LEGISLATIVE COUNCIL

Tuesday 8 November 1983

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

DEATH OF Mr H. O'NEILL

The PRESIDENT: It is with profound regret that I draw the attention of honourable members to the recent death of Mr Howard O'Neill, a former member of the House of Assembly. As President of the Council I express the deepest sympathy of the Council to his wife and family in their sad bereavement. I ask honourable members to stand in silence as a tribute to his memory and his meritorious public service.

Members stood in their places in silence.

ETHNIC TELEVISION

The PRESIDENT: On 18 August 1983 the Council passed a resolution concerning the provision of ethnic television for South Australia. I now table for the information of honourable members copies of correspondence which I have received from the honourable the Premier with respect to this matter.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Children's Court Advisory Committee—Report, 1982-83.
Legal Services Commission—Report, 1982-83.
State Government Insurance Commission—Auditor-General's Report, 1982-83.
The State Opera of South Australia—Report, 1982-83.
Technology Park Adelaide Corporation—Report, 1982-83.

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

Pursuant to Statute—

Commissioner for Consumer Affairs—Report, 1982-83.

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

Pursuant to Statute—

Alcohol and Drug Addicts Treatment Board—Report, 1981-82.
Department for Community Welfare—Report, 1982-83.
Greyhound Racing Control Board—Report, 1982-83.
Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—
Division of land at St Peters.
Expansion of the existing 33/11 kV Substation at Nuriootpa.
Erection of a single transportable classroom—Springton Rural School.
Trotting Control Board—Report, for year ended 31 July 1983.
South Australian Health Commission—Report, 1981-82.
District Council of Strathalbyn—By-law No. 20—Motor Vehicles Plying, Kept or Let for Hire.
District Council of Tanunda—By-law No. 31—Metric Conversion.

By the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Department of Marine and Harbors—Report, 1982-83.
Poultry Farmer Licensing Committee—Report on Operations and Activities, 1982-83.
Road Traffic Act, 1961—Regulations—Traffic Prohibition (Enfield).
The University of Adelaide—Report and Legislation, 1982.

MINISTERIAL STATEMENT: PORT AUGUSTA HOSPITAL

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: On 31 May I informed the Council of my concerns about the delivery of health and hospital services in Port Augusta. I outlined a number of measures intended to overcome some of the problems. These included my direction that there be a complete redelineation of clinical privileges for doctors at the hospital to be carried out by an advisory committee appointed after consultation with the Australian Medical Association and specialist colleges and a separate review of the quality of patient care provided by Port Augusta Hospital. I believe it is now proper that I should report to the Council on the events that have followed and the successful reorganisation that has taken place in Port Augusta.

Members will recall that on 3 June I announced that, following the resignation of nine members of the Port Augusta Hospital Board, I proposed to make six interim appointments to the Board of Management and that Dr Anthony Benny, medical superintendent of Whyalla Hospital, would act as Administrator of the hospital. The interim board first met on 7 June. It quickly got to grips with the situation and, in the ensuing months, performed extremely well. The special Medical Privileges Advisory Committee was quickly set up and a standing subcommittee of the Board, known as the Quality Assurance Committee, was established. In addition, arrangements were made for a separate *ad hoc* committee to prepare a report on the quality of patient care at the hospital. This included representatives of the A.M.A., the South Australian Hospitals Association, and the Royal Australian Nursing Federation.

The Board also approved nominations to a Medical Peer Review Committee which, as a first action, indicated its intention to conduct audits in myocardial infarction, appendicectomy, Caesarean section, melaena/haemetemisis and deaths. Plans were also made for the introduction of a formal committee system and other defined administrative procedures to ensure that Board decisions were implemented. This system has been steadily put in place to ensure the new Board which takes over management of the hospital in December will inherit a functioning committee system designed to ensure that the hospital's management is properly co-ordinated.

The list of initiatives is too exhaustive for me to give them all. However, I am sure members will be pleased to know that the Board has also established a monthly diabetic clinic and approved the upgrading of the unused physiotherapy building for use by the Regional Nurse Education Outreach Service. It has also instituted a review of the efficiency and effectiveness of day care services and has commissioned an engineering and preventive maintenance survey by a consultant hospital engineer. A working party has undertaken a comprehensive review of the organisation and delivery of domiciliary care services. The Board has approved introduction of a new inpatient medical service record form as the basis for an improved control system over medical officers' fee-for-service payments and has also revised the list of financial and purchasing delegations. New guidelines have been laid down governing the conditions under which general anaesthetic procedures are performed, the use of domiciliary oxygen, the application of plasters and the ordering of X-rays.

The Medical Privileges Advisory Committee, under the Chairmanship of Dr David King, formerly President of the South Australian Branch of the A.M.A., presented its report to the Board at a meeting on 28 October. Confidential letters have since been sent to individual medical practitioners advising them of the Board's decisions in relation to their particular cases. Doctors who wish to dispute a decision affecting their clinical privileges may appeal to an appeals committee comprising the President of the South Australian branch of the A.M.A. or his nominee, acting as Chairman, a nominee of the Port Augusta Hospital Board and a nominee of the appropriate college. In addition, the Board has assured members of the local medical profession that it will investigate any other concerns they may have.

In view of the considerable importance of the privileging process I propose to read an extract from a memorandum sent to me by Dr Malcolm Collings, the Director of Health Programmes, Western Sector, on 4 November. That memorandum reads, in part:

The significant aspects of the committee's report were:

1. The definitions developed by the committee to describe the privileges to be granted to general practitioners.
2. The criteria used by the committee to determine the privileges granted to general practitioners in obstetrics, surgery and anaesthetics.
3. The equivocal nature of the committee's comments relating to the granting of anaesthetic privileges.
4. The recommendations made with respect to the individual practitioners which, in some cases, reduced the level or nature of privileges previously enjoyed.

With respect to anaesthetics, the Committee outlined the three main criteria which it considered that a general practitioner-anaesthetist should meet and then went on to comment that many of the general practitioners seeking anaesthetic privileges at Port Augusta could not meet those criteria. Further, the Committee noted that there was a 'paucity of information available on the quality of anaesthetic practice at the hospital'. Notwithstanding its evident concern regarding standards of practice in this area, the Advisory Committee recommended that virtually all practitioners seeking anaesthetic privilege should be granted such privileges on a provisional basis pending formal assessment of their anaesthetic knowledge and skills.

However, the hospital's legal counsel expressed serious reservations about accepting the Committee's recommendations in this case. It was his view, and that of other senior counsel, that the Board would be in serious jeopardy from legal action where a practitioner to whom it had granted provisional anaesthetic privileges, caused harm to a patient under his care. The Board's vulnerability to such action would arise because in acting on the Committee's qualified advice it might be permitting a practitioner to give anaesthetics even though reasonable doubts might exist about that practitioner's capacity to do so safely. In view of the Committee's equivocal advice and legal counsel's reservations, the Board decided not to grant provisional privileges in this category. Instead, it resolved to develop a new anaesthetic service, as follows:

1. Practitioners will be eligible to participate in the service only if they either have the appropriate post-graduate qualifications, training and experience in anaesthetics, or have significant recent anaesthetic experience and satisfactorily complete a two-week training and assessment course prescribed by the Board;
2. Only a limited number of practitioners (probably four) will be granted anaesthetic privileges in order that they can give a sufficient number of anaesthetics each year to maintain their anaesthetic knowledge and skills at an acceptable level;
3. Practitioners granted anaesthetic privileges would be required to undertake an annual one week refresher course;
4. Anaesthetic services will be provided on a list basis, with all practitioners doing regular lists and participating in an afterhours and emergency roster.

In accordance with the Board's policy determination, general practitioners have now been invited to express interest in joining the anaesthetics service. In relation to obstetrics, the Committee recommended that privileges be delineated in two major categories, with the category of privileges granted depending upon the individual practitioners postgraduate qualifictions, training and experience. It also recommended that the right to perform caesarean sections be restricted to specialist obstetricians and certain specified general practitioners. The Board has accepted these recommendations.

Turning to surgical privileges, the Board has adopted the Committee's indicative list of those procedures deemed to be appropriate for general practitioner surgeons. General practitioners granted surgical privileges will be expected to confine their activity to procedures consistent with those detailed in the Committee's list. In the event that practitioners are dissatisfied with the privileges granted, the Board has established appropriate appeal procedures designed to ensure that appellants have ample opportunity to present their case.

I hope that honourable members will grasp the significance of the Board's decision with regard to clinical and admitting privileges. It has devised a solution with regard to anaesthetic privileges which, I believe, is both sensible and fair. There is no doubt that the institution of the new anaesthetic service will be closely watched by the medical profession at large, not only in South Australia but throughout this nation. Dr Collings himself has stressed the importance of the privileging exercise, particularly in view of the calibre of the committee which advised the Board and the meticulous manner in which these matters have been handled. Expressing his opinion that the principles established will have much wider application, Dr Collings has noted that the South Australian Health Commission/A.M.A. Joint Advisory Committee has already indicated its wish to examine the report with this end in view.

The definitive report of the *ad hoc* Committee on Quality Assurance will, I understand, be made available to the Hospital Board on 30 November. In the meantime, the Board has been able to feed into the Committee its own concerns about quality assurance mechanisms in the hospital and has kept the Committee briefed on actions it has taken. In addition to the establishment of the Medical Peer Review Committee, a Drug and Therapeutics Review Committee and an Infection Control Committee, arrangements have been made with the professional officer of the Royal Australian Nursing Federation to assist the Director of Nursing in establishing quality assurance mechanisms for the nursing process in the hospital.

Another important development is a process sponsored by the Peer Review Committee which ensures that all deaths at the hospital are now subject to review by doctors at Port Augusta in conjunction with specialist pathologist support from the Institute of Medical and Veterinary Science, Whyalla. The current schedule provides for the appointment of a new Board, comprising all local members, to take over the management of the hospital from December. It is envisaged that that Board will operate under a new constitution, broadly in line with the recommendations of the Sax Committee. It is proposed that the Board will be composed of seven members appointed by the Minister of Health following the advertising of vacancies and the preparation of a list of nominees. Cabinet and the South Australian Health

Commission have endorsed the new constitution which has been drafted by the Interim Board in collaboration with the Health Commission's legal officers.

On balance, it is considered that the proposition endorsed by the Sax Committee, in which responsibility for appointments rests with the Minister, is the most desirable. It is felt that this will minimise the chances of management of a multi million dollar public institution again becoming susceptible to the vagaries of local politics and personality clashes.

There is one further matter that I must raise before concluding this statement. As honourable members will be aware, I have consistently expressed concerns about the responsibilities of hospital boards of management and the degree of accountability that operates within the senior management levels of the Health Commission particularly in relation to sectorisation. Those concerns have been reinforced in rather dramatic fashion by the circumstances surrounding the departure of the former Chief Executive Officer of the Port Augusta Hospital, Mr Gavin Robins. Mr Robins was appointed Chief Executive Officer of Port Lincoln Hospital in November 1979. It has only recently emerged that Mr Robins misrepresented his former work experience when applying for that position. It is equally obvious that Mr Robins was able to secure a further appointment, as Chief Executive Officer at Port Augusta, in December 1981, again without a check on his previous background and his work experience claims.

In my Ministerial statement on 31 May I said, in part:

> ... the matters I have mentioned before do not reflect upon either the Chief Executive Officer or the Director of Nursing at Port Augusta Hospital, who I believe are conscientious and efficient employees who have lacked proper support.

I was advised at that time, and I did believe, that both employees were conscientious and efficient, and I have no reason, to this day, to doubt the truth of that remark in relation to the Director of Nursing. However, since that date certain matters have come to light which indicate that the former Chief Executive Officer was neither conscientious nor efficient in the performance of his duties.

On 13 July, following the appointment of the Interim Board and the Health Commission's closer involvement with the day-to-day running of the hospital, the Director of Resources and Planning, Western Sector, examined the financial records of the hospital for the 1982-83 financial year. He identified obvious shortcomings in Mr Robins' performance of his duties. Arrangements were made for financial officers of the Western Sector to be assigned to the hospital for a week to review in detail the financial transactions of the Port Augusta Hospital. This review confirmed Mr Robins' shortcomings in performance of his duties. In accordance with normal industrial relations procedures, he was formally counselled.

While investigations into Mr Robins' administration of the hospital were continuing, a letter of resignation—dated 4 August—was received from him. The letter gave no reason for resignation but indicated that it would take effect in four weeks. On 17 August, however, the Director of Resources and Planning interceded and indicated to Mr Robins that it was necessary for him to terminate his association with the hospital forthwith. Later the same day—that is, 17 August—the same officer became aware of the possibility that Mr Robins had secured a senior appointment in administration at the Queen Victoria Hospital. He informs me that he immediately telephoned the Chief Executive Officer of the Queen Victoria Hospital, Mr Phil Sheedy, and informed him of the circumstances of Mr Robins' departure from the Port Augusta Hospital.

It would not be appropriate for me to cover the ensuing events chapter and verse. However, I must emphasise that I was consistently advised by senior Health Commission officers that despite ongoing investigations there was insufficient evidence to warrant criminal prosecution. As recently as 31 October, I requested a full written briefing on the circumstances surrounding the recruitment of Mr Robins into the South Australian hospitals system and his eventual departure. On Tuesday 1 November a Health Commission memorandum was forwarded to me which stated that the hospital auditor's report from the financial year 1982-83 did not identify any misdemeanour of a criminal nature. The memo indicated that the auditor's report was, however, qualified in relation to irregularities in accounting procedures and that, following investigation by officers of the Western Sector, the problems identified could be categorised as: first, lack of integrity in financial reporting; secondly, inadequate financial control; and thirdly, abuse of the privileges of office. The memo read, in part, as follows:

> In summary, it was decided by management that there was no evidence to support claims of misappropriation of money or other hospital assets. In particular, there was no evidence to suggest that criminal charges should be brought against Mr Robins.

It has now become apparent that the Chairman of the South Australian Health Commission, Professor Gary Andrews, had earlier been poorly advised by a senior Health Commission officer who reported to him on the circumstances surrounding Mr Robins' departure.

On the basis of the information relayed to him, Professor Andrews indicated to Mr Sheedy on 22 August that he saw no impediment to the appointment of Mr Robins as Director of Administration at the Queen Victoria Hospital. Mr Sheedy instituted his own checks on the work experience and qualifications claimed by Mr Robins and established that they were false. Accordingly, the Queen Victoria Hospital terminated the appointment before Mr Robins took up duty.

Until the afternoon of 1 November neither the Chairman of the South Australian Health Commission nor I had any reason to believe that the irregularities at Port Augusta Hospital were not being fully and adequately investigated. However, at about 4.30 p.m. I received a confidential telephone call from a senior source within the hospital system. Acting upon the information that I was given, I conferred with Professor Andrews and directed that the Crown Solicitor be contacted immediately for advice on the implementation of an urgent investigation of the allegations and rumours in connection with the events leading to and surrounding the resignation and subsequent dismissal of Mr Gavin Robins. Professor Andrews promptly reported back that the Crown Solicitor had instructed one of his officers to conduct the investigation requested. Professor Andrews also informed me that he had spoken to the Auditor-General and arranged for an urgent and thorough audit of the hospital's accounts with special reference to the allegations that had been made.

At about 6.35 on the evening of 1 November—that is, the same evening that I received the additional information by telephone—I consulted my colleague the Attorney-General and apprised him by telephone of the actions that I had taken or proposed to take. Certain matters have now been referred to the Port Augusta police. Inquiries conducted by a Crown law investigator and the Auditor-General are continuing and have been extended to Port Broughton and Whyalla. It would be inappropriate for me to provide further detail at this stage.

Finally, the ongoing investigation into irregularities should not obscure the very real progress which has been made at the Port Augusta Hospital. I anticipate that the new Board will hold its first meeting in late December or early in 1984. One of its first tasks will be to consider the architectural proposals for redevelopment of the hospital that have been drawn up by Lawrence Nield and Partners. Another early agenda item will be the architect's brief for development of

a community health centre. I firmly believe that the groundwork has been done for the new Board of Management to take over the running of a hospital which will provide the people of Port Augusta with the hospital and health services that they deserve.

QUESTIONS

BUSHFIRES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about bushfires.

Leave granted.

The Hon. M.B. CAMERON: The Minister would be aware that considerable concern is being expressed in the community at present (understandable concern in view of what occurred in the earlier part of this year), and a number of people have indicated, that whilst funding for the C.F.S. has been increased by the present Government it is not necessarily being directed properly, and that considerable concern is also being expressed about whether the situation in national parks and in the hills face zone and in other areas of the State has been changed towards a reduction of the potential for extremely bad bushfires in the coming fire season. In fact, in some of the areas of the hills face zone the situation is far worse than it was last year.

A number of people are extremely alarmed that plenty of conferences about bushfires and their potential appear to be going on around the State, but there does not seem to have been an awful lot of action. I have received a report from the Northern Territory which indicates that a standing committee of the House of Representatives had as its terms of reference the environmental impact of bushfires on the Territory. It would do us well in this State to examine this report and to see whether it fits in with several of the situations which have occurred in this State. I quote some small parts of this report, but I am prepared to make it available to the Minister in total at the conclusion of Question Time. The report states:

> ... there is sufficient evidence to suggest that the major vegetation communities across the Territory are fire adapted, have evolved over thousands of years in the presence of fire and rely on fires of varying intensity for maintenance of health and vigour. As a consequence, most Territory fauna is similarly fire adapted.
>
> Those species of Territory fauna and flora that are fire sensitive either occur in 'fire shadow' areas which do not normally burn, or else rely on early, low intensity fires to remove fuel from the surrounding country.
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> In the Territory context, fire is an essential land management tool. Total prohibition of fire, if in fact it can be achieved, can have consequences equally as disastrous as catastrophic wildfire in terms of reduction of habitat and species diversity and for maintenance of health and vigour of vegetation communities. There is ample evidence to suggest that Aborigines used fire as a management tool and that our fauna and flora evolved over thousands of years as a consequence.

It goes on to say:

> The answer lies in a combination of protection through development of a fire break system with improved access; management through use of early dry season burning to reduce hazard; and suppression through the development of a combination of professional and volunteer 'fire brigades'.

Considerable material in this report suggests that if we fail to provide proper fire regimes within national parks by the reduction of fuel considerable problems will exist for national parks and for surrounding communities. That view is now expressed very widely within the agricultural community of this State, and considerable concern is felt that, despite the lessons of the last fire season, it appears that little has been done or no steps have been taken apart from conferences to ensure fire fuel reduction within our national parks system and in other areas of the State. This is particularly so in national parks and in the hills face zone.

Concern is also being expressed that funds that have been directed to the C.F.S. are not necessarily getting to the base areas of the C.F.S. in terms of new equipment. I am sure that the Minister has information on this, so I ask the following questions:

1. Is the Minister satisfied that sufficient of the funds allocated by the Government to the C.F.S. are being made available to people who have to direct that force?

2. Is the Minister aware that in many cases C.F.S. personnel are required to perform a majority of the fire-fighting tasks in national parks?

3. As this is the case, what steps have been taken to ensure that proper fire control measures, including the reduction of fuel in national parks, have been instituted and carried out by the National Parks and Wildlife Service?

The Hon. FRANK BLEVINS: The question of funding for the C.F.S. has been a somewhat vexed one for very many years—probably for as long as the C.F.S. has been going; it is not something that has arisen since the bushfires earlier this year. It is a very difficult question. In his explanation, the Hon. Martin Cameron pointed out that there had been an increase in the funding to the C.F.S. this year of quite a significant amount (something in the order of 31 per cent).

I am as satisfied as I can be that the people in the C.F.S. whose very onerous job it is to set priorities are doing that job to the best of their abilities. I am sure that they would concede that, had they more funds, they could do the job even better. It is all a question of balance as to how much the community can afford and where exactly the balance is struck. My information is that there has not been a single year in which there has not been some dispute within the C.F.S. regarding the level particularly of equipment and maintenance subsidies paid by the C.F.S. to individual brigades and councils; so, again, that is nothing new.

I know that the officers of the C.F.S. do their best with the funds they have to satisfy the highest priority needs first and then go down the line in that way. It may well be (I will be having some discussions again this afternoon with officers of the C.F.S.) that a whole new system of funding the C.F.S. and the various brigades, coupled with the contributions by councils, is warranted.

There is a very significant recommendation in the report on the South Australian bushfires that was made public yesterday. It may well be that the time is opportune to look at the C.F.S. in the light of the Lewis-Scriven Report, which contains some comments about the very structure of the C.F.S. and its relationship to the Metropolitan Fire Brigade and to the State disaster organisation, as well as the funding of and priorities used in the C.F.S.

I hope that the community will be patient with the C.F.S., which does not have a very deep pocket that gives it the ability to satisfy every individual request of every brigade and council. As I said earlier, I believe that the people who are doing the job of setting its priorities are doing it to the best of their abilities.

The Hon. M.B. CAMERON: As a supplementary question, I ask the Minister whether he is satisfied that sufficient control measures have been instituted and carried out by the National Parks and Wildlife Service in relation to national parks.

The Hon. FRANK BLEVINS: I apologise to the Hon. Martin Cameron for not answering the second part of the question. Again, it is a question of balance. By its very nature, a national park has to be left in some kind of pristine state or there is not very much point in having a national park.

I know that the Minister for Environment and Planning has been very concerned since Ash Wednesday to ensure that everything consistent with having a national park is done and continues to be done. It is an on-going programme, which I think will assist with the problem without destroying the very nature of the national park.

The Hon. M.B. Cameron: Last year we lost a lot of national parks.

The Hon. FRANK BLEVINS: Again, it is a question of balance, as it is in relation to the hills face zone. People are attracted to live in that area, and by its very nature it provides the essence of fuel for a bushfire—the trees are fuel. If one wanted to make the place completely safe in regard to fire, one would have to level the lot.

The Hon. M.B. Cameron: No, you don't.

The Hon. FRANK BLEVINS: That is what I am saying: it is a question of balance and where one draws the line. It is extraordinarily difficult to decide. I believe that the Minister for Environment and Planning is doing all that is possible consistent with retaining the nature of the national park and ensuring that as little fuel as possible is available for a fire.

SCHOOL DENTAL SERVICE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Barmes Report into school dental services in South Australia.

Leave granted.

The Hon. J.C. BURDETT: On 16 August 1983 I asked a question on this subject, part of which was as follows:

> Therefore, no proper, credible or significant conclusions or results can be taken from the data. I request information from the Minister so that other parties may conduct proper statistical analysis of the results. I ask the Minister to provide the following information: first, what is the 'standard deviation' of all the averages or means in the subsection 3 'Oral Disease Data' or, alternatively, will the Minister supply all of the raw data for the whole of the subsection?

On 21 September 1983, in the course of an explanation to a question, I stated:

> On 16 August 1983 I asked the Minister questions in relation to the Barmes Report heading 'Oral Disease Data'. I asked what was the standard deviation of all the averages or means in subsection 3 'Oral Disease Data', or alternatively whether the Minister would supply all the raw material for the whole of the subsection. The reply given on 13 September was that the South Australian Dental Service did not have access to the information and that, therefore, the Minister could not supply it. On 16 August the Minister suggested that Dr Barmes, as chief of the oral section of the World Health Organisation, was beyond question.
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> However, as I suggested in my explanation to the question on the same day, a statistical analysis can have no credibility unless its basis is available for critical examination. As the South Australian Dental Service does not have the answer, I ask the Minister to obtain from Dr Barmes the standard deviation of all the averages or means in subsection 3 'Oral Disease Data' or the raw data. It should not be impossible to obtain the latter, that is, the raw data, but surely it would be very easy to ask Dr Barmes what was the standard deviation from the mean. I ask whether the Minister will pursue this matter.

The Minister, with characteristic courtesy, in reply stated:

> I think that it is quite disgraceful for the Hon. Mr Burdett to be taking up cudgels on behalf of these people (who can be counted on the fingers on one hand), but he has a democratic right, I suppose, to represent minority, lunatic fringe groups. I will, therefore, be pleased to take his request to the dental officers. If it is not going to take up too much of their time, will not divert them from the business of running first-class public dental services in this State, and will not divert them from running the best school dental service in the nation, I will give due consideration to asking them to seek this information from Dr Barmes.

I might say that I resent that attack: clearly, it was an attack on the Dental Practitioners Association, the membership of which cannot be numbered on the fingers of one hand. However, I note that the major dental body, the Australian Dental Association, South Australian Division, in its response to the Barmes Committee Report, stated, in its summary:

> The investigations carried out by Dr Barmes are limited to a small number of children—232 in all—too small to be statistically significant.

The Hon. R.I. Lucas: Is this the A.D.A. Report?

The Hon. J.C. BURDETT: Yes. It continues:

> 123 users of the School Dental Service and 109 non-users were examined. Of the non-users a certain number would be regular attenders of private dentists, some paying the spasmodic visit and some not at all. The number of children in these groups is not stated but is of significance. While the quality of care evident in both users and non-users was described as 'within the stratum of excellence', the report's figures show a higher level of dental health both from the point of view of caries incidence and oral hygiene in the non-users group. The data obtained from this small group is presented with no description of the methodology.

The PRESIDENT: Order! I ask whether all this is relevant to the question.

The Hon. J.C. BURDETT: Yes, Mr President, it is indeed, and I am very close to asking my question. The report further stated:

> There is no index of deviation. Mean values only are given. To this data further unreliable information relating to times required for certain dental procedures has been added and combined with need predictions—largely speculative—to produce a manpower prediction which can only be viewed with considerable doubt.

In the light of the fact that not only the Dental Practitioners Association but also the A.D.A. have raised precisely the same questions in relation to the report, will the Minister indicate when the data will be supplied?

The Hon. J.R. CORNWALL: The so-called appreciation of the Barmes Report which the A.D.A., South Australian Division, has issued describes that report as a blue-print for the socialisation of dentistry in South Australia. Those people appear to have misread and misinterpreted some of the more significant sections and to have confused integration with rationalisation.

The Hon. R.J. Ritson: Jargonalisation!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I point out to members from both sides that the investigation by Dr Barmes had the status of an official investigation by the World Health Organisation. Dr Barmes is the Chief of Oral Health with the World Health Organisation, which is based in Geneva. I am also pleased to be able to say that the data and the statistics were collected by Dr Barmes, assisted by Dr Donald Heffron, O.B.E.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Dr Heffron is a former Federal President of the Australian Dental Association. I would have thought that the credentials of both gentlemen were beyond question. Incidentally, the South Australian dental services and the School Dental Service provided the clinical material—the mouths. Those organisations were not involved in the collection of the data, which was collected by Dr Barmes and Dr Heffron, O.B.E.

Members interjecting:

The Hon. J.R. CORNWALL: I must say that I am distressed to think that Imperial honours that have accrued to Dr Heffron are a cause of derision by Opposition members. Where are the loyalists when they are needed? I am pleased to say that the task of sending for the data was not of such magnitude that my very good officers were diverted, or would have been diverted, from their task of running the best school dental service in the nation. Accordingly, they have written to Dr Barmes and asked him to supply the material that has been requested. When that information is

returned to my officers and has been relayed to me, I will certainly make it available to members of this Council.

NATIONAL CRIMES AUTHORITY

The Hon. K.T. GRIFFIN: My questions to the Attorney-General are as follows:

1. Has the Federal Attorney-General consulted with the State Attorneys-General with respect to his latest proposal for a national crimes authority?
2. If so, what is the attitude of the South Australian Attorney-General to the proposal announced this week?
3. Will any complementary State legislation be required? If it is, when is it expected that it will be introduced?
4. If no consultation has occurred, when is it proposed that consultation will occur?
5. If the Attorney-General is not aware of any proposed consultation, does that mean that the State Government does not support the Federal Attorney-General's latest proposal or that the Federal Attorney-General intends to go it alone?

The Hon. C.J. SUMNER: The Hon. Mr Griffin sometimes asks sensible questions in this Council, but I have to confess that the questions he has asked this afternoon are verging on the nonsensical and, in fact, indicate a complete ignorance of advice I have given to this Chamber on previous occasions. It indicates a complete ignorance of the honourable member's own participation and discussions relating to a Federal crimes authority. Nevertheless, I will reiterate what happened—

The Hon. K.T. Griffin: Answer the question.

The Hon. C.J. SUMNER: —and answer the question, nonsensical though it may be. There has been an extensive period of consultation by this Federal Government over a national crimes commission or authority. In November last year the former Federal Government canned any State participation or co-operation in a national crimes commission—it kicked the Hon. Mr Griffin out of the room along with other State Premiers and said, 'We have had enough of you lot; we are going it alone.'

That was the position that the Federal Liberal Government took until the election in March this year. Since then there has been an extensive period of consultation between the Federal Labor Government and the State Government. It was much welcomed, I might add, by all State Governments. Indeed, there was a seminar called by Senator Evans and Mr Beazley (the Ministers responsible) which the Hon. Mr Griffin attended. There was a full two-day discussion of the crimes authority and, at the conclusion of that discussion, Senator Evans outlined a number of broad principles within which the crimes authority could operate. Following that conference, officers meetings were held and a final Ministerial conference was held, I think, about six weeks ago at which a final agreement was virtually thrashed out. It is that agreement, substantially, which has now been agreed to by the Federal Government. There may be some—

The Hon. K.T. Griffin: Do you agree with the present proposition?

The Hon. C.J. SUMNER: The problem with the honourable member is that, in asking his questions, he has apparently forgotten that all this had occurred: that there had been this consultation, that I had reported to the Council on previous occasions on what had occurred—

The Hon. K.T. Griffin: This proposition is different from what happened previously.

The Hon. C.J. SUMNER: No, this proposition is not substantially different from the proposition that was put forward previously. There was the proposition that arose out of the seminar, to which I have referred, which was a broad summary. It was not meant to be a decision making body. Then there were further discussions with the State Ministers at which a final proposal to be put to the Federal Government was sorted out. It is basically that proposal that has been accepted. There may be some minor changes in it, but the proposal that was hammered out by the State Ministers and the Federal Ministers at a meeting following the seminar is basically what has been picked up by the Federal Government. So, I have not had any discussions with Senator Evans since Caucus approval yesterday of a crimes authority but, prior to that meeting, there were discussions between all State Ministers and Federal Ministers involved in the proposals. I do not think that State legislation will be required but, it may be, and obviously, if it is required, it will be attended to in accordance with the Federal Government's wishes.

The Hon. K.T. Griffin: It will be concerned only with Federal offences.

The Hon. C.J. SUMNER: No, that is not true. It may be concerned with State matters, provided the State concerned agrees to the crimes authority investigating matters of State concern. If the State agrees that there should be a reference to the national crimes authority which involves State law, that can occur.

INTERPRETERS AND TRANSLATORS

The Hon. C.M. HILL: Has the Minister of Ethnic Affairs a reply to my question of 13 September about interpreters and translators?

The Hon. C.J. SUMNER: The South Australian Government has fully supported the establishment of the new National Accreditation Authority for Translators and Interpreters (NAATI). On 29 July 1983 the Federal Minister for Immigration and Ethnic Affairs, Mr West, announced the establishment of the new NAATI, which will be a company incorporated under the Companies Act, 1981. He also announced a list of directors of NAATI, including one representative from each State and eight nominated by the Commonwealth. The South Australian Government has assisted the new body in 1983-84 with funds totalling $15 446 from the South Australian Ethnic Affairs Commission, and has committed itself to further funding until 1986.

NAATI is not a professional association, and it will be responsible primarily for the testing of candidates for accreditation, the approval of courses of training and the assessment of overseas qualifications in interpreting and translating. It was envisaged that a national professional association would develop in parallel to the accreditation authority (NAATI) to protect and represent the interests of the profession and to maintain professional ethics. At State level, NAATI accredited interpreters and translators have met to approve the constitution of a South Australian Professional Association of Translators and Interpreters. It is envisaged that this association will affiliate to a national body when it is created. The South Australian Government supports the creation of a national professional association.

DRUGS

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Chief Secretary, a question about drugs.

Leave granted.

The Hon. R.C. DeGARIS: In a very interesting recent article in a crime magazine (the name of which I have forgotten) it was stated that in New South Wales 65 per cent of the total prison population had committed crimes associated with the addiction to or the use or sale of drugs.

An honourable member: That was stated in *60 Minutes.*

The Hon. J.R. Cornwall: You've been watching too much television.

The Hon. R.C. DeGARIS: I do not read the daily paper—it misleads me. It depends which daily paper I am talking about. Has the Minister any figures on this question relating to inmates serving prison sentences in South Australia?

The Hon. C.J. SUMNER: I will attempt to obtain that information for the honourable member.

ETHNIC AGED

The Hon. M.S. FELEPPA: Has the Attorney-General a reply to my question of 20 September about migrant aged?

The Hon. C.J. SUMNER: The study 'The Ageing of Ethnic Populations in South Australia' was discussed with Dr G. Hugo in April 1983. The South Australian Ethnic Affairs Commission confirmed the project in a letter to Dr Hugo for the National Institute of Labour Studies of 12 May 1983. Dr Hugo was asked to develop an analysis paper which was presented to the Seminar on the Ethnic Aged, Berri, 7 May 1983, so that it would cover the whole State.

The demographic tables and maps in the study were prepared by Mr John Wright of the School of Social Sciences of Flinders University. The choice of countries of birth was limited by the availability of material produced for the Australian Bureau of Statistics. For the purpose of preparing meaningful maps of local government area level, only the largest ethnic groups and aggregates of groups were used (the smaller birthplace groups from Malta and Lebanon, groups which are better represented interstate, were included because data was available from the same material as that used for the larger group).

It has to be noted that the A.B.S. introduces deliberate random errors in any published data involving less than 10 persons in any one call in order to protect privacy. As a result, the production of distribution maps for smaller ethnic groups for only a few persons living in one local government area would have proved of doubtful value and would have added considerably to the cost of the study.

Mr GARY FOLEY

The Hon. R.J. RITSON: I seek leave to make an explanation before asking the Minister of Health a question about Mr Gary Foley.

Leave granted.

The Hon. R.J. RITSON: Aboriginal health is an extremely important subject. As most members will know, the standard of Aboriginal health is tragically poor, due to the failure of successive Governments to transmit even the basics of medical knowledge to tribal Aborigines. It is unfortunate for these people. I understand that the Minister has made efforts to use Aboriginal people to bridge some of the communication gaps that have previously existed. However, what I am about to say is extremely relevant to the particular appointment that has been made. Last Saturday's Melbourne *Age* and the Adelaide *Advertiser* carried reports of the appointment of Mr Gary Foley (Marxist activist) as Director of the Australian Council's Aboriginal Arts Board at a salary of $40 000 per annum, and of his appointment as Chairman of the South Australian Health Ministry's Committee of Review into Aboriginal Health.

The Hon. Anne Levy: This is 'reds under the bed' stuff!

The Hon. R.J. RITSON: No, not under the bed. Mr Foley is also Secretary of the Aboriginal and Torres Strait Islanders Health Organisation based in Redfern, Sydney. The press rightly refers to his political activism and part of his activism includes some vicious anti-Christian activity. On Christianity, Mr Foley said in a letter to the publishers of a Christian Aboriginal periodical:

> ... As you no doubt know, Christianity has brought more misery and suffering to the people of the world than any other single disease in the history of mankind. Our purpose in life is to smash and destroy Christianity and its perverted purveyors in any way we can ...

Mr Foley was appointed as a representative of the Australian Council of Churches during a visit to Australia by the World Council of Churches to examine the Australian Aboriginal problem. The appointment prompted the rather sad rejoinder from *Mission Publications of Australia,* as follows:

> I wonder what prompted the Council to engage such a person. There are many Christian Aboriginals who could capably act as consultants for the Australian Council of Churches.

Foley's overseas activism is described in an Aboriginal political journal called *Identity* which, referring to Mr Foley's tour of Europe to establish certain centres and support groups, stated:

> ... Aboriginal information centres and support groups overseas have been established for the first time. The centres are in London, Paris, Bonn, Munich, Copenhagen and Geneva.

The same article refers to contacts between Foley and the leaders of the German anti-uranium movement and to overseas lobbying by Shorty O'Neill and Mick Miller.

Gary Foley and Mick Miller are noted Marxist Socialists. Mrs Mick Miller (now Pat O'Shane) was a former Communist Party candidate for Parliamentary office and now runs Aboriginal Affairs for the Wran Government in New South Wales. The Labor Party is spreading a web of Marxist Socialist control over Aboriginal affairs throughout Australia. Aboriginal health is too important to be politicised by the Hon. Dr Cornwall's appointment of Foley.

The PRESIDENT: I draw the Hon. Dr Ritson's attention to the time.

The Hon. C.J. Sumner: Is this a question or a speech?

The Hon. R.J. RITSON: It takes 3½ minutes against the clock when I am not interrupted. It is not of excessive length.

The PRESIDENT: It is unfortunate but, due to the time, I will have to interrupt the Hon. Dr Ritson.

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

> That so much of Standing Orders be suspended to enable the time for Questions to be extended to 3.40 p.m.

Motion carried.

The Hon. R.J. RITSON: I am surprised that the Hon. Dr Cornwall (who is no Marxist) would go along with this *QANGO* stacking for political control over the minds of Aboriginals in the guise of concern for Aboriginal health. However, there may be another side to that story. My question is in seven parts, as follows:

1. Was the Minister aware of Mr Foley's Marxist and anti-Christian views?
2. What are Mr Foley's general educational qualifications?
3. What are Mr Foley's medical qualifications?
4. In view of Mr Foley's vicious attack on Christianity, how will Mr Foley's appointment contribute to harmony and co-operation with those Christian organisations working for Aborigines, well being?
5. In addition to his $40 000 per annum and whatever salary and allowances he receives as Secretary of the Sydney-based Aboriginal and Torres Strait Organisation, what payment will Mr Foley receive as a result of his South Australian appointment?
6. Was the South Australian appointment the brain-child of the Hon. Dr Cornwall alone, or was it foisted on him by other members of his Party?
7. In view of Mr Foley's other $40 000 job (which at that salary level surely must be full time), how much time and

effort will Mr Foley be able to invest in his South Australian commitment?

The Hon. J.R. CORNWALL: If I may say, that was an extraordinary statement.

The Hon. R.J. Ritson: It was an extraordinary appointment.

The Hon. J.R. CORNWALL: The appointment of Mr Gary Foley has quite clearly brought out all that is base and dreadful in the Hon. Dr Ritson. I will answer some of the Hon. Dr Ritson's questions; there are others that I do not think that I should dignify by even referring to. In relation to how much time and effort Mr Foley will put into the inquiry, I can only say that he will devote as much time as is necessary to visit the majority of Aboriginal communities in South Australia, and to report to me so that in turn I can report to Cabinet on or before 31 January.

Aboriginal health in South Australia, as it is in the rest of this country, is deplorable. When I announced the appointment of Mr Foley to head up a committee of seven members to review Aboriginal health services and their organisation in South Australia, I also released the results of a renal survey conducted by the Queen Elizabeth Hospital and the South Australian Aboriginal Health Organisation. Among other things, the survey showed that there was an incidence of diabetes in the Aboriginal population, 1 800 per cent greater than in the white population; it showed that there was an incidence of renal disease 10 to 13 times greater than could be expected in a comparable white population; and an incidence of end stage renal failure (in other words, kidney disease leading to death) up to 30 times greater than in the white population. As a medical practitioner and as a human being, Dr Ritson should be concerned about these sorts of things a great deal more than about the allegations as to whether Mr Foley was a Marxist, an anti-Christian, a socialist, or anything else.

Mr Foley, like the rest of us, is a human being. He will put into his job as much time and effort as is necessary. His appointment was not entirely my brain child, although I was the prime mover in it. There were some very good reasons for that appointment apart from the fact that I have a deep affection and great respect for Mr Foley. He is Secretary of the National Aboriginal and Islanders Health Organisation (NAIHO), and official adviser to the Federal Minister for Aboriginal Affairs, Mr Clive Holding. Therefore, there is little point in conducting a survey (in an area where the bulk of the funding currently comes from the Federal Government and where the bulk of future funding, I anticipate and hope, will come from that same Government) without involving in that survey the body which is the official adviser to the Federal Minister.

In addition, the Department for Aboriginal Affairs has a senior Canberra representative on that review committee, as has State Treasury and the South Australian Health Commission (represented by Dr Gavin Hart) and the Department for Social Security (represented by Mr Tim Agius, who also happens to be a member of the South Australian Aboriginal Health Organisation)—to name just a few of the people on that committee. That is a well-balanced committee and is chaired by Gary Foley because he is an official representative of NAIHO and, also, because I have both affection and respect for him. It was Gary Foley who enabled me to finalise negotiations to put in place the Nganampa health service, the independent health service for the Pitjantjatjara people, which is the most significant advance in health care for the Aboriginal people implemented in South Australia since colonisation in 1836. Mr Foley accompanied me on a trip during which we finalised negotiations with the Pitjantjatjara people and the Nganampa Health Council in relation to that health service. He was a tower of strength and it was because he was there that I was ultimately able to conclude those negotiations. I regard him as a valuable person in the area of Aboriginal affairs generally and in terms of negotiating he has a feel for what is needed in the field of Aboriginal health in particular.

The $40 000 job, to which Dr Ritson referred in the honourable member's base attempt at character assassination, does not currently exist. Mr Foley is paid from time to time by the Aboriginal Medical Service at Redfern, when he happens to be in Sydney. The clear inference in the remarks made by the honourable member was that Mr Foley already has a $40 000 a year job. That is clearly not true as he is paid on a casual basis by the Aboriginal Medical Service when he happens to be in Sydney. Mr Foley's appointment as Chairman of the Aboriginal Arts Board, a $40 000 a year job, is a tribute to his considerable skill and ability; it is an indication of the great respect in which he is held by his own people and by many decent, caring, white Australians. He will not take up that position until he has completed a review of health services supplied to Aboriginal people in South Australia.

Mr Foley has no medical qualifications, and nobody has ever pretended that he has such qualifications. The medical model that has been imposed on the Aboriginal health service over the decades has been a complete disaster and is precisely the sort of medical model we are trying to get away from. All intelligent, sensible, decent people now concede that the way for Aboriginal health services to go is for the Aboriginal people to organise their own service and to employ their own doctors and nurses; by that I do not mean Aboriginal doctors or nurses because obviously they do not have them in any numbers. By the age of 25 or 30 years, as the Hon. Dr Ritson ought to know, the average Aboriginal has consumed five times as much health and hospital care as a white person, so they have vast experience as consumers of health care. That is why all people who think about this matter these days agree that the way to deliver the best Aboriginal health service is through an independent, community-based, community-controlled service. That is what we are putting into the north-west area, which will be the 35th independent Aboriginal health service organised in Australia.

Gary Foley's education, like the education of many of my colleagues, has been in the school of hard knocks. He is vastly experienced in the sort of travail and problems which have beset his people and he has been a leader in the movement towards improved conditions for Aboriginal people in this country since he was a young man—for more than a decade. As to the attempted character assassination and whether or not he is Marxist, socialist, anti-Christian or anything else, I think that they are despicable questions and I would not in any way dignify them with a response.

KINDERGARTEN UNION

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Education, a question about the Kindergarten Union.

Leave granted.

The Hon. ANNE LEVY: I understand that the Kindergarten Union, which currently has its headquarters in North Adelaide, has found that its present premises are inadequate and there are proposals afoot to relocate those premises to Magill. I believe that the Kindergarten Union has announced that it plans to sell its properties in Kermode Street and Palmer Place and use the proceeds to erect a new building on Education Department land at Magill. I have heard suggestions that the new building, including furnishings, fittings and equipment, may well cost close to $1 million.

However, I cannot vouch for the accuracy of that figure. Finance for the project will come from the sale of the North Adelaide properties and from existing investments that the Kindergarten Union has. I further understand that the Government has been assured that there will be no cost to it involved in this relocation. However, the investments of the Kindergarten Union generate an income which currently goes directly into the general revenue account of the union, so any decrease in its investments will result in less revenue for its annual budget and the possibility that there may be a plea to the Government for further funding. I further understand that many Kindergarten Union Directors and teachers are opposed to this relocation at Magill, particularly as it will result in inaccessibility of the resource centre and the special services section.

The latter, particularly, is used by handicapped and other toddlers and their parents, many of whom have no private means of transport. Magill is certainly much harder to reach by public transport than is North Adelaide and is quite inaccessible for people from the country or from outer metropolitan suburbs. It has also been suggested to me that there may be in the not-too-distant future space available on the second floor of the Education Building in Flinders Street; the floor area is comparable to that which the Kindergarten Union is proposing to build at Magill. There would certainly seem to be some logic in bringing together all the education bodies under the one roof, adding this statutory authority (the Kindergarten Union) to the Education Department and the Department of Technical and Further Education, which are already housed in that building.

Furthermore, as honourable members will know, Mrs Marie Coleman is currently conducting for the Government an investigation into children's services of all types in South Australia and will report before long to the Minister of Education and the Minister of Community Welfare. In the light of all these facts, I ask, first, whether, if the Kindergarten Union does build as has been suggested at Magill, the Minister can be assured that no request will be made to the Government for additional revenue as a result of the new building. Secondly, has any consideration been given to housing the Kindergarten Union in the Education Building in Flinders Street? Thirdly, in view of Mrs Coleman's inquiry, would the Minister consider suggesting to the Kindergarten Union that no firm or final decision on its relocation be taken until her report has been received and considered by Cabinet?

The Hon. FRANK BLEVINS: I will be happy to take the honourable member's questions to my colleague in another place as requested and to bring back a reply.

URANIUM MINING

The Hon. L.H. DAVIS: I ask the Attorney-General questions on the matter of Labor uranium policy. First, will the South Australian branch of the Australian Labor Party support moves for a special national conference on the uranium issue? Secondly, in view of the close vote in the Labor national Caucus yesterday on the question of the mining and export of uranium, and in view of the fact that the anti-uranium forces are led for the most part by Labor members from States which have no commercial uranium deposits, will the Government seek to remove the damaging confusion which exists in relation to Labor policy on uranium?

Thirdly, prior to the debate yesterday, did the South Australian Labor Government lobby Federal Labor members which regard to the importance of proceeding with Roxby Downs? If not, why not? Fourthly, will the South Australian branch of the Labor Party continue to support and give endorsement to Mr John Scott, the Federal member for Hindmarsh, who was one of six Federal Labor members who circularised anti-uranium material to the Caucus, and to other Labor members from South Australia who supported the closure of Roxby Downs?

The Hon. C.J. SUMNER: I appreciate the touching faith which the honourable member has in my powers. I know that I am a man of some considerable importance and a master of tactics according to some, but those qualities, which I am sure that every honourable member recognises, do not extend, unfortunately, to giving answers to the first and fourth questions which the honourable member has asked. As to the uncertainty and confusion, in relation to the second question, the South Australian Government has made its position quite clear on Roxby Downs. Federal Caucus has now made its position clear on Roxby Downs, and I do not really think that any good point can be served by my reiterating today that position which has been put in this matter by me on previous occasions and which has been put publicly by the Premier in the House of Assembly on so many occasions that I would have thought that even the honourable member would by now finally glean that the South Australian Government position is to support Roxby Downs.

In answer to the honourable member's third question, representations were made to the Federal Government over the Roxby Downs issue. The Premier certainly discussed the matter with a number of M.Ps and Cabinet Ministers and, indeed, took the South Auistralian Government's case to the highest level—the Prime Minister—and indicated to him the importance of Roxby Downs to this State.

MEAT INSPECTION

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question on meat inspection.

Leave granted.

The Hon. H.P.K. DUNN: In the annual report of Samcor for 1982-83 there is a strong attack on meat inspection costs which are now being incurred at all abattoirs, costs so great that they are affecting both producers and consumers in this State. I quote from page 2 of that report:

> The impact on the meat processing industry from 1 October 1983 of the increase of 200 per cent in Federal meat inspection costs warrants comment, in that it will impact the 1983-84 and future years' financial performance. No-one can deny the need for cost recovery, but in a period when the industry is striving for survival this added impost will be a crippling blow to our operations, particularly at Port Lincoln. This additional expense stretches from the farm gate to the consumer and will have an effect on either producer viability or consumer acceptance of our red meat product.

An increase of 200 per cent for Federal meat inspection costs since 1 October 1983 does seem extremely high. In an answer given to the Hon. Ren DeGaris on 13 September, who asked whether the Federal Inspection Policy Council had recommended that the Commonwealth take over all meat inspection, the Minister said (on page 751 of *Hansard*):

> In relation to whether it is intended that all meat inspection be taken over by the Commonwealth, regardless of whether or not the meat is for export, I will have that question further investigated.

In the light of that, will the Minister tell the Council whether he now believes that the Federal meat inspection authorities should take over all meat inspection? Does he concede that inspection costs are significant in the Samcor operation's loss at Port Lincoln? Is he now endeavouring to lower these extreme costs by influencing other State Ministers and the Federal Minister to rationalise the red meat inspection industry?

The Hon. FRANK BLEVINS: The honourable member would be aware that a move is on for a single meat inspection service throughout Australia, which I hope will eventually come about and which, again hopefully, will result in some savings. I preface all these points with the word 'hopefully'.

The Samcor Board is entitled to make the comments in its annual report. That is how it sees the charges that affect its operations. I just point out that the Hon. Mr Dunn used the figure '200 per cent increase'—quite true, but perhaps it does not quite tell all the story.

The 200 per cent increase in effect represents about 50 per cent of the cost of the meat inspection service. It may not be quite 50 per cent, but it is in that order. The reason is that the previous Federal National Party coalition Government decided that 50 per cent of the cost of the meat inspection service would be recovered. The present Labor Government has gone along with that.

It seems to me that, given that the three major Parties—the Liberal Party, the National Party, and the Labor Party that is presently in Government in the Federal Parliament agree on cost recovery to the level of 50 per cent, it is reasonable to assume that those charges will go ahead. The effect on abattoirs is identical to the effect on export abattoirs—it is not peculiar to any abattoir.

The PRESIDENT: Order! Will the Minister be much longer?

The Hon. FRANK BLEVINS: I am about to wind up, Mr President. All export abattoirs are equally affected. There is not a cost disadvantage to any export abattoir in any particular State.

The Hon. H.P.K. Dunn: It wasn't the abattoir—it was the industry.

The PRESIDENT: Order! I will have to call on Orders of the Day.

The Hon. FRANK BLEVINS: If any further information comes to light, I will supply it to the Council.

QUESTIONS ON NOTICE

The Hon. C.M. HILL: I ask the Attorney-General Questions on Notice Nos 1 to 20 and 22 to 25 standing in my name.

The Hon. C.J. SUMNER: I seek leave to have the replies to those Questions on Notice inserted in *Hansard* without my reading them.

Leave granted.

ARTS ADVISORY BODY

The Hon. C.M. HILL (on notice) asked the Attorney-General: As the Government promised in its arts policy at the election 12 months ago to establish a central arts advisory body:

1. What has been done about this?
2. What is actually proposed?
3. As the policy says the proposed body will hold public hearings, is this still the intention of the Minister?
4. Will the proposed body receive applications for funds?
5. Will the present Arts Grants Advisory Committee be superseded by the proposed body?

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

1. The Department for the Arts is currently preparing policy papers and a suggested format for the central arts advisory body for submission to the Government.
2. Details are obviously not available on what is proposed. However, it is likely that the central arts advisory body will be in operation by the next financial period.
3. Whilst the method of operations of the proposed body are still not finalised, it is likely that it will hold public hearings.
4. This has yet to be determined.
5. This has yet to be determined.

AUSTRALIAN DESIGNS

The Hon. C.M. HILL (on notice) asked the Attorney-General: What has been done about the promise in the Government's arts policy to encourage industry to recognise and use good Australian design?

The Hon. C.J. SUMNER: Consideration is being given to the feasibility of establishing a working party (with representation from appropriate bodies such as the Jam Factory; South Australian College, School of Design; and the Industrial Design Council of South Australia), to develop long-term strategies for achieving this undertaking. The Department of State Development has provided $70 000 in 1983-84 to the Industrial Design Council of Australia, S.A. Division, towards a portion of their operating costs. A grant of $12 500 is also provided to the Industrial Design Council for the Premier's Design Awards.

EXHIBITIONS

The Hon. C.M. HILL (on notice) asked the Attorney-General: What has been done about the promise in the Government's arts policy to establish a 'clearing house' for information about exhibitions, competitions, scholarships and availability of materials and information to assist artists and craftspeople?

The Hon. C.J. SUMNER: The Crafts Board is currently conducting a national survey involving State Crafts Councils, which will recommend on appropriate craft information systems for the various States. Major South Australian Government action in this matter has been deferred, pending the outcome of the national survey. It is anticipated that appropriate action in the visual arts will be considered during 1984.

LOCAL PRODUCTION

The Hon. C.M. HILL (on notice) asked the Attorney-General: What has been done about the promise in the Government's arts policy document to examine the feasibility of encouraging local production of raw materials for South Australian artists and craftspeople?

The Hon. C.J. SUMNER: No overall feasibility study has been undertaken by the Government. There is, however, provision for private individuals to seek financial and other assistance with specific projects which will encourage the use of local raw materials. For example, a grant has been provided to assist in examining the feasibility of using local materials for the preparation and application of colloidal slips to functional pottery.

RIVERBOAT MUSEUM

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. What has been done about a promise in the Government's arts policy to liaise with the tourism industry to better promote the historical as well as the recreational attractions of the Murray River?

2. Has the feasibility of a riverboat museum been carried out to assist with the better marketing of the riverboat/paddle steamer image of the Murray, as indicated in the policy?

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

1. A course of action to promote Riverland artists is being developed as a result of Adelaide and Riverland meetings, which were attended by members of the Riverland visual arts community and officers of the Department for the Arts and Tourism.

2. Not as yet.

LOCAL ARTISTS

The Hon. C.M. HILL (on notice) asked the Attorney-General: What has been done, in the nature of new initiatives, to honour the Government's arts policy promise to foster the work of local artists and crafts people by assistance in the mounting of exhibitions and displays of their work?

The Hon. C.J. SUMNER: Financial and other assistance has been provided to talented, individual South Australian artists and crafts people to prepare for exhibitions and to organisations to present exhibitions by local artists and crafts people. As a result, a range of stimulating new work by South Australians has been and is being produced and presented with Government assistance.

CO-OPERATIVE ARTS AND CRAFTS

The Hon. C.M. HILL (on notice) asked the Attorney-General: what has been done by the Minister, since coming to office, to honour the Government's arts policy promise to foster co-operative enterprises in the field of arts and crafts?

The Hon. C.J. SUMNER: Grants have been provided to a range of collectives, comprising professional visual artists and crafts people, to assist with a variety of projects.

FILM INDUSTRY ADVISORY COMMITTEE

The Hon. C.M. HILL (on notice) asked the Attorney-General: As Labor's arts policy released 12 months ago included a promise to establish a representative Film Industry Advisory Committee to advise the Government on all matters affecting development of the South Australian film industry, what has occurred up until the date of this question?

The Hon. C.J. SUMNER: In May the Minister for the Arts approved the establishment of a representative group of film industry interests to be called the South Australian Film Industry Advisory Committee, to advise the Government on all matters affecting the development of the S.A. film industry and to report on such matters which are referred to the Committee for comment. The following membership is currently in force:

Mr Justin Milne	President, S.A. Film Producers' Association
Mr John Morris	Managing Director, S.A. Film Corporation
Ms Colleen Ross	State Secretary, Actors' and Announcers' Equity
Mr Rob George	President, Writers' Guild
Mr Chris Webster	President, Adelaide Film Freelancers
Mr Len Amadio	Director, Department for the Arts
Mr Ian Lovell	Nominee of Director, Department of State Development

The Committee has met once this year and following that meeting made certain representations to the Government concerning the level of funding for Government documentary film and video making through the Government Film Committee. The budgetary allocation was increased from $250 000 in 1982-83 to $400 000 in the 1983-84 budget.

S.A.F.C.

The Hon C.M. HILL (on notice) asked the Attorney-General: What has been done about the Government's arts policy promise to review the S.A.F.C. Act in consultation with the corporation with the object of giving the S.A.F.C. the commercial independence it needs to operate as a viable business enterprise, consistent with its responsibilities as a statutory corporation?

The Hon. C.J. SUMNER: The Government has under consideration a report by the Public Service Board, first commissioned by the Tonkin Government, on the effects of section 11 *(a)* of the South Australian Film Corporation Act, which places with the Corporation sole and exclusive power to produce or arrange production of films for Government departments and instrumentalities. That report covers matters relating to an important function of S.A.F.C and it has been discussed in detail with the Corporation and other interested parties within Government and in the private sector of the film industry. When that central issue has been dealt with, other aspects of the S.A.F.C. Act will be reviewed in consultation with the Corporation.

PRIVATE INVESTMENT AND SPONSORSHIP

The Hon. C.M. HILL (on notice) asked the Attorney-General: What has the Government done since last November to honour its arts policy promise to support a vigorous national campaign to promote private investment and sponsorship for local production and to attract independent feature film and television production to South Australia?

The Hon. C.J. SUMNER: The Corporation has issued a comprehensive brochure promoting use of South Australian filmmakers and S.A.F.C. facilities and services by Australian and overseas producers. The honourable member has been sent a copy of the S.A.F.C. Annual Report for 1982-83 which refers to that brochure and reproduces from it a statement of welcome to film producers and film investors by the Hon. the Premier and Minister for the Arts. The brochure has been distributed widely to Australian and overseas companies and this has helped to build upon the Corporation's other efforts to attract investment and business to South Australia. The honourable member also should be aware of the Premier's strong and continuing support of these efforts through involvement in news media interviews about the Corporation's outstanding success in raising private investment in *Robbery Under Arms* and through his official opening, before news media representatives from other States, of the world premiere of *The Fire in the Stone* at Coober Pedy recently.

GOVERNMENT FILM COMMITTEE

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. As a promise was made in Labor's arts policy to re-establish the Government Film Committee, has the committee been re-established?

2. If so, who are its members?

3. If so, how many meetings has it held in 1983?

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

1. The Government Film Committee has been re-established, under the aegis of the Department for the Arts.

2. The members are the Director, Department for the Arts (Mr Len Amadio) who is Chairman; Ms Anne Rein, representing the Department of Tourism; Mr Stuart Jay, representing the South Australian Film Corporation; and Mr Jo Parkes was appointed to represent the Department of the Premier and Cabinet. No action has been taken to appoint another Premier's Department nominee, Mr Parkes having recently resigned from the South Australian Public Service.

3. In its membership configuration just outlined, the committee has held two meetings. An interim committee met twice earlier in the year.

FILM EXPO

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. As the Premier promised in Labor's arts policy to undertake the establishment of a film expo to preserve the history of our film industry and promote its strong tourism potential, has the film expo been established at the date of this question?

2. Is it still intended that it will incorporate adequate display of the State's performing arts collection, as promised?

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

1. The establishment of a 'film expo' within the proposed Living Arts centre is one of the key areas being addressed by a feasibility study which is looking at the viability of the whole project and its various possible components. At this stage, it has not delivered its report to Government and it would therefore be premature to make any further comment on the establishment of a film expo.

2. The housing of the performing arts collection is one of the options under consideration by the aforementioned feasibility study.

FILM FESTIVAL

The Hon. C.M. HILL (on notice) asked the Attorney-General: What has been achieved to honour Labor's arts policy promise to investigate assistance to a major annual film festival for South Australia?

The Hon. C.J. SUMNER: Although the Department for the Arts has investigated the possibility of assistance to a major annual film festival this year, it has received low priority due to an outstanding but heavily committed arts programme. However, the Department will be looking at it again next year.

In the meantime, a grant has been made available of $1 000 towards the costs of the Australian Film Institute's major R.W. Fassbinder Film Programme, which was held in Adelaide earlier this year, in addition to providing a grant of $3 500 to the Australian Film Institute towards the cost of the 1983 Australian Film Awards.

SEMAPHORE CUSTOMS HOUSE

The Hon. C.M. HILL (on notice) asked the Attorney-General:

Has the Department of Arts developed any proposal for the Government to acquire and use the old Customs House at Semaphore as a regional gallery or for community arts activities?

If not, who owns the property now, and is it still available for public use?

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

1. Under the previous Labor and Liberal Governments and the Department for Arts formulated proposals for development of the old Customs House as a regional gallery/community arts centre. In view of other priorities relative to the availability of funds, the Department for the Arts has not been actively involved in the development of this proposal under the present Government.

2. The property is owned by the Coast Protection Board of the Department of Environment and Planning, which has leased the old Customs House to the Semaphore Promotions and Tourist Association for use as a community and tourism promotion centre. Any use of the building should be negotiated with the Semaphore Promotions and Tourist Association. That Association may be eligible to apply for State Government arts funding with appropriate specific projects.

ADELAIDE FESTIVAL CENTRE

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. Does the Minister propose new legislation to implement recommendations from the recent inquiry to improve the direction, management and administration generally at the Adelaide Festival Centre?

2. If so, when will such a Bill be introduced into Parliament and what are the measures proposed?

3. Have all recommendations which do not require the amendments to the Act been implemented and what measures were involved in the process?

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

1. Until the full impact of the recommendations of the Simpson Report and the consequent changes to the method of operations of the Trust are known, the Minister will not be in a position to assess the relevance of the current Act and make a considered appraisal as to what amendments are required.

2. See above.

3. No.

FESTIVAL OPERA PERFORMANCE

The Hon. C.M. HILL (on notice) asked the Attorney-General: Is it a fact that a major opera performance which State Opera proposed to stage as a highlight Festival performance, had to be dropped from the Festival programme because the extra funds needed could not be found by the Government?

The Hon. C.J. SUMNER: No opera proposed for the festival involving State Opera was dropped because of the lack of additional funding from this Government.

FESTIVAL CENTRE ENTREPRENEURIAL FUND

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. Has the Minister altered the arrangements for the Festival Centre Trust Entrepreneurial Fund since coming to office 12 months ago?

2. If so, what are those alterations?

The Hon. C.J. SUMNER: No.

SCULPTURE PARK

The Hon. C.M. HILL (on notice) asked the Attorney-General: Is the Minister investigating plans for a sculpture park to be established in South Australia and, if so, what stage has been reached in such planning?

The Hon. C.J. SUMNER: The Minister is investigating plans for a sculpture park to be established in South Australia, but arrangements have not yet proceeded beyond the initial submission stage.

ART GALLERY STAFF

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. As there were press reports recently of staff unrest in the State Art Gallery, could this be attributed to the budgetary proposals for the Gallery for 1983-84?

2. If not, what were the reasons?

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

1. and 2. The Department for the Arts commissioned a consultant, Mr Murray Edmonds, to examine management and staff difficulties at the Art Gallery. The report has only just been received, consequently, it has yet to be fully assessed.

ART GALLERY ACCOMMODATION

The Hon. C.M. HILL (on notice) asked the Attorney-General: Who are the members of the committee investigating the future accommodation needs of the State Art Gallery, and what stage has been reached in that committee's deliberations?

The Hon. C.J. SUMNER: The future accommodation needs of the Art Gallery of South Australia were being studied by officers of the Public Buildings Department. The study is presently in abeyance, having been deferred until the completion of the Art Gallery management review.

JAM FACTORY

The Hon. C.M. HILL (on notice) asked the Attorney-General: Does the Minister believe that the increase in funds to the Jam Factory this financial year (in accordance with the Budget) from $407 000 to $410 000 is a sufficient increase to honour the Government's promise in its policy at the last election to 'Continue support of the Jam Factory to enable it to expand its marketing operations and provide assistance in this area and in business management to all craftspeople in South Australia?

The Hon. C.J. SUMNER: This matter has been under review in recent weeks. Some time ago the Premier and Minister for the Arts arranged to meet with the Jam Factory's Executive Chairman to discuss the overall adequacy and implications of a funding level of $410 000 for this financial year. It should be noted that the figure of $410 000 does provide additional funds to employ the hitherto part-time sales manager on a full-time basis and to increase expenditure on promotions.

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. Has the Minister been asked to endeavour to purchase the existing Jam Factory property from the Commonwealth to ensure security of tenure for the Jam Factory organisation within that property?

2. If so, what steps have been taken to negotiate the purchase?

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

1. The Chief Property Officer of the Commonwealth Department of Administrative Services has advised the Director, Department for the Arts, that the property currently occupied by the Jam Factory Workshops Inc. is surplus to requirements and is available for purchase by the State Government.

2. As the current lease expires on 1 April 1985, and there is the option of renewal for a further ten years, the Director-General, Public Buildings Department, was approached to investigate the long-term viability of the Jam Factory remaining on this site, having regard to its present and future requirements and the options available for relocation to an alternative site. As soon as this investigation is completed, a departmental recommendation for acquisition action will be submitted for the Minister of Arts' consideration.

EYRE PENINSULA REGIONAL CULTURAL CENTRE

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. Is there a provision for a visual art gallery in the approved plan to complete the Eyre Peninsula Regional Cultural Centre complex at Whyalla?

2. If not, will the Minister investigate the need for such a gallery?

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

1. No provision for a separate visual art gallery. However, there is a foyer area space which can accommodate exhibitions and displays.

2. Not applicable.

MUSEUM OF MIGRATION AND IMMIGRATION

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. What is the present stage of planning for the Museum of Migration and Immigration?

2. When will the first display be available for public viewing?

The Hon. C.J. SUMNER: The museum's official title is 'Migration and Settlement Museum'. Planning is progressing well for the museum. A detailed brief for the Public Buildings Department architects has been prepared and discussions are now taking place between P.B.D. and the History Trust of South Australia to finalise all details before building work begins on site in about March 1984. The curator is beginning to plan exhibition themes, but more detailed work will begin next year with the addition of assistant staff, in particular a designer. At this stage, it is expected that the first displays in the Destitute Asylum will be open to the public either late in 1985 or early in 1986.

GOVERNMENT EMPLOYEES

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General:

1. In respect of each State Government department, the Health Commission, the State Transport Authority, and other statutory authorities; and

2. In respect of each of the years 1 July 1980 to 30 June 1981, 1 July 1981 to 30 June 1982 and 1 July 1982 to 30 June 1983—

(a) How many persons employed by those departments or agencies identified themselves as disabled at or before the time of their appointment?

(b) What was the total number of days for which those persons were entitled to be absent on sick leave?

(c) What was the total number of days for which those persons were actually absent on sick leave?

(d) How many, if any, of those persons who were actually absent on sick leave made worker's compensation claims arising out of that absence?

(e) How many days work were lost as a result of injuries giving rise to that absence on sick leave?

(f) Where disabled persons made worker's compensation claims, in how many cases did those claims arise out of or result from the original disability identified by the disabled employee?

The Hon. C.J. SUMNER: The time and money required to formulate a response to the honourable member's question is not considered warranted.

OVERSEAS PROJECT REVIEW

The Hon. I. GILFILLAN (on notice) asked the Minister of Agriculture:

1. Is the review of overseas projects completed?
2. If so, will he make the review available to the Parliament?
3. If not, why not?
4. If the review is not completed, would the Minister advise me when he expects the review to be completed?
5. Would he please explain the reason for the delay in completing the review?

The Hon. FRANK BLEVINS: The replies are as follows:

1. Yes.
2. The matter is under consideration by the Government.
3. Not applicable.
4. Not applicable.
5. Not applicable.

KLEMZIG PIONEER CEMETERY (VESTING) BILL

The Hon. C.W. CREEDON: I move:

That the time for bringing up the report of the Select Committee on the Bill be extended until 6 December 1983.

Motion carried.

BILLS OF SALE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 1161.)

The Hon. K.T. GRIFFIN: The Opposition is pleased to be able to support the general thrust of this Bill. The amendments seek, to some extent at least, to bring the Act into the 1980s. The Act was first introduced in 1886 and has had very little amendment since that time. A number of provisions are very much outmoded in the light of current commercial practice. When I was Attorney-General, a review of the Act was initiated, but, before I was able to take the legislative action, the election intervened. I am pleased that the Attorney-General has continued with the review of this Act.

I am also pleased to note that the substantive questions relating to bills of sale have been referred to the Law Reform Committee. It may be that, when the Law Reform Committee reports, we will find that a totally new mechanism in relation to securities for loans and personal property is proposed. I would suggest that that is probably a reasonable expectation.

Finance companies in particular use things like chattel mortgage documents more frequently than they use bills of sale, and it may be more appropriate for us to move down the track of recognising chattel mortgages by providing a registration mechanism other than the mechanism of the Bills of Sale Act. The Act provides for the assignment of the property in the chattel the subject of security during the continuance of the bill of sale and allows the assignor of the chattel to retain possession and use of the chattel during the continuance of the security.

That has some real problems in the light of modern day usage and also has some difficulties where a succession of loans may be granted to a person who owns personal property but the priorities cannot be recognised under the Bills of Sale Act.

Because the Bill is essentially a Committee Bill, I will in Committee make some observations on certain clauses. However, it would be of value to deal with at least some of the matters which I will address in Committee and which are the subject of amendments that are now being put on file.

Section 9 of the principal Act specifies matters that must be included in a bill of sale, and subsection (1) refers to the names of the grantor and grantee, their residences or places of business and occupations. I am not convinced that it is necessary to retain occupations. A bill of sale ought to be sufficient if the grantor and grantee are described by name and if their residence or place of business is included. I think the inclusion of occupation is largely irrelevant in respect of the security.

Subsection (2) provides for consideration to be identified as well as that part of the consideration which is for an antecedent debt or contemporaneous advance. That has to be removed by the Bill, and all that is to be put in its place is a requirement in regard to the name, place of residence or business and occupation of every attesting witness. That will have to be included in the bill of sale. Again, I make the same observation about the occupation of the attesting witness as I did about the occupation of a grantor or grantee. It is not necessary in this day and age to include the occupation of an attesting witness.

Subsection (3) provides for a description of personal chattels; subsection (4) deals with the location of personal chattels; and subsection (5) deals with the amount of credit balance or advance to be covered by the bill of sale. I do not believe that it is necessary to include any of those matters in the bill of sale because the overriding consideration of such bills of sale is whether or not they are sufficient to identify the property that is the subject of security and the consideration, interest, costs, and so on, with sufficient particularity to make it a valid bill of sale—subject to this it ought to be entirely up to the grantor and grantee as to the information which goes in the bill of sale. After all, it will be the intention of the grantee that there be sufficient particularity to ensure that it is a valid bill of sale and that upon registration it will be given appropriate priority.

Related to section 9, which is covered by clause 5, is a matter concerning section 28 of the Act. Section 28 seems to provide that, if there is any material omission or misstatement of any of the particularities by the ninth section, the bill of sale should be void as against the official receiver or the trustee in insolvency of the grantor or the trustee of the estate of such grantor under any statutory assignment

for the benefit of his or her creditors. While section 9 in its present form had relevance to section 28, the risk is that, if there is any error in providing the mandatory information required by section 9, the bill of sale will be void even if registered.

In respect of section 28, I am proposing again some amendments to the provision in the Bill which deals with section 28 to avoid the technical invalidity of the bill of sale if the provisions of section 9 are not complied with. Clause 11 deals with the extension of time for the registration of a bill of sale. In the present section 17 there is a requirement that the bill of sale be registered within 30 days of execution. I am pleased that the Attorney proposes that that be increased to 60 days. However, the deficiency of the present Act, and also with the new clause, is that it does not cover all the circumstances in which a bill of sale may not be registered within the now 60 days, but there may be good and sufficient reason why it should be so registered.

The amendments to which I will refer in greater detail in Committee seek to ensure that there is a wider opportunity for registration after the 60 days has expired to bring it in line with the provisions of the Companies Code, where the registration of charges is to be made within, I think, 60 days. There are circumstances in which the court can extend the period of registration, so it is the charge when registered against some priority and it is certainly then a security.

It is important to recognise in the commercial arena that, whilst many small amounts are secured by bills of sale, significant sums are secured as well. Even this year I have seen bills of sale for as much as $700 000 and $1 million as security over the personal chattels of an individual. Large sums are involved. It seems that my amendment gives more flexibility but puts the responsibility firmly in the hands of the court rather than in the hands of the Registrar-General who, while he is a statutory officer under the Real Property Act, nevertheless is not a judicial officer and is not the appropriate person to make a decision on an extension of time in the circumstances to which I have referred because of the significant ramifications that would flow from late registration.

Also, there is a difficulty with clause 18 of the Bill. Clause 18 seeks to change the order of priority from the date of registration to the time of production for registration. From the date when the Bill comes into operation there will be a hiatus that will prejudice bills of sale already produced for registration but not formally registered. After a quick perusal of the tabled amendments I note that that point has not been picked up. Therefore, I will ask the Attorney-General to allow further consideration of that matter in the Committee stages. I think that the hiatus period needs to be attended to by way of amendment to clause 18.

The parent Act contains a provision that fees may be charged by solicitors or land brokers at the rate specified in schedule 7, which is presently section 35. I suggest that schedule 7 is totally out of date (it was last amended in 1940). Schedule 7 provides that the fee to be charged on every bill of sale where consideration does not exceed $100 to be at the rate of $1.05 and, where the consideration exceeds $100, the professional fee is to be $2.10. I suggest that the fees are significantly outmoded. I have not heard of any problems with alleged over-charging, either by solicitors or land brokers, in respect of bills of sale. The work is highly competitive, so there is unlikely to be any over-charging.

In relation to lawyers, I suggest that their fees, even for bills of sale, are regulated. If there were any over-charging, that would be regarded as unprofessional conduct and would be dealt with under the Legal Practitioners Act, either by the complaints committee or, subsequently, the disciplinary tribunal. In relation to land brokers, I suggest that, if there were any incidence of excessively high fees being charged, the Land Agents Board or the Land Brokers Licensing Board, under the Land and Business Agents Act, would be concerned to ensure that disciplinary proceedings were taken.

I am proposing that present section 35 and the proposed amendment be opposed, because I see no need for fees to be regulated: there is no evidence of over-charging and, in any event, adequate mechanisms are available to deal with that problem. I certainly have no time for professional or trades people who over-charge. There has been no evidence at all of excessively high fees being charged in this area. As I have said, schedule 7 has not been operated for the past 43 years. That being so, I see no need for the provision of regulations to regulate the fees charged for this work.

The Hon. C.J. Sumner: Where do your amendments pick that up?

The Hon. K.T. GRIFFIN: My amendment to clause 21 does so. Present section 35 refers to fees being regulated, according to schedule 7, which will still be repealed according to the Bill. However, in addition to that occurring, I believe that not only should present section 35 be repealed (because it has not been in force for 43 years), but also that proposed new section 35 should not be supported because there has been no demonstrated need for the regulation of fees.

The Hon. C.J. Sumner: All fees of this type are regulated. Why should fees in this area be excluded?

The Hon. K.T. GRIFFIN: Why does the Government suddenly want to introduce a mechanism of regulation when there is no demonstrated need for it? The Attorney might as well leave present section 35 there along with schedule 7, and people who draw bills of sale will continue to charge the normal commercial fees, which, as I have said earlier, are highly competitive. I do not mind whether section 35 as it is at the moment remains, because it really has no effect, and I do not mind whether schedule 7 remains, because that has no effect, either.

The Hon. C.J. Sumner: People are breaking the law.

The Hon. K.T. GRIFFIN: That is a matter for the Attorney to police.

The Hon. C.J. Sumner: There are controls over other fees.

The Hon. K.T. GRIFFIN: Of course, but why should there be controls—

The Hon. C.J. Sumner: It is unfair to have some aspects of legal fees controlled by the Supreme Court and not others.

The Hon. K.T. GRIFFIN: It is not unfair. Suddenly, the Government wants to introduce a mechanism to set fees. I oppose that, because there is no demonstrated need. The Supreme Court already regulates legal practitioners' fees.

The Hon. C.J. Sumner: What about land brokers?

The Hon. K.T. GRIFFIN: Why worry about land brokers? Although their fees are regulated under the Real Property Act, the fact is that the land brokers licensing authority has jurisdiction to deal with land brokers who impose excessively high charges.

The Hon. R.J. Ritson: It is a very competitive area.

The Hon. K.T. GRIFFIN: Yes, as I have said, it is highly competitive. There is no reason at all to move to this mechanism. If it creates a problem for the Attorney-General to delete reference to all regulation of fees, I suggest that we merely oppose clause 21 of the Bill. I see no problem with that, because it will leave the position as it is at the moment. We will debate the amendment when it is considered in Committee.

My only other area of concern relates to clause 22, which provides for the Registrar to prescribe the size and type of paper required for bills of sale. People whom I have consulted in those areas where bills of sale are prepared have said that no regulation of paper size is required. However, I understand that the Registrar-General wants to obtain uni-

formity in the area of documentation, as he did with Real Property Act documentation. I am not at all happy to leave this to the Registrar-General. I understand that 80 per cent of bills of sale are presently of the international B4 size.

I would prefer to have the size specified in the legislation so that practitioners in all areas are aware of it, and so that it is not subject to periodic review to the detriment of business operations. Many businesses order sufficient quantities of paper and forms to satisfy demand years ahead. Businesses have photo-copying and other machines of the appropriate paper size. If the paper size is suddenly changed by regulation or by the Registrar-General, it will place an unnecessary burden on businesses. I will refer to my amendment to clause 21 at some length in Committee.

I have already indicated that the Opposition supports this Bill. It introduces some welcome changes to the outmoded provisions of the Act, and I am prepared to vote in favour of the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

STOCK MORTGAGES AND WOOL LIENS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 1162.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. Although the principal Act makes specific provision for certain of the requirements of stock mortgage and wool liens it does adopt a significant part of the Bills of Sale Act and applies that Act to stock mortgages and wool liens.

The proposed amendment in respect of the Bills of Sale Act, if adopted, will flow through to, and be adopted by virtue of existing provisions of the Stock Mortgages and Wool Liens Act. I have no amendments on file in respect of this Bill, but it may be that I will introduce an amendment in respect of paper size. I will ask the Attorney-General, at the appropriate time, to report progress so that I can consider whether or not consequential amendments to this Bill are necessary in light of what I have had to say about the Bills of Sale Act.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support and will accede to his request.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

WRONGS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 19 October. Page 1163.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, which largely reflects the recommendations of the Law Reform Committee made in its 24th report in 1972. That report, which relates to civil action against witnesses who commit perjury, contains the following recommendations:

We recommend that the law should be amended to provide that a civil action should lie against a witness who has committed perjury in an action, at the suit of a person who has suffered damage (including in that expression liability for costs) as a result of the perjury in the following circumstances:

1. The evidence given by the perjured witness must have been material evidence in the first action.
2. The defendant must either have been convicted of perjury in relation to the first action or it must be proved that the Attorney-General has decided not to prosecute. The latter of these alternatives of course simply relates to the Crown's discretion whether or not to lay an information in any given case and not necessarily to the strength or weakness of the evidence which would prove the perjury. It is common knowledge that it is difficult to induce juries to convict even in a plain case of perjury and naturally the Crown has to take that into consideration (along with other matters) in deciding whether or not to prosecute. Where the defendant has not been convicted the plaintiff's case should be supported by corroborating evidence.
3. In order to get over any defence based on *res judicata* the proposed Statute should include a clause that this cause of action shall not be defeated by a defence based on the *maxim res judicata accipitur pro veritate.*
4. It is sufficient that but for the perjured evidence the plaintiff in the second action might have succeeded in part or might have succeeded in diminishing the verdict otherwise given in the first action, e.g., by proving contributory negligence.

The Law Reform Committee went on to indicate that it was only considering perjury in civil and not criminal actions; nor has it made any recommendation that perjury in a civil action should be proved by the evidence of two witnesses, as in a criminal case. The Bill picks up those recommendations. What it does not do is pick up the recommendation of the Law Reform Committee that where a person has been committed for trial on a charge of perjury but no indictment has been preferred and the trial in the Superior Court has therefore not taken place, or a *nolle prosequi* has been entered, the cause of action should be corroborated by material evidence.

That omission is unfortunate because the requiring of corroborative evidence is very important. As the Bill reads at present, if a person has been committed for trial on a charge of perjury, that is, at the preliminary hearing, but the trial has not proceeded because the Attorney-General has not preferred an indictment (and there are many reasons why an indictment might not be preferred), or a *nolle prosequi* has been entered, regardless of whether or not there has ultimately been a conviction, a person who claims damage as a result of that alleged perjury can establish a cause of action.

That is a tenuous base on which to establish a right of action. I have no quarrel with the general principle of a right of action being available where there is evidence of perjury, even if the matter has not been taken to trial. However, I believe that in those circumstances there ought to be corroboration of a material fact. So, whilst I support the Bill, I will move an amendment which will include the recommendation of the Law Reform Committee which has not yet been included in the Bill, and that is to provide that, where a defendant has not been convicted of perjury or been found guilty of contempt of court on the ground of having committed perjury, the evidence on which a liability is alleged to arise must be corroborated in a material particular. I hope that the Attorney-General will be persuaded that that is a reasonable safeguard against the situation which I have already outlined and which I believe could give rise to some injustice if we do not have the corroborating evidence. With that proviso, I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his indication of support and that of honourable members opposite, and indicate that at the appropriate time I will be prepared to accept the amendment which has been placed on file.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Liability for perjury in civil actions.'

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

Page 1, after line 32—Insert new subclause as follows:
(2a) Where the defendant has not been convicted of perjury, or been found guilty of contempt of court on the ground of having committed perjury, the evidence upon which a liability is alleged to arise under this section must be corroborated in a material particular.

I have already given the explanation of this amendment. I am delighted that the Attorney-General has indicated that he is prepared to accept the amendment. If he does that, the Bill will then agree with the recommendations of the Law Reform Committee, which I believe are well founded.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

MAGISTRATES BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 1164.)

The Hon. K.T. GRIFFIN: This is an issue which has raised its head over a number of years now. The earliest occasion was probably in 1976 when a Supreme Court case focussed on the magistracy and an allegation that there was bias because the magistrate was in the Public Service. I think that that was the case of *Fingleton v. Christian Ivanoff Pty Ltd.* There were several of those cases at that time, but the decision of the Supreme Court in each of them was that there was no bias by the magistrates by virtue only of the fact that they were in the Public Service or were responsible to the same Minister or (from memory) the same Public Service head.

At that time the then Attorney-General (Hon. Peter Duncan) expressed the view that he did not see that there was any prejudice to judicial independence and that there was no bias by the magistrates, and he would not move to take magistrates out of the Public Service. Then, the issue bubbled along under the surface. Subsequently, the issue was raised when I was Attorney-General. Some magistrates thought that they ought to be out of the Public Service: some on the basis that the mere fact that they were in the Public Service would give an impression of bias; others for other reasons. However, there was also a group of magistrates who wanted to remain within the Public Service, probably on the basis that their terms and conditions of engagement were well clarified and that that was better than the unknown quantities of being outside the Public Service.

The Hon. C.J. Sumner: Having second thoughts, were they?

The Hon. K.T. GRIFFIN: Certainly, some magistrates still wish to be outside the Public Service; others still wish to remain in the Public Service. I have never regarded that as a high priority, which brought me into conflict with some of the magistrates who were quite anxious to be removed from the Public Service. In fact, there was a case during the time when I was Attorney-General in which one of the magistrates (Mr Moss) took the very point that he was biased in a particular case because he was a public servant and the complaint was made by an officer of the Executive. The Supreme Court in that instance took the view (and I suggest, with respect, the quite appropriate view) that there could be no bias inferred from that fact.

The position is that 99 per cent of the parties who appear before magistrates do not have a clue as to how the magistrate is appointed or employed. All that they know is that someone of sufficient authority is sitting a little bit above them in the court and has the appropriate jurisdiction to determine their innocence or guilt, to impose penalties or to deal with civil disputes. Except for one or two smart lawyers, most people do not really care whether the magistrate is in or out of the Public Service.

I admit that some magistrates feel quite strongly about it. In fact, the Chief Justice entered the debate last year or the year before by coming out firmly in favour of magistrates being outside the Public Service.

The Hon. C.J. Sumner: It was the Full Court, was it not?

The Hon. K.T. GRIFFIN: No.

The Hon. C.J. Sumner: I think so.

The Hon. K.T. GRIFFIN: No. What we are talking about is the question of bias.

It may be that people prefer to be outside the Public Service for any of a variety of reasons or that other people prefer to be in the Public Service for a variety of reasons. The Full Court had to determine whether or not there was any bias, and it determined that there was not any bias by virtue of the fact that magistrates are in the Public Service. In fact, I would suggest that magistrates who argue that they are biased because of that fact do themselves a disservice, because they very much put a question mark over their own capacity as trained lawyers to exercise independence of mind in the administration of justice. However, I do not wish to debate that point, because we have before us a Bill that has the effect of taking magistrates out of the Public Service, although I would suggest that if magistrates consider the matter carefully they may see that they will be jumping out of the frying pan into the fire. I will deal with that aspect when I refer to provisions of the Bill.

In passing, I believe it would be appropriate to refer to the fact that under the present Public Service Act magistrates are appointed to the Public Service only upon the recommendation of the Chief Justice. That in itself is a significant measure of protection against appointment for purposes that may not be proper. Magistrates can be removed from the Public Service only with the approval of the Chief Justice. It is correct to say that under the Public Service Act there is a mechanism for suspension of a magistrate by the Public Service Board, but I am not aware of any occasion on which that provision has been used. In terms of exercising their judicial responsibilities, magistrates have always acted independently of the Executive and the Public Service Board.

Magistrates in Tasmania and the Northern Territory are outside the Public Service. In 1969 magistrates in Tasmania were given a measure of independence outside the Public Service, although the Public Service Act continued to apply in respect of the conditions of their engagement as magistrates. In the Northern Territory, the Magistrates Ordinance of 1976 took magistrates out of the Public Service.

There are a number of major issues in respect of magistrates being taken out of the Public Service, and one is the mechanism for appointment. I notice that the Bill provides that magistrates are to be appointed by the Governor-in-Council upon the recommendation of the Attorney-General. The requirement for the approval of the Chief Justice being obtained in respect to any appointment has been removed, and it is important to recognise that, in fact, it is now a matter of appointment by the Governor-in-Council only.

Regarding the terms and conditions of appointment, while it is true to say that the Bill provides that the salary of magistrates cannot be reduced below the salary that might be fixed at any particular time, the conditions of service of magistrates, rather than being governed by the Public Service Act, are in fact at the discretion of the Executive. The Chief Justice has been concerned about judicial salaries and conditions. Only recently, while he was overseas, the Chief Justice gave an address in which he suggested that salaries and conditions of judges should be fixed by an independent body. The Government of which I was a member participated in that discussion and I suspect that the present Government, through the Attorney-General, will (if it has not done so

already) continue to have discussions as to whether or not there should be an independent mechanism to fix salaries and conditions.

If the Government of the day decides that it will establish an independent body to fix those salaries and conditions, the interesting question will be whether magistrates should have their salaries and conditions fixed by that body or whether they should be fixed by the Government of the day upon the recommendation of the Attorney-General. I do not propose to debate that issue at length: suffice to say that, under the present Bill, magistrates have much less guarantee about future salary and conditions and periodical adjustments than they would have if they were under the Public Service Act. Only last year or the year before they took the question of salaries and conditions to the Industrial Court, which I suppose could be construed as being somewhat inconsistent with an attitude of them being independent in respect of salary and conditions.

Another matter which is a vexed question and which has been exercising the minds of judges, lawyers and other people over a number of years is the accountability of the Judiciary, whether at the level of judge or magistrate. This matter raised its head again at the Australian Constitutional Convention in consideration of an integrated courts system where, if there is an integrated courts system, well over 1 000 judges would be involved in that integrated system. The question has been raised and one of the subcommittees of the convention is currently considering not only what form of integration there should be but also what form of accountability there should be with regard to judges within that system.

Presently, Federal Court judges, High Court judges, State Supreme Court judges, and District Court judges are accountable only to the extent that they may be removed from office by an address of both Houses of Parliament, a mechanism that has not (as far as I am aware) been used more than once in the history of South Australia. That mechanism has certainly not been used at the Federal level, and I am not aware that it has been used in other States. In other jurisdictions overseas, such a mechanism has been rarely used. The United States of America is in quite a different position: impeachment proceedings make judges much more accountable to the Congress than are judges to Parliament. In Canada, the Supreme Court judges are again able to be removed only upon malfeasance by an address of both Houses to the Governor-General. I understand that that mechanism has been used only once in the history of the Supreme Court of Canada. The Federal Court judges and the County Court judges in Canada come under a mechanism which is not so difficult but which again has been used only twice, and that is the mechanism whereby the Governor removes but only upon established malfeasance and misbehaviour.

Undoubtedly the question of accountability will be debated in greater depth by Australian Constitutional Conventions as we move towards an integrated courts system. It is relevant with respect to the magistracy. Presently, magistrates are accountable under the Public Service Act. The Bill establishes a mechanism for accountability. That may be the only effective mechanism that we can develop at this stage, but I have some concerns about that, and I will detail those concerns when I consider individual clauses of the Bill. There is undoubtedly a Constitutional requirement that our judges should not only be independent but also be seen to be independent, and that is undoubtedly the reason why the Constitution Act requires for removal of judges upon an address of both Houses of Parliament, which is particularly difficult, if ever contemplated.

So, while I make no reflection on the judges if, for example, there were difficulties with any particular judge about incompetence or insufficient attention to work, and a variety of other matters—

The Hon. C.J. Sumner: You are not suggesting that there is?

The Hon. K.T. GRIFFIN: No. I said that I was not making any reflection. However, if there were instances where any of these circumstances arose, while they might not be sufficient to move an address of both Houses of Parliament, which would be quite controversial, there are presently largely ineffective mechanisms for dealing with those sort of problems if they should ever arise. Ideally, the Chief Justice in respect of the Supreme Court and the senior Judge of the District Court ought to have adequate power to deal with those sorts of problems. I suspect that ultimately it comes down to a matter of good diplomacy.

The Hon. C.J. Sumner: Do you think Parliament can have a role in it beyond the address system?

The Hon. K.T. GRIFFIN: Parliament could have a role. I understand that in some of the Canadian Provinces there are councils established with the express responsibility for dealing with complaints against the Judiciary.

The Hon. C.J. Sumner: Are they Parliamentary councils?

The Hon. K.T. GRIFFIN: Such a council has a representative from Parliament, the Executive, the Judiciary and the Opposition. It is a bipartisan council, as I understand it, which has performed its functions responsibly. Whilst it has not had to take any public action, as I understand it, it has on several occasions at least been instrumental in persuading a judge to retire because of difficulties arising from complaints against that judge. Of course, in some of the larger Canadian Provinces there are about 4 000 judges at all levels. One can understand in a Judiciary of that size that one might need a much more structured mechanism for dealing with complaints against the Judiciary. Whilst I do not suggest that for South Australia, I merely raise it as an example of the way in which other countries are dealing with the question of complaints against the Judiciary.

The Hon. C.J. Sumner: Why aren't you suggesting it?

The Hon. K.T. GRIFFIN: If the Attorney-General wants to pursue it, he is the person responsible and can do it. I am merely raising it to point out the difficult questions of accountability which arise in respect of the Judiciary. On one hand, there must be independence and there must be seen to be independence. On the other hand, there has to be proper accountability for performance of judicial functions.

In judicial decision-making there is that accountability through the appellate structure of the courts. In terms of administration and other performance, it is not so clear.

Turning to some of the provisions of the Bill, I understand that, in the specific provisions relating to conditions, the conditions are those which presently apply. For example, the long service leave entitlement is 90 working days after 10 years service, which is actually 18 full weeks. This seems to be extraordinarily high. Can the Attorney assure the Council that that is what magistrates are currently entitled to? If so, I will not oppose it.

The Hon. C.J. Sumner: What is the problem?

The Hon. K.T. GRIFFIN: Magistrates get 90 days leave after the first 10 years of service, and then they get nine days leave for every subsequent year up to and including the fifteenth year, and thereafter 15 days leave in respect of each subsequent year. That is long service leave. I presume that the basic entitlement of 90 days, which works out at about 18 weeks, for the first 10 years of service is what they get now. It just seems to be much higher than the entitlement in the private sector, but it may be that that is what is currently applying. I seek an assurance from the Attorney that the conditions included in the Bill are the conditions which presently apply in respect of magistrates. Further, in

regard to long service leave, the provision in clause 17(2) is that a magistrate may, if he so elects, take the leave to which he is entitled at half his ordinary remuneration; in that event, he shall be entitled to twice the number of days leave to which he would otherwise be entitled.

I would imagine that that sort of provision would create considerable administrative difficulties. If a magistrate decides that, instead of taking his 18 weeks long service leave for his first 10 years of service, he will take 36 weeks (two-thirds of a year), it will create much disruption. Perhaps the Attorney has addressed that problem, but I would like him to address it when he replies, and to especially confirm that it is a provision to which magistrates are presently entitled.

In respect of ordinary leave, which is covered by clause 15, provision is made that recreation leave is not to be deferred for more than one year unless the Chief Magistrate is satisfied that there are special reasons justifying the deferral and approves the deferral. I believe that it is implicit that if the leave is not taken, it is lost. If that is the case, then it should be made clear that that is the position and, for that reason, I have placed an amendment on file to make it clear. If that is not the intention, will the Attorney advise me what is intended by the provision, which allows deferral for only one year? If it is any other intention, it seems to be a strange consequence of that subclause.

I want now to deal with the question of acting magistrates. Clause 5 provides that a magistrate may be appointed an acting magistrate for a term not exceeding three months, specified in the instrument of appointment. I have an amendment on file to delete that provision. I have always been most concerned at the prospect of practitioners in the Magistrates Court one day appearing as counsel and the next day appearing as an acting magistrate, even on a temporary basis, and then within a matter of weeks (certainly no more than three months), once again appearing as counsel in the Magistrates Court.

The Magistrates Court jurisdiction is quite different from the District Court or the Supreme Court. While acting appointments are used in the Supreme Court and the District Court for specified periods, I am concerned about the appointment of acting magistrates in the Magistrates Court jurisdiction. I will oppose that provision of the Bill at the appropriate time.

I now turn to the question of responsibility for the magistracy. Clause 7 provides that the Chief Magistrate is responsible for the administration of the magistracy. He is only responsible for the administration subject to the control and direction of the Chief Justice. However, clause 10 provides that the Governor may, on the advice of the Chief Justice, suspend a magistrate and that the Chief Justice must have reached an opinion that there are reasonable grounds to suspect that a magistrate is guilty of an indictable offence; or there must have been an investigation established by the Attorney-General of his own motion or at the request of the Chief Justice; or there must have been a judicial inquiry.

It seems that a series of steps may be taken in disciplining a magistrate. For instance, the Attorney-General can begin an investigation. After reading the Bill I am not sure how that will occur—whether he does it himself or whether he delegates. No power is specified in the Bill for the Attorney-General to delegate that responsibility. I believe that it would be a curious prospect for the Attorney-General himself to set up a course of investigation into the activities of a magistrate. I think that also raises some serious questions about the independence of the magistracy and the fact that the executive officer responsible for the courts (that is, the Attorney-General) should be initiating an inquiry, even if it is requested by the Chief Justice.

Subsequent to that, either after an investigation or even without an investigation, the Attorney-General can apply to the Supreme Court for a judicial inquiry. A single judge then conducts an inquiry at which presumably both the magistrate in question and the Attorney-General are represented. I believe that that is a more appropriate mechanism, rather than the Attorney-General becoming involved in an initial investigation. If the judicial inquiry points up sufficient evidence to remove a magistrate, the matter is referred to the Full Court of the Supreme Court. I have no difficulty with that. But, it shows that the Chief Justice, either as the judge responsible for the Supreme Court or as a possible member of the Full Court (or perhaps even the judge conducting the inquiry or as the person who requests a judicial inquiry, or requests the investigation or advises the Governor), is also the person who is responsible for the administration of the magistracy.

I suggest to the Attorney-General that there is a potential conflict between the Chief Justice exercising his duties and being responsible for the administration of the magistracy and on the other hand being involved in disciplinary proceedings up to the removal of a magistrate from office. Because I see a potential for conflict, I propose an amendment to remove the Chief Justice from the administration of the magistracy and instead make the Chief Magistrate responsible for the administration of the magistracy. In that event, the Chief Magistrate will be responsible for the organisation of the work for magistrates.

The Government of the day, through the Attorney-General, will have to ensure that the right person is appointed as Chief Magistrate and that he has not only a judicial capacity but also a management capacity. The Courts Department will also have to have the capacity to provide adequate services to the magistracy and, of course, that is one reason why the Courts Department was established. That would leave the Chief Justice out of the day-to-day administration of the Magistrates Court, to be only involved in the line of discipline of the magistracy. I still have some concern with the Chief Justice being involved in the disciplinary process, even if it is only in the early stages.

If a magistrate is suspended from office by the Governor, the magistrate may challenge the suspension. Where does the magistrate go to challenge the suspension? Of course, he goes to the Supreme Court. If the Chief Justice has recommended that an inquiry occur and has advised on suspension, where does the magistrate go to satisfy his rights? That is a real question. I suppose that the Chief Justice could be removed from the advisory process and that the disciplining of a magistrate could begin with a judicial inquiry. If a judicial inquiry is initiated, the Governor can suspend at that time. I think that that might be an option, but I do not have amendments on file to that effect.

I think the Attorney-General should seriously consider that point. I am not seeking to be difficult about this matter. The Bill will be supported at the second reading stage, but the Opposition does have several amendments. We recognise that there is no point in opposing this measure. We simply wish to ensure that the legislation works effectively and provides an adequate balance between the accountability of the magistracy to the public at large through the Supreme Court, and a capacity for the Attorney-General, as the principal legal officer of the Crown, to be involved in the disciplinary process. I have raised these issues because I believe that they pose serious questions. If the Attorney-General retains the right to initiate an investigation, who does it for him, or is he required to do it himself?

I now turn to some of the later provisions of the Bill, which are peripheral to the main principles that I have mentioned. They relate to the power of the Attorney-General of the day to approve special leave without remuneration

to count as service for the purposes of the Act (under clause 18 (4)); for the Attorney-General (under clause 19) to determine what accrued rights to recreation, sick, and long service leave prior to the appointment of a magistrate will be attributed to him upon his appointment, for the purposes of subsequent leave entitlements; and also the conditions that may be imposed by the Attorney-General upon such attribution of leave. The Governor-in-Council appoints magistrates under this Bill. The Governor-in-Council under the Supreme Court Act and the Local and District Criminal Courts Act appoints the judges for those two jurisdictions. It is the Governor-in-Council which deals with questions such as the attribution of accrued leave entitlements, conditions which might be imposed in respect of that attribution (and in respect of special leave), and the extent to which that counts towards service.

My proposed amendment places responsibility for those matters in the hands of the Governor-in-Council, who also appoints magistrates, and takes it away from the Attorney-General. I think that there needs to be consistency between the three jurisdictions involved. There also needs to be consistency in respect of not only appointments but also the terms and conditions of those appointments. They all ought to go through Cabinet and, on recommendation of the Attorney-General, to the Governor-in-Council.

The only other amendment relates to clause 20, which I think probably applies in respect of the Public Service Act and the Succession Duties Act, when it was in operation. It provides that, where a magistrate dies and has accrued recreation and long service leave, that leave may be taken as a monetary equivalent and paid to the magistrate's personal representative or next of kin.

I have always been concerned about this sort of provision which allows for payment of such an entitlement to be made to a next of kin, because such payment ought to be made according to the will of the deceased, or according to intestacy laws so that the wishes of the deceased magistrate, if expressed in a will, are complied with. This provision has the capacity for a Government to determine to pay what could by very large sums of money to a next of kin. For instance, 90 days long service leave might have accrued and one might be looking at an amount of $20 000 being paid to a next of kin who might not be a person specifically provided for in the magistrate's will. Therefore, I will move an amendment to remove reference to next of kin so that it is quite clear that no Government can override the provisions of a will in paying such entitlements. If there is any concern about the widow or dependants of a magistrate, I suggest that they are adequately provided for under the Superannuation Act.

With those observations, I once again make it clear that although the former Liberal Government did not regard this as a matter of high priority and could not see a need for it, we are prepared to support the Bill and, at the appropriate time, again raise the issues to which I have referred in my second reading speech and move appropriate amendments.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support and will reply briefly. First, I turn to the question of removal of the magistracy from the Public Service, which is seen by the Government as purely a matter of principle.

The Hon. K.T. Griffin: Under pressure.

The Hon. C.J. SUMNER: It was not under pressure, but something promised by the Labor Party prior to the last election. This was seen as a matter of principle and not as a means by which additional benefits would accrue to the magistracy. The basis of the Bill is to establish a separate regime outside the Public Service for the management of the magistracy and to place magistrates, in relation to the exercise of their judicial functions, in the same position as other members of the Judiciary. However, it was a strict policy instruction that no financial benefit or condition should accrue to the magistracy through this action that would not have accrued normally, nor should the magistracy be deprived of any benefits that it currently has.

I assert that the establishment of this code for the magistracy was seen as a matter of principle. Any consideration of the clauses of the Bill should be seen in that light. I will give my attention to the matters raised by the honourable member relating to benefits and conditions such as long service leave and the like to ensure that what magistrates are getting under this Bill is what they are entitled to at present—no more and no less—which is a policy determination of this Government.

The honourable member raised some interesting questions relating to the accountability of the Judiciary. I was a little disappointed that he was not prepared to chase that rabbit down its burrow and come up with a concrete proposal that might enhance the mechanisms involved with the accountability of the Judiciary. Nevertheless, I was pleased that the honourable member raised this matter. As he said, present methods of achieving accountability are limited. Indeed, they are limited to an address to both Houses of Parliament, which is a matter of some difficulty.

The only alternative is that bit of moral persuasion that the Attorney-General can use with judicial officers in charge of the Judiciary if matters such as insufficient attention to duty or, as there have been on occasion, accusations of dozing on the job (which I raised in this Parliament while in Opposition) are brought to the Government's attention. These sorts of things are somewhat delicate and are dealt with at present on an informal basis. If the Government receives a complaint it takes it up with the head of the court concerned to ascertain whether or not any action is necessary.

The Hon. R.C. DeGaris: Is there any other method of accountability other than addresses to the Parliament?

The Hon. C.J. SUMNER: I was suggesting that the Hon. Mr Griffin did not pursue that matter far enough.

The Hon. K.T. Griffin: I referred to the situation in Canada.

The Hon. C.J. SUMNER: The honourable member did refer to the situation in Canada. The proposition to which the Hon. Mr Griffin referred is worthy of consideration. He says that in Canada there is an official Ombudsman's Committee comprising representatives of Government, Opposition and the Judiciary, which committee handles complaints received about the Judiciary, and presumably may make a report to the Parliament. There may be some way in which this can be done here. Clearly, as the Hon. Mr Griffin has said, we have to assert and maintain the independence of the Judiciary in the exercise of its judicial function. That is the whole principle behind the Bill that we are presently debating.

On the other hand, the question of accountability of the Judiciary in terms of work performance and, for instance, whether judgments are delivered within a reasonable time is something that has not been seriously addressed in this State or, I suggest, elsewhere in Australia. However, it has apparently been addressed in Canada and the United States, so I am pleased that the Hon. Mr Griffin raised that point. However, he has not come to any conclusion about this matter, which is not an easy matter to address. Certainly, the alternatives at the moment are either blunt and Draconian or could be seen to be not particularly effective.

That is a matter to which I am prepared to give some further consideration, and I thank the honourable member for having raised it. On the question of acting magistrates, all that I would suggest to the honourable member is that

it is absolutely essential that the Government has power to appoint acting magistrates, just as it is necessary to have the power to appoint acting Supreme Court justices and District Court judges. If there were not the power to appoint acting magistrates, there would be an inflexibility in the system which would place an unnecessary strain on very scarce resources.

The Hon. K.T. Griffin: But we have not had any acting magistrates, at least for the past 10 years or so. We have always managed to have sufficient magistrates.

The Hon. C.J. SUMNER: No, we have not. We have had special magistrates who have acted in effect as acting magistrates. This formalises that relationship, and the Bill still provides for a special magistrate, but the Chief Justice took the view that the preferred position was to have acting magistrates who would have a commission for a particular time. I can understand the fears that the honourable member has about acting magistrates; I can see some difficulties, although when he was in Government he was happy to appoint Q.C.s as commissioners to hear cases in Port Augusta, Mount Gambier and in the United Kingdom.

The Hon. K.T. Griffin: At a much higher level.

The Hon. C.J. SUMNER: But it involves the same principle. They are appointed in the United Kingdom; they are practising barristers and are appointed to adjudicate on cases in the United Kingdom. Admittedly, there are some distinctions because in the United Kingdom it is possible to appoint a London Queen's Counsel to act as a recorder in Birmingham where he is probably not as well known as he would be in South Australia. Nevertheless, provided that the matter is handled with some discretion it can work, and I wish to see the question of acting magistrates proclaimed in the legislation.

The honourable member raised the question of the responsibility for the magistracy and put up some proposals about dealing with this by removing the Chief Justice from having the ultimate authority over the magistracy. He saw problems with some of the disciplinary procedures, and I will give attention to those matters that he has raised and be in a position to respond more fully in Committee. I should say, however, that I believe that the Chief Justice should have some responsibility for the magistracy, given that there will not now be any overall responsibility by the Minister or anyone else.

The Hon. K.T. Griffin: But you do not exercise any sort of responsibility for magistrates now. They largely organise their own—

The Hon. C.J. SUMNER: They do, but the ultimate responsibility rests, as they are now in the Public Service in terms of where they are appointed and the like and what courts they are sitting in, with the Minister. In practical terms it is not a matter in which the Minister would involve himself to any great extent, but if there is a problem at present it is resolved by the Minister. Under this procedure the Ministerial direction will be removed.

There is a need to have some ultimate authority in the normal course of events. Just as occurs now, the Chief Magistrate would organise the administration of the magistracy, but there still needs to be an ultimate authority. Given that the Minister is now removed from that authority, it should be the Chief Justice.

The Hon. K.T. Griffin: There is a real conflict there.

The Hon. C.J. SUMNER: I understand the points that the honourable member has raised in relation to this.

The Hon. R.C. DeGaris: Make it the Ombudsman.

The Hon. C.J. SUMNER: I am sure that the Ombudsman would be pleased with the confidence which the Hon. Mr DeGaris is displaying in him.

The Hon. Frank Blevins interjecting:

The Hon. C.J. SUMNER: That is right, but I am not sure that the Judiciary would be overwhelmingly enthusiastic about being subject to the Ombudsman. However, I will give attention to those matters about the disciplinary procedures and the authority of the Chief Justice therein and provide the Council with some more information on that in Committee.

The honourable member also referred to the power of the Attorney-General to deal with special leave without remuneration and the like, and said that that should be a matter not for the Minister but for the Government. The Minister is placed in the Bill as being the determining authority in this area, because at present that authority is the Public Service Board; it is not the Governor-in-Council. It was not thought that it would be necessary for it to be the Governor-in-Council once the magistrates were outside the Public Service. Nevertheless, I will consider that proposition, as I will his amendment relating to whom any accrued benefits should go in the event of the death of a magistrate. I intend to report progress to enable those matters to be attended to.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

TERTIARY EDUCATION AUTHORITY ACT AMENDMENT BILL

Second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

It proposes that the Tertiary Education Authority Act, 1979, be amended so as to:

(1) Provide that there shall be not less than seven nor more than nine members of the Authority.

(2) Repeal the provisions of the Act relating to the Accreditation Standing Committee.

(3) Make certain minor alterations with respect to financial reporting and to the name of the Department of Technical and Further Education.

The Tertiary Education Authority of South Australia was established in July 1979. Its membership appointed by the Governor is:

Chairman—full time
Deputy Chairman—full time or part time
three members—part time

The Authority's functions are:

- to co-ordinate the activities of the universities, colleges of advanced education and institutions of technical and further education which form the tertiary education system;
- to advise the South Australian Minister of Education, Commonwealth agencies and relevant educational institutions on the nature and scale of tertiary education required by the State, the resources needed and the efficient use of those resources.

The Authority is empowered to accredit (that is, certify the suitability and quality of) courses offered in the advanced education sector and many of those given in the TAFE sector. Its Act specified that in considering accreditation of courses the Authority must have before it the advice of the Accreditation Standing Committee.

During 1981-82, the operations of the Authority were reviewed by an independent committee. That committee concluded that the Authority's functions should be largely unchanged. It considered, however, that the Authority's membership should be extended and that the Accreditation

Standing Committee set up by the Act was no longer necessary. In both respects the Authority and the institutions of tertiary education concurred with the committee of review.

1. Composition of the Authority

As the agency responsible for the co-ordination and effectiveness of the tertiary education system as a whole, the Authority must often deal with issues where the interests of particular institutions or groups do not coincide. While it always consults involved parties and seeks expert advice, the Authority must ultimately take impartial decisions within a reasonable period of time.

It is therefore appropriate that its membership should be relatively small and should not include representatives of the educational institutions, staff associations, student bodies and others whose interests may come before it. Nevertheless, the present membership of five has been found to limit the range of expertise and experience available to the Authority in evaluating the advice of its various committees and secretariat. This is particularly so if a member is absent for any significant period. It is proposed therefore to augment both the number and capacities of members by adding up to four more part-time members.

It is intended that the additional members would be selected on the basis of knowledge and experience of one of the three sectors but not as representatives of institutions. Members of governing councils or distinguished persons who are knowledgeable of but who no longer have connections with particular institutions would be appropriate. Comparable agencies in other States are similarly constituted.

2. Accreditation

The second major amendment arises from developments in accreditation procedures which have occurred since the Authority's establishment. At that time it was thought necessary that accreditation of courses should be based upon wholly external evaluation by the accrediting agency (that is, the Authority in South Australia). Such arrangements were introduced throughout Australia in 1972-73 with a view to enhancing the recognition and status of the qualifications of the then newly established colleges of advanced education. It was thought appropriate in 1979 that the Authority should be seen to be advised by a formal committee established under its Act.

More recently it has been widely argued that the institutions are now sufficiently mature in their educational standards and organisational practices to be entrusted with the evaluation of their own courses. The role of the external accrediting agency would then be one of ensuring that the institutions do in fact follow appropriate procedures in developing and evaluating their courses.

The Authority, in line with developments in all other States, is developing procedures for devolving course assessment to the institutions while retaining the actual power of accreditation. Under such arrangements a 'visable' statutory advisory committee is unnecessary and the incorporation of its membership and functions in the Act is an impediment to efficient operation. The Authority, which will itself include a greater range of expertise when it is enlarged, will continue to seek expert and impartial advice on academic issues but without the unnecessary constraints of the provisions in the Act.

3. Other Changes

There are also minor amendments which should be made to the Act. At present the Authority is required to report each year on its activities in the preceding calendar year, and the report must include its accounts. Consequently, complete accounts must be prepared twice each year: first, for the financial year, as for Government departments and other Government agencies, because of the need to assess grant levels for the ensuring financial year; and, secondly, for the calendar year to be audited for incorporation in the annual report. The effects of this include:

- an inefficient use of resources without the gaining of any useful additional information;
- potentially misleading audited statements due to the 'reporting' year being six months out of step with the 'funding' year;
- the Auditor-General's Report to 30 June each year includes a statement on the Authority's finances which is six months 'older' than the other statements in the report.

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

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends a reference in section 5 of the principal Act to 'the Department of Further Education' which is now called the Department of Technical and Further Education. Clause 4 amends section 7 of the principal Act increasing the membership of the Authority from seven to nine members. Clause 5 makes consequential amendments to section 11 of the principal Act.

Clause 6 repeals sections 17 and 18 of the principal Act. These sections established the Accreditation Standing Committee and provided its functions. Clause 7 amends section 25 of the principal Act by providing that the accounts included in the Authority's report to the Minister shall be in respect of the financial year preceding the submission of the report. Clause 8 makes an amendment to schedule three similar to that made by clause 3 to section 5.

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

STATUTES AMENDMENT (MAGISTRATES) BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 1166.)

The Hon. K.T. GRIFFIN: To some extent, the comments that I made in regard to the Magistrates Bill apply equally to this Bill. The industrial magistrates have for all practical purposes always been outside the Public Service. This Bill seeks to apply more explicitly the conditions under which industrial magistrates are appointed. It also seeks to provide that the President of the Industrial Court has much greater control over the industrial magistracy than one would ordinarily expect between a judicial officer at one level and a person such as a magistrate at another level, where their jurisdictions may be quite different.

However, under the Industrial Conciliation and Arbitration Act, the industrial magistrate performs functions that are delegated by the President of the Industrial Court, and there is no division of jurisdiction between the President and the judges of the Industrial Court on the one hand and industrial magistrates on the other hand. There is a much greater interrelationship between the two, with no distinctive barrier between them, either in the day-to-day operation or in the jurisdictions that they exercise respectively.

So the amendments that I would propose in regard to this Bill are not as significant as those that I propose in regard to the Magistrates Bill. I propose to leave the provision (as the Bill presently provides) that the President will have

the general oversight of the industrial magistracy because of the interrelationship of the two judicial officers and the nature of the industrial jurisdiction.

I will not oppose the involvement of the Chief Justice in the suspension of disciplinary proceedings of industrial magistrates, and I will not oppose the involvement of the full Supreme Court in the final decision as to whether or not industrial magistrates should be removed from office. The Supreme Court, in the light of my earlier comments on the Magistrates Bill, is the appropriate jurisdiction to have that responsibility.

However, I will move (as I will move in regard to the Magistrates Bill) to remove the provision for acting magistrates, and to provide also that certain leave entitlements that are attributed to persons appointed in the industrial magistracy instead of being determined by the Minister will be determined by the Governor-in-Council. The Governor-in-Council is the appointing body, and consistent with the other jurisdictions, such as the Supreme Court and the Local and District Criminal Court, the Governor-in-Council should also determine leave and other rights that will be attributed to a person appointed to the industrial magistracy.

There will not be an opportunity for the Minister to make those decisions. One point that I did not make in regard to the Magistrates Bill, which is equally applicable to this Bill, is that potential for influence exists where a Minister is determining whether or not a person will be appointed to the magistracy with certain rights attributed for the purposes of continuing service in the magistracy.

I suppose that that criticism could also be levied against the Governor-in-Council, but there is at least a greater involvement of Cabinet in that decision, as it takes away the responsibility of the Attorney-General. Such decisions are not easy, because they often involve determination of one-off cases. I am sure that the present Attorney-General has had to make those sorts of recommendations to Cabinet in respect of judicial officers, as I did when I was Attorney-General.

It is difficult to ensure that there is a consistency of approach across all judicial officers who make application for attribution of benefits where the circumstances of each case are completely different. I will also be moving an amendment in respect of the next of kin and the payment by the Government of the day for any accrued entitlement to the next of kin or persons representing it, rather than just the person representing it.

One other aspect in the Bill which causes me concern is relevant also to the next Bill. Clause 5 is an amendment to the Local and District Criminal Courts Act. It provides that the Chief Justice may by instrument in writing authorise a special magistrate to exercise on a temporary basis the jurisdiction of a judge; that is, a judge of the Local and District Criminal Court. Presumably, there would be consultation with the senior judge, but that is not expressly provided for. The special magistrate, while remaining a special magistrate, nevertheless when so authorised by the Chief Justice, has the powers of a judge of the Local and District Criminal Court. Incidentally, it is not clear whether the additional responsibilities are accompanied by additional salary and other benefits. I would like the Attorney to give some attention to that when replying.

I have a basic objection anyway to this particular provision which allows the Chief Justice, merely by something under his signature, to take a magistrate and give him the powers and functions of a judge of the District Court. Under the next Bill with which we are to deal—the Supreme Court Act Amendment Bill (No. 3)—the Chief Justice is also given power to confer, on a temporary basis, upon a judge of the District Court the powers of a Supreme Court judge. But, again, it is a question of what is considered temporary.

My preferred position is to maintain the present arrangement whereby it is the Governor-in-Council who makes the appointment of an acting judge, either of the Supreme Court or the District Court, for a specific period of time and not the Chief Justice or Acting Chief Justice, as the case may be.

It is a function of the Executive to appoint judges and acting judges. It is not a function, I suggest, of the Judiciary to appoint other judicial officers and, whilst once judges are appointed, they are then independent of the Executive, the responsibility for appointment, even on an acting or temporary basis in my view, ought to remain firmly with the Executive.

One could also have the position where the powers of the Chief Justice are so exercised that a magistrate is given the power of a judge of the District Court, and a judge of the District Court is given the power of a Supreme Court judge and there is (I was going to say a domino effect) an effect whereby there is a moving up the ladder of judicial officers which would require, if the Attorney retained this provision in the Bill, the appointment of an acting magistrate. The only other difficulties in relation to the magistracy involve the conferring of the temporary powers by the Chief Justice for periods which are not limited. At the appropriate time the Opposition and I will oppose that provision of the Bill, as in the next Bill.

While addressing this question the Attorney may also care to give some greater explanation of why this power is needed. In his second reading explanation, the Attorney says that it is for the purpose of giving added flexibility, but I suggest that it really does not give added flexibility: it just provides another mechanism by which persons can be appointed, albeit on a temporary basis, either to the Supreme Court or the District Court, on the basis of promotion. Again, I am very concerned about this provision, and at present I propose continuing with an amendment to delete this provision from the Bill.

The other provisions of the Bill are incidental to amendments which will pass in the Magistrates Bill. Subject to those reservations and the amendments which will be moved at the appropriate time, I support the second reading.

The Hon. ANNE LEVY secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 19 October. Page 1166.)

The Hon. K.T. GRIFFIN: This Bill does only one thing, that is, allow the Chief Justice to authorise a judge of the Local and District Criminal Court to exercise temporarily the jurisdiction of a judge of the Supreme Court. I raise the same questions about this provision as I raised about the Statutes Amendment (Magistrates) Bill as to the length of time for which that might occur, and whether or not any consultation will occur. I question what salary might apply upon the elevation. I make the same criticisms that I have previously made: I have grave concern about the Chief Justice, Acting Chief Justice or any judicial officer being enabled, by a mere signature on a letter, to authorise an officer of a lower court to exercise the functions of an officer of a higher court.

That is and should remain a function of the Executive. There is adequate provision now for the appointment of acting judges for fixed periods of time, with the opportunity to extend the period of time. I am very concerned about the promotional aspects of this Bill, as with the other Bill.

The other point that I want to make is that, apart from the statement in the second reading explanation that this amendment will add a new element of flexibility in the administration of the courts, I cannot see why it is being pursued. Certainly, it will introduce a new element, but whether it is an additional element in flexibility I am certainly not convinced. It is my belief that this is a function of the Executive, and ought to remain so. Accordingly, I oppose the second reading and the Bill.

The Hon. ANNE LEVY secured the adjournment of the debate.

HISTORIC SHIPWRECKS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 October. Page 1271.)

The Hon. DIANA LAIDLAW: I indicate that I support the second reading of this Bill, because the amendments seek to correct an anomaly in the administration of the principal Act. A heightened awareness over the past decade or so of the need to protect and preserve our heritage has been reflected in an increasing concern for the protection and preservation of our maritime archeology. In 1976 an Act to protect and preserve historic shipwrecks and relics situated in Australian waters was passed in the Federal Parliament. The South Australian Government subsequently made arrangements with the Commonwealth for the legislation to apply to waters adjacent to the South Australian coast.

In 1980 the Commonwealth legislation was amended to provide greater responsibility to the States for the administration of the legislation in waters adjacent to the coast of a State or in a specific part of those waters. The amendment noted that this responsibility was to be delegated by the Commonwealth to a State only at the request of a State. South Australia was the first State within Australia to indicate that it wished to accept this responsibility, and in 1981 legislation with the same name as the Commonwealth legislation (that is, the Historic Shipwrecks Act) was passed by the South Australian Parliament.

While the South Australian legislation mirrors the Commonwealth legislation in respect to enabling a shipwreck or relic located in territorial waters to be declared an historical item, section 5 of South Australia's legislation also allows these powers to apply to shipwrecks and relics located in inland and gulf waters. Meanwhile, section 7 of the South Australian legislation provides that, if a shipwreck or relic is declared to have historical value and if it is located in or below the sea, the Minister may designate a protection zone of up to 100 hectares around the wreck or relic and, if the need is warranted, make regulations to prohibit or restrict certain activities in such zones.

However, the powers assigned to the Minister under section 7 to protect a wreck or relic in territorial waters do not apply to wrecks or relics in inland waters. Therefore, this amending Bill seeks to correct this anomaly by extending the provisions of section 7 to inland waters. I understand that the Underwater Historical Research Society of South Australia has compiled a list of over 350 ships known to have been wrecked around the South Australian coast. Most are located in the St Vincent and Spencer Gulfs. However, the Minister in another place gave no indication when introducing this Bill or subsequently of the number of wrecks that the Heritage Unit of the Department of Environment and Planning has designated as historical items since the proclamation of the legislation in South Australia in 1981. I would appreciate advice from the Minister of the number of designations and the number of protected zones and the extent of the zones since the commencement of the Act. My question stems from concern that only one officer has been assigned within the Heritage Unit to administer the Act.

I have been advised that the extent of the task and the urgency of the task to protect and preserve our maritime archeology is beyond the capacity of one officer and, as a consequence, an enormous backlog of work awaits attention. The Minister acknowledged no less when addressing the Bill in another place. My reason for highlighting this point is that with this Bill we as legislators are extending the responsibilities of the Act and of the officer in charge of administering the Act, when we know that the extent of the work facing the officer at the present time is beyond his capacity to cope.

It has long been a concern of mine that, albeit with the best intentions, we in this Parliament often pass measures that raise expectations in the community and that we then fail to meet those expectations when we fail to provide for an adequate number of officers or staff to implement our decisions. I believe that we are falling into this trap with the Bill before us, as the Government has made no provision for extra officers to administer the extra responsibilities that we propose to accept through this Bill.

I recall that when the introduction of the Historic Shipwrecks Act was proposed for South Australia in 1980 it was mooted that some form of formal consultation was considered necessary between the Commonwealth and the States, possibly on an annual basis, in view of the number of historic shipwrecks. It was considered that a review would be made of the sites recommended for protection under the Act and that such meetings would ensure a rational, national approach to the administration of the Act. I would like to know whether such meetings between Commonwealth and State action and policy officers from the relevant Commonwealth and State departments and authorities that administer this legislation have been held as initially proposed and at what intervals.

I would also like to know whether the South Australian Museum is consulted in an advisory capacity by the Heritage Unit when shipwrecks and relics are considered for recommendation as historic items. I ask these questions because, clearly, maritime archeology and the associated artefacts involve the museum, although I acknowledge that the protection of wreck sites is not an appropriate function for the museum. I support the Bill and do not wish to impede its passage in the Council. If the Minister is unable to answer my questions during his response, I would be happy to receive replies in writing at a later stage.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for her contribution to the second reading debate. Obviously, I do not have at my fingertips all the information that she has requested. Rather than attempt to skirt around the matters that she has raised, which would not do justice to the honourable member or to the Council, I am perfectly happy to give a firm undertaking that all of the matters that she has raised will be answered by the Minister for Environment and Planning as soon as is reasonably possible. I thank the honourable member for her contribution and point out that it is not appropriate to delay the legislation when there is general agreement that it should pass. I repeat that I will obtain replies from the Minister and see that she receives them with suitable speed.

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

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Adjourned from 26 October. Page 1340.)

The Hon. J.C. BURDETT: I support the second reading of this Bill, which seeks to do two things: first, increase penalties for breach of the provisions of the Act that relate to minimum prices for wine grapes; and, secondly, extend the period of time for prosecutions under the Act from the standard time of six months under the Justices Act to 12 months. I have no objection to these two proposals. The principal Act is a controversial one and there is some doubt as to whether or not it ought to exist. However, while it is in existence it ought to have some teeth. I support the increase in penalty, and, more particularly, I support the increase in time allowed for bringing a prosecution from six months to 12 months because the Minister said in his second reading explanation (and I believe this to be correct) that many prosecutions are prevented because the facts of those prosecutions do not come to the notice of authorities until more than six months after an offence has been committed. I do not believe that, in such circumstances, 12 months is a long period.

I have some doubts as to whether a person's rights are being impinged upon if a prosecution is laid after two or three years, but do not consider 12 months to be too long a period in a regulatory offence of this kind where it is fairly obvious that the facts may not come to the notice of authorities until after the expiration of six months. So far as I am aware, there has been only one prosecution under this Act since its introduction, I think in 1966. I understand that the outcome of that prosecution is pending. I hope that the passage of this Bill will provide the ability to bring effective prosecutions for breaches of this Act. The Minister said during his second reading explanation that he has set up an inquiry into loopholes in this Act and into evasion of its provisions. I await with interest the outcome of that inquiry because I know that there have been evasions of the Act from time to time. I know of one matter that was rectified, but there may well be others that I do not know of. There is no doubt that while this Act remains in force it ought to be effective and if it can be made more effective by this Bill then I support that happening.

This Act is a controversial one and is the only example of minimum price control in South Australia. There is one example of fixed price control applying to milk, which comes under the Minister of Agriculture, but this is the only example of minimum price control in this State. I find minimum price control somewhat difficult to face philosophically. I felt, when Minister of Consumer Affairs, that everything possible should be done to help consumers purchase products at the cheapest price at which someone was prepared to sell them. However, there have been difficulties in the area of wine grapes and we have this existing situation of minimum price control. Grapegrowers expect that this minimum price control will be maintained. I know from inquiries I made when Minister that there is a unanimous desire throughout the growing section of the industry to keep price control in place.

There are anomalies in the system regarding co-operatives. There are quite a lot of co-operative winemakers to whom these provisions do not apply because of the marketing provisions in the Act. In the case of co-operatives, grapes are technically not sold to the winemaker and continue to belong to the producers so this Act does not apply to this large section of the wine making industry. Other parts of the wine making industry are resentful of that fact. However, this is a difficult area and I do not blame the Government for not grasping the nettle and substantially changing this Bill. It seeks to increase penalties, to make them realistic and to extend the period during which a prosecution can be lodged so that such prosecutions may occur when there has been a breach of the Act. It is much better that the Act can be enforced. For these reasons I support the second reading.

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

LAND TAX ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This small amending Bill remedies a minor anomaly that has affected the principal Act by virtue of the operation of the Planning Act, 1982. The principal Act presently defines the metropolitan area by reference to the Metropolitan Planning Area under the Planning and Development Act, 1966, which included the City of Adelaide.

The Planning and Development Act has been repealed by the Planning Act and it is therefore necessary to review the definition of 'the metropolitan area' for the purposes of the principal Act. The Planning Act does not apply to the City of Adelaide and it is desirable to clearly identify that the City of Adelaide comes within the provisions of the principal Act. The municipality of Gawler is also specifically included, as it is in the present definition. The amendment will have retrospective operation from 30 June 1983, so that there will be no effect upon rates of land tax for the 1983-84 financial year. 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 provides that the measure is deemed to have commenced on 30 June 1983. Clause 3 strikes out from section 4 the definition of 'the metropolitan area' and substitutes a new definition of the metropolitan area, which means the part of the State comprised of Metropolitan Adelaide as defined in Part VI of the Development Plan under the Planning Act, 1982, and the areas of the City of Adelaide and the Municipality of Gawler.

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

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Wednesday 9 November at 2.15 p.m.