perhaps from painful experience in the past, precisely what is or is not a conscience issue. What we are voting on here tonight is not a conscience issue. It may well come back, as I said before, at a later stage when it may well be a matter for a conscience vote. I do not know how it will come back from the other House, but at this point in time I oppose the amendment and support the original Bill.

The Hon. I. GILFILLAN: I would like to point out to the Hon. Carolyn Pickles that she cannot have one code of ethics as far as my reaction to the work done in the select committee is concerned and another for her Minister. She has gone to some pains to castigate my role and my integrity in the way I reacted to this issue. At the same time she seems not to be aware that the Minister in the select committee argued for, and in fact voted for, a position which is identical with the amendment which he will now oppose.

I do not criticise the Minister: in fact I absolve him entirely. If he decides in the wisdom of his role here that he will vote against the issue that he voted for in the select committee that is his decision, and I have also made my decision. I think the Hon. Carolyn Pickles has proved how short a time she has been in this place when she makes such a judgment, which is obviously inappropriate in both our cases. Moreover, there is the very issue of how paramount is the work of a select committee in its determination

of what happens in Parliament. As I understand it, a select committee is a separate entity. It has specific terms of reference upon which it reports to Parliament as a committee, not as individual members. Having had that report, each individual member—as I am here in this place now—balances the value of the report with the legislation that is before us and the debate currently going on in the public mind. I am perfectly content that the opposition to this amendment by the Hon. Dr Cornwall and my support for it is in line with our proper parliamentary role. I reject any personal criticism for my attitude to it. I refer any members who have any doubt as to the reasons why to my earlier comments on it.

The Hon. J.R. CORNWALL: It was the national founder of the Democrats, Don Chipp, to whom the immortal phrase has been attributed: 'We are here to keep the bastards honest.' Let me pose a further question: who will keep that bastard honest? He sat on a select committee—

Members interjecting:

The Hon. J.R. CORNWALL: It is not. It has been quoted all over the place. It is supposed to be the basis on which people like Mr Gilfillan, who talks of integrity, despite the fact that he would not know how to spell it, come into this place and reverse their position. My position is consistent. I opposed—

Members interjecting:

The Hon. J.R. CORNWALL: I opposed the proposition—it is on the record—of invasive or so-called destructive research or research that may be detrimental to an embryo. Let me say that unless compelling evidence comes back to us from the proposed Council on Reproductive Technology I will exercise my right to a conscience vote on the issue, and my position will be entirely consistent with that which was expressed in the select committee. As a matter of principle and a matter of policy, I abide by the recommendation of the select committee, and let me read it again for the benefit—

The Hon. T. Crothers: Were you a member of that select committee?

The Hon. J.R. CORNWALL: I was the Chairman of that select committee. I was at great pains to try to reach consensus in as many areas as possible. We did have a unanimous recommendation—No. 24—and it reads:

> The ethics of any proposed research project in South Australia involving embryos be examined by the council.

I am not about to pre-empt the recommendations of the council. As I say, my view at that time and my view now is that I do not support invasive or destructive research on embryos, quite contrary to the position taken by Mr Gilfillan. Mr Gilfillan expressed the view that, if there were surplus embryos, he saw absolutely no problem with them being thawed and used for research and experimentation that involved invasive, destructive research or non-invasive, non-destructive research.

Indeed, he was the leader of the push, provided, of course, that donors have agreed, and that is precisely what is expressed. That is consistent with what we have been doing up to date, but all of a sudden, he of the flexible conscience, having gone out and licked his finger and put it up to the prevailing wind, hoping to maintain his 5.5 per cent of the vote—or is it 6 per cent in a good year when he gets in on Communist preferences or Liberal preferences or all sorts of preferences—

Members interjecting:

The Hon. J.R. CORNWALL: There have been a couple of miracles; that is true. He has little spills along the way, little leaks along the way, but he has put his finger up to the—

The Hon. M.J. ELLIOTT: On a point of order, Madam Chair, I understand that we are supposed to be arguing the substance of the amendment before us. I guarantee that more than 50 per cent of the time was not spent on the substance of the amendment at all. I request that you ask all members to deal with it.

The CHAIRPERSON: I have already asked members to stick to the amendment.

The Hon. M.J. ELLIOTT: Will you not insist?

The CHAIRPERSON: I do think, however, that the relationship between the amendment and certain sections of the select committee report are relevant to the debate before us.

The Hon. J.R. CORNWALL: You know, Ms Chair, the Hon. Ms Pickles knows, the Hon. Gilfillan particularly knows, the Hon. Dr Ritson knows, and the Hon. Trevor Griffin knows exactly the way the debate and the deliberations went in the select committee. You are a phoney, Mr Gilfillan, and you ought to be exposed for it. I said it last night and I repeat it again tonight. The point of holding select committees in such vexed areas is to try to reach a consensus, a position as near as possible to accommodating a spectrum of views across the community. We reached a unanimous recommendation which states that the matter ought to be referred to the council and then come back here, and I have already given the undertaking that it will come back as a specific regulation which will be debated in both Houses on a conscience basis.

Unless I am convinced by the arguments of the Council on Reproductive Technology, I will take a position, as I do now, which is consistent with the position I expressed in the select committee because I do know how to spell 'integrity'. Unless there are convincing arguments to the contrary from the Council on Reproductive Technology, my position will be consistent with what is expressed in this amendment. However, the unanimous recommendation of the select committee on which Mr Gilfillan sat for three years was that the ethics of any proposed research project in South Australia involving embryos be examined by the council.

The Hon. Mr Gilfillan was the leader of the pack for invasive research. He did not mind stripping chromosomes, jumping on cells and everything else. He was the extremist on the select committee on this issue. He said that, if there were excess embryos, there was no reason at all he could think of why they should not be used for experimentation. They were his words, and he should not forget them. Why does he not be consistent and act with some measure of integrity? I do not oppose the amendment on principle but I oppose the principle of the amendment at this point. We will vote on a conscience basis—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: Dunny, if you had a stop watch strapped to your head and a calendar on your chest, you would not know what day it was. You are irrelevant.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: They are laughing at the poor old cocky from the West Coast.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: Let me say that I support the principle; I support the philosophy of the amendment, but more importantly I support the principle enunciated by a unanimous recommendation of the six person all Party select committee that this matter in the first instance ought to go to the proposed council. When it comes back as a specific regulation, we will be in a better informed situation to vote on it as a conscience issue.

In the meantime, my Party, our Government, will oppose the cynicism that has been expressed, not by Mr Cameron who was not a member of the select committee. He has moved this amendment in good faith and in good conscience. I make absolutely no criticism of him, nor of Mr Lucas who was not a member of the select committee. Mr Griffin says he can support it in good conscience on the basis that that was the position that he took in the select committee, and I do not cavil with that. If he disagrees with my interpretation of whether or not it should in the first instance go to the Council on Reproductive Technology, I respect his right to do so. However, I despise the Hon. Mr Gilfillan who sat on a select committee for three years, who was the leader of the pack supporting invasive research, and who then has the gall to get up and do a 180 degree turn as he has done on several occasions in this debate, and expects us to respect him as some sort of conscience, as some sort of balance of reason. He ought to be exposed, and has been exposed in this debate for the phoney that he is.

The Hon. M.B. CAMERON: I had no idea that what I thought was a very sensible amendment would lead to such vehement language and expressions of opinion.

An honourable member interjecting:

The Hon. M.B. CAMERON: I understand that, but I am a bit puzzled. I do not think that anybody has disagreed with the amendment yet; everyone seems to agree with the spirit of it. For that reason I cannot see why it has to go off to the council. I clearly understood what the Hon. Mr Griffin was saying—

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: That is right—to prohibit research may be detrimental, but on all the other factors associated with experimentation on embryos the council makes recommendations. I have no objection to that. The detrimental side of it I do not accept. I trust that my amendment will pass, and I hope that every member will settle down and consider the amendment on its merits.

The Hon. R.I. LUCAS: I support the amendment. I obviously do not have any problems with having been a member of the select committee and—

The Hon. T. Crothers: Or an embryo.

The Hon. R.I. LUCAS: Or an embryo at all. I read with interest the decisions of the select committee and as this is a matter of conscience, it is just part of the reading that I do as a member. I support the particular view of three of the members of the select committee and therefore I support this amendment. I believe that we need to look at this amendment again in relation to the amendment moved to clause 10 by the Minister last evening. In relation to the position that the Minister has just put as a position of conscience, that is—

The Hon. J.R. Cornwall: When it comes back.

The Hon. R.I. LUCAS: Let us forget the timing. As a position of conscience the Minister has put down a view that at this stage based on present evidence he opposes this sort of destructive research of the embryo.

The Hon. J.R. Cornwall: Absolutely, at this time.

The Hon. R.I. LUCAS: I ask the Minister to explain how he reconciles that conscience view when he says under clause 10 that he will allow someone to, in effect, destroy the human embryo if that particular couple chooses to do so. On the Minister's conscience—and I am not talking about the timing of the vote or anything—he says that he will not support destructive research of an embryo, yet he moves an amendment on a conscience issue under clause 10 which provides that a couple can choose to destroy the embryo. The question is simple. I am interested in the Minister's conscience view. I know that he does not have to vote on it now, but I am interested in the rationalisation of the two amendments.

The Hon. J.R. CORNWALL: There is no rationalisation at all as far as I am concerned. I made the point in my contribution that my conscientious position was expressed strongly in the select committee, which divided evenly, and it accorded with the positions of Dr Ritson and Mr Griffin. The reason why, at this time, I have no difficulty with an amendment like this being moved in good conscience by the Hon. Martin Cameron and supported in good conscience by the Hon. Mr Lucas—and one presumes supported in good conscience by Dr Ritson and Mr Griffin—is that that is consistent with the position that they took in the select committee after listening to evidence for three years and after deliberating for a very long time.

My position remains that, if from the Government's point of view this were declared a conscience issue at this time I would have no hesitation in supporting the Cameron amendment. However, we have taken a decision after very considerable deliberation that the prerogative to exercise a conscience vote—and we know what a conscience vote is probably far more acutely than any other Party in the land—on this issue is when we have a regulation that comes back specifically on this subject on the recommendation of the learned second opinion of the South Australian Council on Reproductive Technology. That is quite consistent with opinions that I put forward on behalf of the Government last night. I have tried to accommodate to the extent possible a whole range of issues about freezing and so forth that are fundamental to this debate on conscience issues where I thought it was reasonable for members to be asked to express a relatively simple opinion on issues that are quite clear cut.

This is a very vexed issue and I for one—although my position at this time would be consistent with the conscientious position that I expressed as Chairman of the select committee—want the benefit of taking advice from the proposed council. I do not see anything inconsistent with that. I have said that, unless some compelling evidence comes back from the proposed council, my position will be consistent with the one I expressed in the select committee.

However, the Hon. Mr Gilfillan in the select committee was literally the leader of the three who were consistently very strongly of the opinion that once an embryo was surplus then there should be no limitation on its use for research provided, of course, that it had not been allowed to grow beyond the stage at which implantation normally occurs—another unanimous recommendation. Mr Gilfillan expressed with substantial vigour in the select committee that invasive, destructive, non-therapeutic research ought to be allowed on the embryo. Having expressed that opinion after three years on a select committee, to then come in and do a 180 degree turn makes a mockery, in my submission, of the select committee process.

I feel very strongly and deeply about this. It is an opinion that I hold quite passionately and, because of Mr Gilfillan's performance on this particular amendment, and indeed his performance during this entire debate, I have to say at this time—and this is a considered opinion, not an opinion expressed in anger, although I have been angry with him at various times during the debate—I hold Mr Gilfillan in absolute contempt because of his performance—

The Hon. L.H. Davis: A considered statement!

The Hon. J.R. CORNWALL: It is a very considered statement. I hold him in contempt because he has been completely at variance for what appear to me, objectively, to be totally politically opportunistic reasons in this debate

vis-a-vis the positions that he consistently put during the deliberations of the select committee.

The Hon. I. GILFILLAN: I seek leave to make a personal explanation.

The CHAIRPERSON: Personal explanations may only be made between items. The honourable member can have the call, but Dr Ritson rose first.

The Hon. R.J. RITSON: I thank the Minister for his sincerity and contributions to the select committee on this issue. I appreciate his position. Should the new council decide in its wisdom not to regulate embryo experimentation at all, when will the Minister have the opportunity of exercising his conscience vote? That is our concern.

We can only debate what is brought to us. At the moment there are no regulations. Each regulation will be restrictive, and perhaps the Minister may be prepared to undertake to appear before the council. The council is a body that could take advice like a select committee does if it saw fit to so do. I know that Ministers cannot command statutory authorities beyond the parameters of the Act but, regardless of the outcome of this amendment, it is a general concern expressed by Mr Lucas and myself as to what may not come back to us. I will assume that a Minister who has other relationships with people on the committee may, if he is very concerned about parliamentary oversight, express a wish that certain matters be submitted to Parliament. How would one exercise one's conscience vote if the council decided not to regulate this area at all?

The Hon. J.R. CORNWALL: To describe the proposed council as a statutory authority is not accurate. It is a body established by statute, as I am sure the quango hunting young Mr Lucas would agree.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: It is not a statutory authority in that sense—it does not have its own Act. It is established under a wide ranging Act and it is not a statutory authority. I will not debate the minor details—they are for another day. In the very unlikely event that the council did not express an opinion one way or another on experimentation or research—destructive, invasive, non-evasive, therapeutic, or otherwise—I would personally request it to express a viewpoint or viewpoints.

Quite clearly, it is possible, given that the composition of the council ranges from a Catholic moral theologian to an Anglican priest, to two eminent researchers in the area, with people representing the law, consumers, and commonsense laypersons in between, that they may express divergent views. However, one way or another, I will give an undertaking that, for the purposes of a conscience debate in both Houses of Parliament, I will bring in a regulation specifically referring to research and experimentation. At that point, based on all the evidence that is available to me, I will exercise my conscience and vote according to it.

My conscienciously held view at this time is that we should not permit invasive research. The views held by a number of my colleagues, including two who were on the select committee, is that it should be permitted. The view which used to be held by Mr Gilfillan, and which has now changed without any additional evidence at all that I can discover, is that there ought to be invasive and, if necessary, destructive research involving the embryo.

I give an absolute undertaking that, in the very likely event that a view or views were not expressed by the proposed council, to enable us to promulgate a specific regulation for consideration by both Houses, I will personally talk to the council and ensure that a regulation concerning research and experimentation comes back for consideration on a conscience basis by both Houses of Parliament. At that point I will most certainly exercise my conscience and, if it is at total variance with some of my colleagues, so be it.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: It is entirely possible, but it is on the record and it will be done.

The Hon. I. GILFILLAN: I would like to get it on the record because it may have been a somewhat false representation made in colourful rhetoric by the Minister that I was some sort of Attila the Hun in respect of destruction of pre-implantation embryos and that I am some sort of pre-implantation pervert. It is important for me to put some balance on the record. I do not have any malicious glee in destroying embryos for the fun of it. I have foreseen that down the track there will be a time when society will benefit from the non-therapeutic experimentation with embryos. I explained earlier my reasons for the position that I now take.

If there is any hope of our getting through the program at any speed, I suggest that we have a moratorium on at least two matters: first, analysing the so-called alleged perfidy of Gilfillan having been a member of a select committee and now a member of Parliament and, secondly, trying to unravel the almost inscrutable convolutions of the conscience of the Minister of Health, who apparently can determine that any amendment that he introduces is a conscience vote but that amendments introduced by anybody else are not conscience votes. I will not canvass that line any further for the sake of some form of speeding up the performance of this place. I suggest that we get on with the substance of the Bill and the amendments and thereby have a much happier time.

The Committee divided on the amendment:

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

Noes (8) The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. C.J. Sumner.

Majority of 3 for the Ayes.

Amendment thus carried.

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

Page 6, after line 35—Insert the following subclause:

(2a) Licence conditions—

(a) (i) if determined at the time of grant of the licence—will be included in the licence itself;

(ii) if determined subsequently—will be imposed by notice in writing given personally or by post to the licensee; and

(b) may be varied or revoked by notice in writing given personally or by post to the licensee.

The explanation for this amendment is the same as I gave in moving an amendment to clause 13, which was accepted by the Committee. The amendment is self-explanatory and I ask for the support of the Committee.

Amendment carried.

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

Page 6—After line 35 insert subclause as follows:

(2b) A licence will not come into force until the conditions to which it will be subject have been approved by both Houses of Parliament.

I point out that this amendment was drafted for submission to the Committee in concert with the Hon. Mr Lucas. It has a common purpose with an amendment that he is looking to later and arises from the fact that, whereas the code of practice itself will be subject to parliamentary scrutiny, the conditions of licence and certain other regulations

will not. It seemed to me that the licence conditions could contain restrictions that were fundamental as matters that the Committee has decided should be determined by Parliament.

The Minister has introduced amendments that have been readily accepted by the Committee to allow for the changing from time to time of conditions of licence. It has not been at all clear, particularly in the early part of the debate, whether the conditions of licence would be mechanical matters relating to the housekeeping aspect. When I saw in the Bill that licences to conduct research on embryos were to be separate from the general question of licensing specialised fertility clinics, it seemed that there was a purpose in that, namely, to perhaps restrict the research function to certain institutions and to prevent it from being carried out by privately practising clinicians who might otherwise be conducting and rendering other services for the treatment of infertility. It seemed reasonable that such an important matter as embryo research be very carefully restricted to prestigious institutions with their own institutional ethics committees.

If the conditions of licence, as they vary from time to time, will make a major addition to or subtraction from the type of research carried out, any member who is concerned with parliamentary oversight of this matter would want to see that come to Parliament in the same way as the code of practice will. If on the other hand licence conditions will be entirely mechanical, with no philosophical content, perhaps there is no need for Parliament to oversee those conditions. I invite the Minister to indicate the type of conditions that might be added to and subtracted from the licence and comment specifically on whether the conditions of licence will be used as a way of regulating ethical codes of practice in addition to the code of practice that is already proposed. If on the other hand every condition of licence needs to be incorporated in the code of practice, this amendment would be superfluous because the code of practice and its amendments would automatically come to the Parliament. I look forward to the Minister's comments.

The Hon. J.R. CORNWALL: The Government opposes the amendment. I refer members to the wording of clause 14 and I will read it for the benefit of those who, at this hour of the night, are not quite as alert as they might have been if we were debating this at a more civilised hour of the day; but we were too busy at that point going through private members' business, relevant or irrelevant though it might have been. Clause 14 states:

(1) A person must not carry out research involving experimentation with human reproductive material except in pursuance of a licence granted by the council.
Penalty: $10 000.

That would be for each and every offence. Subclause (2) provides:

A licence will be subject to—
(a) a condition defining the kinds of research authorised by the licence;.

If indeed the non-invasive clause that has been inserted by amendment ultimately finishes up as part of the legislation, that is a prime example. Paragraph *(b)* provides:

a condition requiring the licensee to ensure observance of ethical standards formulated by the council in relation to such research;.

And the Council is, as I have previously explained, in practice and in law a State ethics committee, and I can think of no higher or more competent authority in the State to make such decisions. Clause 14 continues:

(c) such other conditions as the council may determine.
(3) If contravention of, or non-compliance with, a condition of a licence occurs, the licensee is guilty of an offence.
Penalty: $10 000.

That is quite a substantial penalty. If we go back to recommendation 5 of the select committee—another unanimous recommendation—no doubt Mr Gilfillan has reformed his views at this stage because he has had his finger up to the proverbial sou'westers in the meantime. Recommendation 5, in part states:

the functions of the council include:
developing a code of practice for reproductive technology.
advising those involved with reproductive technology on good practice in service provision and on research which it finds ethically acceptable.
examining the ethical status of research projects involving human gametes and embryos and, where appropriate, approving same.

They were parts of recommendation 5, which was again unanimous. That does not seem to mean too much in the context of the deliberations of this Committee. Again I express dismay that on this occasion and in relation to this matter, with a select committee that sat, I believe, probably longer than any select committee in the history of this Parliament, when we get in this Chamber, at least to one member of the select committee the unanimous recommendations appear to mean nothing. The Government does not accept the Ritson amendment because it believes that the conditions that are set out in clause 14 in its totality are completely at one with the unanimous recommendation No. 5 of the select committee.

The Hon. R.J. RITSON: I want to ask the Minister a question which may resolve my anxieties and cause me not to persist. My only concern is that it will be possible for matters which are not part of the code of practice to be a condition of licence; that is, matters of real ethical substance such as approval or disapproval of a research project without it being incorporated in a code of practice and, therefore, without it coming to Parliament and without Parliament in fact knowing what type of research was being done.

I ask the Minister to give an example of the sorts of conditions of licence that might be applied and whether it could be that the conditions of licence would also be incorporated into the code of practice because, if the conditions of licence are incorporated into the code of practice, my whole area of concern will disappear, as that will come before Parliament.

The Hon. R.I. Lucas: You would not need paragraph *(c)*.

The Hon. R.J. RITSON: That is right. I ask the Minister to comment.

The Hon. J.R. CORNWALL: Before we go any further, I point out that the Hon. Dr Ritson's amendment is quite at odds with my amendment, which was just accepted by the Committee. We do not want the Committee to get itself in a tangle in its concern—

The Hon. R.I. Lucas: How?

The Hon. J.R. CORNWALL: Well, among other things, the Hon. Dr Ritson's amendment provides:

After line 35—Insert subclause as follows:
(2a) A licence will not come into force until the conditions to which it will be subject have been approved by both Houses of Parliament.

The legal advice given to me is that that would obviously apply to the *in vitro* fertilisation clinic at the Queen Elizabeth Hospital, to the IVF clinic at Flinders and to Repromed Pty Ltd operating at Wakefield Street, among others.

The Hon. R.J. RITSON: The consequence would be delays when Parliament was not sitting.

The Hon. J.R. CORNWALL: No, the consequence of the Hon. Dr Ritson's amendment would be the removal of licences already granted under this legislation to the three existing *in vitro* fertilisation clinics. If that is what the honourable member wants to do, be it on his own head, but it is quite crazy. It is at odds with my amendment,

which was just accepted by the Committee, and it is certainly at odds with the proposal that the three existing IVF clinics be granted licences under this legislation.

The Hon. R.J. RITSON: Will the Minister answer my question? What sorts of conditions would apply? Would they be mechanical conditions about laboratories or would they be in the form of statements about the type of research?

The Hon. J.R. CORNWALL: Potentially, both.

The Hon. R.J. RITSON: If a condition of licence permitted a particular type of embryo research, and if that was added to and subtracted from in accordance with the amendments that we have just passed, would the type of embryo research thus permitted or refused appear otherwise in the code of practice? If it would not normally, could it be made to? If that is the case, I will be happy to withdraw my amendment.

The Hon. J.R. CORNWALL: I have already given an undertaking to the Committee on a number of occasions—and more recently within the past hour—that the conditions under which research or experimentation may occur would be prescribed by regulation. That regulation, or those regulations, will be brought back as individual regulations, to be subject to debate in both Houses and to be allowed or disallowed by one or both Houses. I have accepted a series of amendments from the Hon. Mr Cameron, among others, to the effect that none of those regulations can be acted on until they have gone through the entire disallowance period. That means scrutiny by both Houses in the best sense of the way in which the Westminster system works.

The Hon. R.J. RITSON: I thank the Minister for that. I understand that should a condition of licence contain, in addition to administrative matters, a permit to conduct a new type of research the Minister would, notwithstanding the fact that that permission had been given as a condition of licence, bring the matter as a regulation before the Council. Is my understanding of the Minister's undertaking correct? If it is, I am sufficiently assured that the amendment is rapidly becoming redundant.

The Hon. J.R. CORNWALL: As I have made clear throughout the debate, there will be basic rules with regard to invasive and non-invasive research. There will be basic rules for destructive and non-destructive and therapeutic research which must be matters for regulation, and I give an undertaking that they will be brought before Parliament. As to other matters—peripheral or substantial—attaching to a licence, it is clearly our intention that, subject to those basic regulations, the Council on Reproductive Technology will be the licensing authority.

It will be the authority which gives permission within the constraints of the law to issue licences or otherwise for particular classes or forms of research. I think that is about the line of best fit. If the minutia of some of those licences have to come back and be debated at great length, rather than the spirit, the principle and the broad guidelines as to what is destructive and what is non-destructive, what is invasive and what is non-invasive embryo research, then we really do start again to reduce the thing to unworkable or somewhat ridiculous proportions.

In regard to the basic principles of what is invasive and what is non-invasive, what is therapeutic and what is non-therapeutic, what is destructive and what is non-destructive, then I do give an undertaking that that will be established by regulation. The council then obviously will have to work within the laws and regulations as they apply. To dot the i's and cross the t's to such a point that there is absolutely no discretion for an expert State ethics committee, as the State Council on Reproductive Technology will be, would be to make it unworkable and would be, if I might say so, to neuter the council as such.

The Hon. R.I. LUCAS: I indicated earlier that I had strong views in relation to the conditions part of clause 14. Whilst I accept the problems that might be entailed with respect to the minor detail of licences, and whilst I accept the good intentions of the present Minister, with the very best will in the world the present Minister will not be the Minister of Health throughout the duration of the Reproductive Technology Act. Any undertakings the Minister gives in relation to an interpretation of the legislation are certainly not even binding on the Minister for ever and a day, but in no way are binding on future Ministers in future Governments of whatever political persuasion we might have.

I see in subclause 14 (2) *(c)* the potential for it to be a massive loophole in relation to parliamentary oversight of research and experimentation into human reproductive material. Under subclause (2)*(b)*, the code of ethics will be subject to parliamentary oversight in relation to the regulations as previously discussed, but subclause (2) *(c)* refers to 'such other conditions as the council may determine', and the Minister has indicated that those conditions could be of either a technical or of a type of research nature. Then it is quite clearly a significant potential loophole in relation to parliamentary oversight as to what sort of research can be conducted in relation to experimentation with human reproductive material.

As I say, I make no criticism of the present Minister's undertakings and intentions, but they will be good only for the period within which the Minister of Health holds that position. It will be completely open to any future Minister of Health to interpret clause 14 in whatever way he or she might wish to do. That clause could be used to institute significant changes in relation to types of research as the Minister of Health has indicated.

I do not want to take up further time of the Committee other than to say that, whilst I accept that there may well be problems in respect of the minor conditions of licences having to come before Parliament, if the present drafting is not sufficiently tight, in the wrap-up we ought to consider an amendment to this amendment that has been moved by the Hon. Dr Ritson. Nevertheless, I believe that in principle this amendment is significant and important, and I believe that all members should give strong consideration to supporting it.

The Hon. I. GILFILLAN: I think that with the success of the amendment which gives some direction to the council as to what type of research is permitted the importance of this amendment is diminished. I would prefer to see a substantive direction to the council—which will no doubt change from time to time—made by way of an amending Bill. So, I am not persuaded that the amendment is supportable. I appreciate the arguments put by the Hons Mr Lucas and Dr Ritson about how important it is that in relation to research type the council ought to be answerable to Parliament, but I think the matter is so critical that it ought to be the subject of an amending Bill. I think we have already set that pattern by passing the previous amendment moved by the Hon. Martin Cameron. So, I intend to oppose the amendment.

The Hon. R.J. RITSON: I thank honourable members for their contributions to the debate on this amendment. I indicate that, because of what the Hon. Mr Gilfillan has said and because of the Minister's obvious sincerity in his assurances that matters of substance will not be, as it were, snuck through on the conditions of licence alone, I do not intend to divide on this amendment.

Amendment negatived.

The Hon. R.I. LUCAS: Throughout the Bill the term 'code of ethical practice' has been used, and yet it is not used in subclause (2) *(b)*, which provides:

> . . . a condition requiring the licensee to ensure observance of ethical standards formulated by the council . . .

I think that to be consistent the Minister ought to consider amending that provision so that it provides:

> . . . to ensure observance of the code of ethical practice formulated by the council . . .

Clause 10, in particular, provides that the council shall:

> . . . formulate, and keep under review, a code of ethical practice to govern . . . research involving experimentation with human reproductive material.

I would have thought that clause 14 should be consistent with clause 10. If the Minister agrees, I believe that, for the sake of drafting, subclause (2) should be amended as I have suggested. At the moment 'ethical standards' could relate to any definition of that term and not necessarily to the code of ethical practice that has been formulated. I am sure that that is the intention; if not, I would appreciate an explanation from the Minister.

The Hon. J.R. CORNWALL: I think it might be what is known in the business as a 'Parliamentary Counselism'. It has not been drawn to my attention before. Parliamentary Counsel is very intelligent and skilled, but is sometimes a perverse creature. I do not have an explanation for it. I can only speculate that perhaps 'standards' goes beyond the code of ethical practice in the sense that I have given an undertaking that we will establish a number of standards apart from the code of ethical practice as it relates to good clinical practice, and it may be that 'standards' in that circumstance are desirable *vis-a-vis* the code of ethical practice.

I am happy to accept an amendment from the Hon. Mr Lucas. In the event that either of use takes wise counsel tomorrow on whether it is a 'Parliamentary Counselism' of highly desirable phraseology, we can formally accept the amendment or re-amend. I see no problem at the moment in deleting the word 'standards' and replacing it with 'the code of ethical practice'. I am happy to accept that on the basis that we can recommit it.

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

Page 6—
Line 32—After 'of' insert 'the code of'.
Line 33—Delete 'standards' and insert 'practice'.

Amendment carried; clause as amended passed.

Clause 15—'Suspension or cancellation of licence.'

The Hon. R.I. LUCAS: The amendments I have on file to this clause are consequential and I will not move them.

Clause passed.

Clause 16—'Appeals.'

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

Page 7, after line 7—Insert new paragraph as follows:
(d) a decision by the Commission to withdraw an exemption permitting artificial insemination without a licence.

This amendment increases the matters that can lie by appeal to the court, and I believe it should be supported.

The Hon. I. GILFILLAN: I indicate my opposition to this amendment. I do not believe there should be the opportunity for an appeal to the Supreme Court.

The Hon. J.R. CORNWALL: The Government supports the amendment and I think that we have the numbers as well as the logic.

Amendment carried.

The Hon. R.I. LUCAS: I have two amendments on file, but, as they are consequential on other amendments, I will withdraw them.

Clause as amended passed.

Clause 17 passed.

New clause 17a—'Surrogacy contracts.'

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

Page 8, after line 9—Insert new clause as follows:
17a. (1) A person must not enter into a surrogacy contract. Penalty: $5 000.
(2) A surrogacy contract is a contract under which a woman agrees to bear a child conceived by an artificial fertilisation procedure and to surrender custody of the child at or after the birth of the child.

I know that arguments have been advanced that this matter will be considered at some future time. It has been indicated that it will be considered under another Bill and at that time I would have no objection to this clause being removed from this Bill, but I believe that, if that Bill comes in and if it covers the situation, all well and good, but in the meantime I ask the Committee to support this amendment which clarifies the position at this stage. It would be quite wrong for any person to enter into the IVF program when she had a surrogacy contract behind her. The select committee considered this matter and clearly indicated its views on it. At page 20 of the report it stated:

> The select committee is opposed to surrogacy. A woman who gives birth to a child is legally its mother. The mother can relinquish the child for adoption but cannot, under existing adoption arrangements, specify to whom the child might go. Contracts which seek to achieve this end should be unenforceable. The select committee believes that any person who organises a surrogacy contract for fee or reward should be guilty of an offence. Any fee paid to a person who organises a surrogacy contract should be recoverable by those who paid the fee.

I think that the matter is self-explanatory. Obviously, it has been discussed at some length and it is not a new subject to this Committee. I ask members to support the amendment.

The Hon. J.R. CORNWALL: I have no objection in principle to the amendment, but the simple fact is that only last Monday the Attorney-General introduced to Cabinet at very short notice a proposed amendment to the Family Relationships Act. It has always been the Government's intention that this matter should be dealt with in the Family Relationships Act.

A final decision as to the form and content of that amendment was not made by Cabinet last Monday, because it came in on a basis that would be classified as very late. It is on the Cabinet agenda for next Monday. I do not normally talk about Cabinet agendas, but in the event I think it is not inappropriate. It would be anticipated, unless some extraordinary situation arose, that the Attorney would not only give notice of his intention to introduce that Bill but would introduce it next week. It will lie on the table over the parliamentary recess. In the event that this goes in, obviously once Cabinet has agreed on a matter of policy (and, frankly, surrogacy is not a conscience issue but a matter of policy on which we all feel very strongly), I cannot think of anybody at the moment—unless Mr Gilfillan has changed his mind again—who would oppose the unanimous recommendation of the select committee. We think that the Family Relationships Act is a much better vehicle for it.

We oppose the amendment on that basis. However, I am not about to get uptight about it. I would like to hear what Mr Gilfillan has to say. I do not intend to call for a division, but we will certainly oppose it. In the event that it goes in, I can assure the Committee that it will come out in the other place because the Attorney by that time will have introduced a comprehensive amendment under the Family Relationships Act, which is where we as a Government believe it belongs.

The Hon. R.J. RITSON: I support the amendment. It quite carefully deals with surrogacy only in relation to artificial fertilisation whereas the difficulties that arise from contracts to relinquish—in particular where the mother finds

herself unable to relinquish emotionally, when recipients of the child find themselves unwilling to accept a child that is abnormal or where a dispute occurs over money—are most undesirable. They occur not frequently to my knowledge in Australia but certainly overseas they have given rise to some quite sensational litigation. It is my understanding that in existing legislation dealing with adoption there is prohibition on relinquishing agreements for money and I understand that there may be quite a number of other areas of law that the Attorney-General will undoubtedly pick up in dealing with the whole question of relinquishing agreements and family relationships in general.

However, there is a very direct connection between some aspects of surrogacy and the types of requests or demands that may be made upon fertility clinics. I will say no more about it other than that relinquishing agreements in general are universally regarded as undesirable. Considering that, when the select committee came out, it was this issue that was regarded, certainly by the media, as 'the' issue of the report, it is reasonable to act now while the Bill is before us and put this in place in regard to artificial fertilisation only and for the Government in due course to introduce its prohibition in relation to other forms of conception and other forms of relinquishing agreements. I therefore support the amendment.

The Hon. I. GILFILLAN: I indicate my support for the amendment. The position of the surrogacy issue in a Bill dealing with artificial insemination procedures is reasonably appropriate. One of the quite likely areas of the emergence of surrogacy would be where a woman offered to be inseminated by the sperm of the donating father, and that might be an area where surrogacy could be even more attractive than a completely detached conception and then sale of offspring from that union.

So, in my mind, it is appropriate that the matter is dealt with in this Bill. I suspect that the amendment ought to carry more detail if it is to fully address the matter in this legislation, and that may happen further down the track. If there is to be expression of it in other legislation introduced by the Attorney, so be it. I would feel more assured to have it in this legislation, even if in time it is amended; or, if it is covered adequately elsewhere, this new clause could perhaps eventually be deleted.

As far as the assurance from the Minister goes, at this stage, we are close to the end of the session; we are overloading as usual with legislation; and the Minister will not be here for a large part of next week so that he personally will not be able to honour any undertaking that he is giving on behalf of the Attorney who is not here. So, if only for that reason I would like to feel that we will get something by supporting this amendment: we will get something into this legislation dealing with a very critical issue.

The Hon. R.J. RITSON: I wish to make a quick point to the Hon. Mr Gilfillan about the apparent lack of detail, because he will be aware of the recommendation about recoverability of moneys and non-enforceability of contracts at law. The advice which has been given to the Hon. Mr Cameron and which I share is that, by making it an illegal contract, the way the law operates means that all these other things, such as the non-enforceability, recoverability, and so on, flow from making it an illegal contract, and that it is not necessary to put all of that in. It naturally follows once the contract is made an illegal contract.

The Hon. J.R. CORNWALL: When I give an undertaking on behalf of the Government, it is a formal undertaking on behalf of the Government. It is not only given in good faith—it is also binding. We are not like the Democrats: we are in Government, and an undertaking formally given on behalf of the Government is cast iron—it is cast in concrete. That was gratuitously insulting and rather silly.

The Committee divided on the new clause:

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

Noes—(9)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. C.J. Sumner.

Majority of 1 for the Ayes.

New clause thus inserted.

Clause 18—'Confidentiality.'

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

Page 8, line 18—Delete '$2 000' and substitute '$5 000'.

This simple amendment seeks to increase the penalty for breach of confidentiality. This was raised by the Hon. Mr Griffin during the second reading debate. The amendment will increase the penalty to the same level to which it was increased in relation to a similar clause in the South Australian Health Commission Act passed earlier this year, and I commend it to the Committee.

Amendment carried.

[Midnight]

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

Page 8, lines 10 to 18—Leave out clause 18 and insert the following clause:

18. (1) A person must not disclose the identity of a donor of human reproductive material except—

(a) in the administration of this Act;

or

(b) in order to carry out an artificial fertilisation procedure.

Penalty: $5 000 or imprisonment for six months.

(2) A person must not divulge any other confidential information obtained (whether by that person or some other person) in the administration of this Act or for the purpose, or in the course, of carrying out an artificial fertilisation procedure or research except—

(a) in the administration of this Act or in order to carry out that procedure or research;

or

(b) as may be permitted or required by the code of ethical practice.

Penalty: $5 000 or imprisonment for six months.

The intent is quite clear. It deals with confidentiality and indicates that a person must not disclose the identity of a donor of human reproductive material except in the administration of the Act or in order to carry out an artificial fertilisation procedure, or as may be permitted or required by the code of ethical practice. It is a very tight form of confidentiality but one I believe is necessary. It is totally dissimilar to the situation that derives with adoption, and I urge members to support the amendment.

The Hon. R.J. RITSON: I, support the amendment. I am aware of subsequent amendments to be moved, and point out that varying evidence was given to the select committee, some to the effect that absolute confidentiality as to the identity of the donor under every conceivable condition was essential. Other evidence indicated that there could be circumstances in which, as long as the donor consented, it may be helpful later in life to a child who knew that she or he was conceived in this manner to discover the identity of the parent.

I took the view that absolute confidentiality of identity was important in this case. I was persuaded by the evidence that at times more harm than good can be done by a person going in search of a genetic parent, so I support this amendment. I appreciate that members with various views on life will have different opinions.

The Hon. J.R. CORNWALL: Let me make clear again that this is an administrative and policy matter. The Government does not regard this as a conscience issue. The legislation was deliberately silent on this. We were prepared to take the learned second opinion before we adopted a policy position, but it was never our intention that it be a conscience issue. It would never be defined as a conscience issue within our Party unless the rules were basically changed. We as a Government oppose the Cameron amendment. There would be a blanket ban on disclosing any identifying information.

The Hon. M.B. Cameron: You will lose all your donors.

The Hon. J.R. CORNWALL: No, we will not lose all our donors. There is the very reasonable Lucas amendment. We are talking about ovum donors at this stage as well as semen donors; it is not the mythical 20 year old medical student who was the exclusive donor in these circumstances. There is a wide variety of donors in practice, and that is a fact I am sure the Hon. Mr Lucas knows because of his diligent research with his friends at the Queen Elizabeth Hospital. There is a wide range of donors, but they are not only male. Increasingly, ovum freezing is moving from the experimental to the semi-experimental to, within the foreseeable future, being classified as accepted clinical practice.

That is a significant breakthrough which has been pioneered in Adelaide, amongst other places, and one of which we should be very proud. That will significantly change the name of the game. I think that the donor, whether male or female, should be given the option at the time of donation of expressing the clear intention as to whether he or she would be prepared at some future time to have that child, when the child became an adult, seek and be given identifying information.

I reserve my right to take further advice on the matter from the Reproductive Technology Council and certainly would reserve the right of the Government, if there is overwhelming evidence that the matter ought to go further, to consider the Bill in an amended form as it might come back from the other House. But at the moment I am attracted to the Lucas amendment on behalf of the Government but very strenuously oppose the Cameron amendment.

The Hon. I. GILFILLAN: I indicate my support for the amendment. I think it is an important issue on which Parliament cannot avoid indicating its opinion quite clearly. It is important for the confidence that people will have when they become involved in contributing to these procedures, although it may vary, as I have said, with other positions taken on so-called conscience issues, as the Committee deliberates and as Parliament has a chance to debate these matters further. We cannot in conscience leave this as an open question at this stage. I think the amendment is constructive and helpful and will give some sense of confidence to those who are donating material to the programs to ensure that they will remain confidential and anonymous.

The Hon. R.I. LUCAS: As you have indicated, Ms Chair, I will move another amendment to this clause and therefore will be opposing this amendment. The intent of my amendment and therefore my view on this particular matter is meant to reflect the majority view of the select committee under recommendation 48 which states:

> Persons resulting from donor gametes should be able to learn the identity of their genetic parent or parents when they become adults, if they so wish, provided that the donors of the gametes had given written consent to disclosure at the time of donation.

I acknowledge that was not unanimous; it was a majority decision of the select committee. The intent of my amendment and my views on this clause are to encapsulate in legislation that recommendation, and therefore I will be supporting my own amendment and not supporting this one.

The Hon. J.R. CORNWALL: May I point out again, to put it on record, that Mr Gilfillan was part of the majority which recommended that as a minimum position, with the consent of the donors, identifying information ought to be available. He is really left with no credibility, no clothes and nothing. He is a most extraordinary representative to be in this Parliament.

The Hon. DIANA LAIDLAW: I will not be supporting the amendment moved by the Hon. Mr Cameron, but I will be supporting the amendment moved by the Hon. Mr Lucas. I strongly support recommendation 45, which was unanimous on behalf of the select committee, and that is that:

> . . . persons born following the use of reproductive technology should be told by their parents that they were conceived with medical assistance.

If a child is told it has been conceived with medical assistance I can imagine that many such children would be interested in their origins. In those circumstances—and where the donor so wishes—they should have an option to have their identity known. I respect the fact that amendments have not been moved in respect to recommendation 45 and I trust that will be looked at by the council. In the meantime I certainly believe in the principle that children born by the process of donor gametes should have the opportunity to learn about the identity of their genetic parents.

The Hon. K.T. GRIFFIN: I was one of the minority of the select committee who strongly opposed the disclosure of the identity of a donor of human reproductive material, particularly to the children. I take the strong view that there is no way that a child born as a result of an *in vitro* fertilisation procedure can be equated with a child who is adopted. There is just no similarity at all. One must remember that, when genetic material is donated, it is donated as material. The child is carried by the woman who has benefited from the IVF procedure and I think, for all practical purposes, that person is the mother. It is quite a different situation from an adoption where the relinquishing mother has carried the child and has retained some association with the child through her confinement.

I do not believe it is appropriate that children, even when they are told that they were born with medical assistance, should then have thrust upon them the identity of the donor of genetic material who, I would suggest, would mean nothing to them and, as a result, there may well be conflicts which prejudice the interests of the child rather than assist it to develop as a normal human being. I strongly support the Hon. Mr Cameron's amendment and I will strongly oppose the amendment proposed by my colleague the Hon. Robert Lucas.

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

Page 8, lines 10 to 18—Leave out clause 18 and insert the following clause:

18. (1) A person must not disclose the identity of a donor of human reproductive material except—

(a) in the administration of this Act;

(b) in order to carry out an artificial fertilization procedure; or

(c) with the consent (given in the prescribed manner) of the donor of the material.

Penalty: $5 000 or imprisonment for six months.

(2) A person must not divulge any other confidential information obtained (whether by that person or some other person) in the administration of this Act or for the purpose, or in the course, of carrying out an artificial fertilization procedure or research except—

(a) in the administration of this Act or in order to carry out that procedure or research; or

(b) as may be permitted or required by the code of ethical practice.

Penalty: $5 000 or imprisonment for six months.

The Hon. I. GILFILLAN: I must confess that a moment ago I was indicating support for what was the text of the Hon. Mr Lucas's amendment. I make it plain that that is the draft that I would personally support. I apologise for misleading the Committee earlier when I came in and supported an earlier amendment. New paragraph *(c)* allows for a certain extra dimension over that provided by the Hon. Mr Cameron's amendment, and I certainly support that.

Clause negatived.

The Committee divided on the Hon. Mr Cameron's new clause 18:

Ayes (7)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin, and R.J. Ritson.

Noes (12)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Diana Laidlaw, R.I. Lucas, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. C.J. Sumner.

Majority of 5 for the Noes.

New clause thus negatived.

The Hon. Mr Lucas's new clause 18 inserted.

Clause 19 passed.

Progress reported; Committee to sit again.

RIVER MURRAY WATERS ACT AMENDMENT BILL

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

ADJOURNMENT

At 12.22 a.m. the Council adjourned until Thursday 26 November at 2.15 p.m.