LEGISLATIVE COUNCIL

Thursday 12 March 1987

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

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

PETITIONS: PROSTITUTION

Petitions signed by 302 residents of South Australia praying that the Council pass unamended the Bill to decriminalise prostitution were presented by the Hons Carolyn Pickles and T.G. Roberts.

Petitions received.

MINISTERIAL STATEMENT: STREAKY BAY AREA SCHOOL

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

Leave granted.

The Hon. J.R. CORNWALL: Ms President, the South Australian Public Health Service has advised the results of blood testing conducted following the contamination of Streaky Bay Area School with aldrin. The provisional results relate to 42 persons. Before detailing these results I wish to stress what I have already told the Council: the extent of contamination and the effects of the pesticide on the health of affected children or staff remain the subject of extensive testing and investigation. All my advice is that it is not possible to make objective and definitive statements until the investigation is completed.

However, it is my policy in this investigation, as in every other investigation conducted by the Public Health Service, to issue regular bulletins regarding matters of public concern. The proper course is for the public to be informed on the basis of professional and reliable advice from officers, including senior doctors, of the Public Health Service. All preliminary results and conclusions will be referred to the expert ministerial committee appointed to review the toxicity of aldrin.

The provisional blood test results from the Institute of Medical and Veterinary Science are measured in nanograms per millilitre, that is, parts per billion. Preliminary assessment of available toxicological data which, again, will be examined by the expert committee, shows that 200 nanograms per millilitre is the level below which symptoms do not occur and 100 ng/ml is the level below which no effect can be observed. The Public Health Service advice following that preliminary assessment is that, applying a safety factor of 10, levels below 10 ng/ml present no risk to health.

Of the 42 persons for whom results are available at this point, 15 had no detectable aldrin or dieldrin (the substance to which aldrin is converted in the body) in their blood. Nine of these are children, three are adults and three are persons whose age was not provided. Of the 27 persons with identified levels of aldrin/dieldrin, 25 were between 0.1 and 10 nanograms per millilitre. Seventeeen of these are children and eight are adults. The remaining two persons are both adults. The blood test result for one was in the range 10 to 100 nanograms per millilitre and the other between 100 and 200 ng/ml. The precise figures were 20 and 103 ng/ml respectively.

My advice from the Public Health Service is that, if these measured levels are due solely to chronic exposure, the reported symptoms (headaches, nausea, dizziness, etc.) were not due to aldrin. This is because the present level would be the highest reached and, in each case to date, are below the level at which symptoms appear. On the other hand, however, if the pattern includes some acute exposure, for those persons whose blood tests indicated a level below 10 ng/ml it is 'unlikely but possible that maximum levels reached could have caused mild symptoms'. That is the expert advice. I am further advised, 'It is unlikely that these symptoms would persist. This conclusion takes into account the possibility that children are more sensitive to aldrin and also metabolise it more rapidly than adults.'

At levels above 10 ng/ml there is an increased probability that symptoms may have been experienced in the past. Concerning the person whose test indicated a level of 130 ng/ml, I am advised that 'this level would not be expected to cause symptoms at present but is indicative of significant exposure. If the exposure was acute, it is quite possible that symptoms would have been observed in the past.' In all cases, I am advised, in the absence of further exposure the body burden will be steadily lost and no long term adverse health effects will be observed.

Finally, the Public Health Service has commented upon the suggestion that fat biopsies are necessary to gain accurate insight into the body burden of aldrin. The Public Health Service does not support this view. Its advice is as follows: 'It is well known that aldrin/dieldrin accumulates in fatty tissue but there is ample evidence to show that in these circumstances the fat level is reflected by circulating blood levels. In addition, much work has been done to establish a link between blood levels and toxic effects; the collection of blood samples is convenient, less painful and less prone to adverse effects than fat biopsy.'

QUESTIONS

HOSPITAL FEES

The Hon. M.B. CAMERON: I seek leave to make a short explanation before asking the Minister of Health a question on the subject of fees at public hospitals.

Leave granted.

The Hon. M.B. CAMERON: I have been informed that from 1 January this year the charge for casualty attendance at all public hospitals for all compensable patients (that includes workers compensation and vehicle accident compensation patients) has risen from $40 to $80. This same rise, from $40 to $80, applies also for people attending outpatient clinics in the hospitals. I am told the attendance fee for anyone who goes to a hospital for paramedical treatment, such as physiotherapy or speech therapy, has jumped from $20 to $55.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I said that. If you had listened, you would have heard that. If a patient attends casualty and receives paramedical treatment on the same day, the cost of $80 applies. However, if the paramedical treatment is undertaken on a different day, the charge is the initial $80, then an additional $55. Of course, the patients are also charged for any other Commonwealth medical benefits procedures, such as X-rays. I understand that the fees had not been increased since 1984; however, in view of the fact that the inflation rate in 1984-85 was 7.4 per cent, and in 1985-86 8 per cent, I fail to see how rises of 100 per cent and 175 per cent respectively can be justified. My questions are:

1. How can the Minister justify these rises in view of the inflation rate, the fact that the rest of the community is

being asked to show restraint, and the Premier's statement that he would not use Government charges as a backdoor means of taxation, which this obviously is?

2. Does the Minister realise the effect this will have on the area of workers compensation, which is already having grave difficulties in terms of cost?

3. Will he now review the decision to ensure that any rises in relation to these charges reflect the rise in the inflation rate?

The Hon. J.R. CORNWALL: The Hon. Mr Cameron has shown that, unless he is into some sort of a stunt in the health area, he has very little chance of coming up with anything of any moment. He clearly does not understand the basis on which the fees for compensable patients are fixed. I will not comment as to the precise details which he has produced. However, I would want to make it clear that the fees for compensable patients are based substantially on cost recovery, in other words, on actual cost. The fees that we charge for private patients in public hospitals are something less than one third of the actual cost of providing that bed. Let me make that very clear. The day bed charge currently is $125 a day. The actual cost in a sophisticated teaching hospital with level 3 expertise delivering tertiary levels of care—that is, very highly specialised levels—is closer to the range $350 to $400 a day. The actual cost of delivering these outpatient services is very closely related now to the costs which we recover. We can do that in one of two ways. We can do it in the sensible way in cases where patients are covered by workers compensation, third party or any other general insurances; we can ask the insurer to pay the actual cost. That seems to me to be a very sensible way to go.

On the other hand, if we want the taxpayers generally to meet that cost, then of course we can charge at any rate that we care to set, but it is sensible that the insurer should bear the burden for the insured patient. It will cost the same, no matter who pays for it, and I would repeat that in those circumstances it is sensible for the insurer to meet the cost. The alternative is to ask South Australian taxpayers to meet the cost. How you can reconcile that with the Opposition's repeated claims for cuts in taxes and charges is a little beyond me. Opposition members are really quite remarkable. The various Opposition Parties, the various conservative Parties in this State and around this country—and there are at last count at least four of them—are stomping the country saying, 'We must have massive cuts in Government services.' Obviously, that includes public hospital services, teachers, police, universities—you name it. 'We must have massive cuts in public spending', they say, 'and at the same time we must have massive cuts in taxes and charges.'

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: That is facile and stupid and young Mr Lucas ought to know better. 'Cut the waste' he interjects, in his facile, silly way. We know very well that to meet the sort of cuts that are being touted around this country by Joh (I am sorry, we now have to call him Petersen; we must denigrate him if we belong to the Parties opposed to him) would result in the elimination of the entire Commonwealth Public Service. It is that level of cuts that is being touted; it is the sort of level that poor little Johnny Howard is trying to match with his 8 per cent consumption tax—but of course his mates will not buy it. At the same time, he who purports to be the Leader of the Opposition in this place—and presumably he belongs to one of the four conservative Parties (although, as I recall, he used to be a little more trendy when he was in the Liberal Movement)—asks me as Minister of Health to impose a further burden on South Australian taxpayers. I will not do that.

WINE INDUSTRY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General as Leader of the Government and representing the Minister of Labour a question about the wine industry.

Leave granted.

The Hon. L.H. DAVIS: One of the great tragedies in South Australia has been the vine pull program in many grape-growing areas. The Clare Valley is one of Australia's great wine producing districts. Both large and small wineries nestle in this beautiful narrow valley. Sadly, about 30 per cent of vines have been pulled in recent years. The harvesting of this year's vintage has just commenced. During last year's vintage harvest, officers of the Department of Labour arrived, completely unannounced, and I understand at the request of the Liquor Trades Union, to investigate the rates of pay for people employed to pick grapes.

Some wineries in the Clare Valley employ contractors to carry out cultivation and picking. The wineries negotiate with a contractor on a price per tonne and the contractor in turn employs people to pick the grapes. In the *Northern Argus* of Wednesday 4 March a Mr Doug Kench of Auburn in a letter to the Editor said:

> Over the last few years efforts have been made by the Liquor Trades Union to have viticultural contractors employed under the conditions of the Wine and Spirit Award.
>
> Unfortunately, this effort, rather than creating higher pay rates for contractors' employees in areas such as grape picking, has instead, been a significant contributing factor in possibly the largest single loss of employment to occur in the Clare Valley in recent times.
>
> The loss, in relation to the Wine and Spirit Award affected properties, could be seen to exceed 2 000 weeks of employment [almost 40 full-time job equivalents, easily exceeding $500 000 wages per annum] for grape picking in the Clare Valley alone. As well, those who were contractors/sharegrowers have suffered losses in income, plant justification, overall viability, etc.
>
> However, despite this, the LTU has continued its push, with the Clare Valley being its focus of attention.

There is great concern in the Clare Valley that the union is seeking to extend its power by bringing pickers, earthmovers, painters and people employed in general maintenance under the scope of the award. There is no doubt that the union push has affected employment in the valley, either by encouraging companies to move to mechanical harvesters or by making grape growing and wine making more marginal. There is a view, which I endorse, that this Labor Government in South Australia is happy to unionise anything on two legs and that it is aiding and abetting unions to achieve this aim, as was demonstrated by the unannounced raid by Department of Labour officers during the last vintage.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I can understand the sensitivity of members opposite on an issue as critical as this.

The PRESIDENT: Order! I hope that you can understand my sensitivity to your expressing opinions.

The Hon. L.H. DAVIS: I haven't expressed an opinion.

The PRESIDENT: I think you have spoken of a tragedy—

Members interjecting:

The Hon. L.H. DAVIS: I will not enter into debate on that, I will just ask the Attorney-General two questions.

The PRESIDENT: Order! You certainly are not going to have a debate with me on that or any other matter.

The Hon. L.H. DAVIS: I just wish to ask two questions, Madam President. First, will the State Government do all in its power through its union links to ensure that this vintage in the Clare Valley is harmonious and without the heavy and inappropriate union pressure that occurred at the last vintage? Secondly, will the Government pull back from its push to unionise the work force irrespective of the economic costs as instanced by the critical position of the wine industry in the Clare Valley?

The Hon. C.J. SUMNER: It seems to me that there are a lot of nonsequiturs in the honourable member's question. Anyone who reads what he said I think will find some difficulty in following the logic of it. It just did not seem to connect. At one moment he had the Liquor Trades Union doing something, then the Government doing something else—all assertions without any basis, from what I can see. Perhaps the honourable member—

The Hon. L.H. Davis: You go to the Clare Valley and talk to them if you don't want to take my word for it.

The Hon. C.J. SUMNER: Certainly, the Department of Labour would not be in the Clare Valley drumming up business for the Liquor Trades Union.

The Hon. L.H. Davis: Well, you have another think coming.

The Hon. C.J. SUMNER: To suggest that is just ridiculous. The reality is that inspectors in the Department of Labour have a role to see that the law is being complied with, and in this country and this State at the present time awards, whether made by the Commonwealth Conciliation and Arbitration Commission or by the State Industrial Commission, have the force of law. That means that employers and unionists for that matter (the workers) are obliged to obey the law as expressed in those awards. I would have thought that the honourable member, as assistant shadow spokesman for the Treasurer (and some other things) would have realised that that was the situation.

I do not think that what the honourable member said in his assertions, insofar as the Department of Labour is concerned, has any basis. Inspectors in the Department of Labour have a job, as I am sure they did when the Hon. Mr Griffin was Attorney-General, of ensuring that the law is complied with. I assume that inspectors in the Department of Labour, if they were in the Clare Valley, were there to see whether the award conditions, which are the law of the land at the moment, were complied with, and that is whether the honourable member likes it or not. Of course, he does not like it because he would not want to see any minimum standards of working conditions and wages for workers in this State. We know that; that is his ideological and philosophical position.

I can inform the honourable member, whether this has occurred under previous Liberal Governments in this State or under Labor Governments, that awards of industrial courts and commissions in this State are the law of the land and the Department of Labour, within the Government structure, has the responsibility for investigating complaints and monitoring the breaches of these awards. I can only imagine that if the Department of Labour inspectors were in the Clare Valley at some time they were there in pursuit of the objectives—

The Hon. L.H. Davis: Membership.

The Hon. C.J. SUMNER: That is just ridiculous. It is an assertion that the honourable member really has no basis for making. To suggest that inspectors in the Department of Labour were somehow or other recruiting members for the union is a ridiculous proposition, and I am sure it could not be substantiated. What they would be doing is what they have been doing for years, that is, to monitor compliance with the awards, that is the law of the land, and to investigate complaints about breaches of awards.

The Hon. L.H. Davis: You'll bring back some more information?

The Hon. C.J. SUMNER: No, I will not bring back any more information. I have answered the question, which was about the Department of Labour inspectors, whose role is to ensure compliance with awards; they are not there to drum up business for the Liquor Trades Union or any other union.

DEFAULTING LAND BROKERS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before directing a question to the Attorney-General on the subject of defaulting land brokers.

Leave granted.

The Hon. K.T. GRIFFIN: Today's *Advertiser* carries a story about the land broker, Trevor Raymond Schiller, who is now bankrupt and whose statement of affairs discloses $1.7 million debts, and assets of $½ million. This is a matter I raised with the Attorney-General by letter in February and, at the request of the Attorney-General, one which I did not seek to raise publicly because to do so may have prejudiced certain investigations. I have respected that request. I have previously raised the issue of Ross Hodby, a bankrupt land broker, where the deficiency in assets over liability may be anything between $2 million and $5 million. I have also raised the matter of the bankrupt broker Leslie Alan Field, where the deficiency was nearly $1 million.

These three licensed land brokers going broke and leaving high and dry hundreds of ordinary people, who have entrusted them with their hard earned savings in the space of two to three years, is a matter of considerable concern. It is of concern to people who have dealt with them as well as to the many reputable brokers who feel that the good names of brokers are under threat as a result of the actions of a few disreputable brokers.

All these problems indicate that there has been something seriously wrong with the auditing of the brokers' and agents' trust accounts. One can never hope to overcome all potential defalcations but one would expect that, with more active and diligent auditing and periodic spot audits (that is, unannounced audits), a lot of the problems could be identified and averted at a much earlier stage. With legal practitioners' trust accounts there is diligent scrutiny of trust accounts and, where there is a pattern of complaints about delays or other matters to the Legal Practitioners Complaints Committee, spot audits are immediately undertaken as a matter of course. These sorts of audits have made a tremendous difference in the legal profession and have averted potential difficulties with trust accounts.

With land brokers and agents there needs to be urgent and concerted action in consultation with the appropriate land brokers' association to try to eliminate the possibility of problems such as those in Field, Hodby and Schiller happening again. My questions are as follows:

1. What steps has the Attorney-General and the Department of Public and Consumer Affairs taken to minimise defaults by land brokers and agents in the future?

2. What steps have been taken to identify 'early warning' signs of potential problems with brokers and agents affairs?

3. What procedures has the Government adopted for spot audits of brokers' and agents' trust accounts?

4. What other action will be taken to ensure that abuse of investors' money by a handful of brokers and agents is kept to an absolute minimum and, if possible, eliminated?

The Hon. C.J. SUMNER: With respect to the last question, I would advise anyone who has any money invested with a land broker to ensure that they contact that land broker and make sure that they get copies of all the documentation that they would expect to have if they had invested money with a land broker on the understanding that that money would be lent on the security of a first mortgage; also, to get copies of the title and the mortgage and make sure that what they have instructed the land broker to do has, in fact, been done. Obviously, what has happened with respect to the cases that the honourable member has mentioned is that people have been far too trusting of those who, one would have thought, were reputable land brokers.

In the circumstances, that trust has clearly been misplaced and I share the honourable member's concern. It is a tragedy for the many people who have been caught up in this situation, although I point out that there were—and this applied when the honourable member was Attorney-General—similar situations involving Mr Field and Swan Shepherd. Apparently his Government did not see fit to take any action with respect to land brokers. It is interesting to note that it wound back the controls on land brokers.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Yes, you did: you did and you tried to get out of it. You introduced a system of continuous licensing, which meant that a person could continue to practise as a land broker on a year-by-year basis without having to re-apply every year for a new licence. That proposition was introduced as part of the Hon. Mr Burdett's deregulation.

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: Yes, of course. I understand that, but it was possible—

The Hon. K.T. Griffin: You supported it.

The Hon. C.J. SUMNER: I am not suggesting that I did not support it. What I am saying is that problems occurred with Swan Shepherd and with Mr Field. It is my recollection that they occurred during the period of the honourable member's Government and that in fact he took action to impose less regulation on land brokers than existed before by means of a continuous licensing system. In fact, he had a proposition—which I did not proceed with on coming into office—to deregulate land brokers completely.

The Hon. J.C. Burdett: It still would have included auditing.

The Hon. C.J. SUMNER: The honourable member says that it still would have included auditing. What he wanted to do was not have any licensing system for land brokers.

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: He wanted a negative one. He wanted less regulation of land brokers.

The Hon. J.C. Burdett: Yes.

The Hon. C.J. SUMNER: The honourable member says 'Yes'. I am not seeking to make a particular political point: I am merely concerned to put some balance into the argument that is being put forward by the Hon. Mr Griffin. Those two matters occurred, as I understand it, when the Liberal Party was in Government and the bare reaction to it was to lessen the regulation on land brokers and not increase it.

The Hon. K.T. Griffin: I think it was in 1985.

The Hon. C.J. SUMNER: Swan Shepherd was still involved in finance broking activities. Certainly, all people who have investments of this kind with land brokers should ensure that they are safe. They should seek legal advice immediately if they are not satisfied with the situation relating to land brokers. The law that has existed does not impose any obligation on the Government to conduct an audit of the books of land brokers. The provisions that existed under the previous Government as well were that the land brokers are obliged to have their trust accounts audited and to have a report of that audit filed with the Land Brokers Board (as it then was) or with the Commercial Tribunal as it is now.

So, the obligation to have the audit conducted is an obligation on the broker, to have it conducted by a private firm of auditors. It is not an obligation under the legislation that exists on the Government, and that also needs to be stated. Whether there was something seriously wrong with the audits is a matter that will obviously have to be examined by the individuals who have lost money as a result of these particular investments, and they will have to take their own legal advice with respect to the auditing procedures. The audits were not carried out by the Government—it was not the Government's obligation. It was not even the obligation of the Commercial Tribunal or the Land Brokers Board to carry out the audits. Under the legislation there was an obligation on the broker. So, the individuals in this situation will have to seek their own legal advice on that issue.

The other point that I would like to make is that if people in the community are going to be blatantly dishonest—it would seem that in this case the people concerned have simply engaged in fraudulent and blatantly dishonest practices—while one can establish structures to deal with that through the licensing system such as is exercised through the Commercial Tribunal, it is very difficult, other than by way of deterrent, to cover every situation where people set out deliberately to evade the law, where they set out deliberately to be engaged in fraudulent or dishonest activities. Unfortunately, that appears to be the case with respect to the people that the Hon. Mr Griffin has outlined. As I say, those issues still remain to be determined at the appropriate time in the courts.

With respect to the question of financial broking, I have established, as I have already announced, a group within the Department of Consumer and Corporate Affairs to examine whether there ought to be some additional regulation of people involved in finance broking. That committee will produce a report in due course. I will certainly refer the honourable member's question to the Commissioner of Consumer Affairs and to the Commercial Tribunal to see whether any further action needs to be taken beyond that which has already been taken in this area.

The important thing that I can say this afternoon is that people who have money invested through brokers or in any other area where they are unsure about the security should check that the security is there, and that the brokers have carried out their instructions. If investors are in any doubt about that whatsoever, they should consult the Commissioner for Consumer Affairs or obtain their own legal advice to ensure that their security is properly there.

I understand that in some of these cases—although the matter still needs to be fully investigated—clients did sight the documentation. If they sighted the documentation, it means, in effect, that the brokers were involved presumably in signing documents or possibly in the forgery of documents. I understand that some of the clients believe they did all that they had to do by sighting the titles and documents. That is just a case of blatant fraud and dishonesty. As I said, apart from taking these people to court and having sentences imposed upon them which one would hope would reflect the seriousness of the matter, it is difficult to see what more can be done where we are dealing with situations of blatant attempts to evade the law. Certainly, I am concerned about the situation. It is an absolutely disgraceful

position in which clients have found themselves as a result of some activities of these people. The Government stands ready to assist in any way possible, through the Commissioner of Consumer Affairs, these people who have been aggrieved by these defaults.

PEST CONTROL PROCEDURES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health a question about pest control procedures.

Leave granted.

The Hon. M.J. ELLIOTT: As the story of aldrin contamination at the Streaky Bay school has come out we know that people do appear to have been put at risk, but how great a risk we are not sure. I cast my mind back to the late 1970s when I was teaching at the Swan Reach Area School. I recall a time there when because of trouble with spiders the school was sprayed. Although my recollection is getting a little dim now, I believe that the spray was supposed to have been effective for approximately two years. I do not have the faintest idea what it was, but it was something pretty powerful. I do not seem to have suffered any ill effects, but it leaves a lingering question in one's mind as to how often spray programs occur in schools and other public buildings and places which have put people at risk. My questions are:

1. Is any consideration being given to tightening up pest control procedures in the light of what appears to have happened at Streaky Bay?

2. Will the Minister inquire of the Minister of Education, who is the most likely Minister, what pest control programs have been implemented in the schools over the last four or five years, which pesticides have been used and the dosage levels?

The Hon. J.R. CORNWALL: Pest controllers in this State are licensed by the Central Board of Health. They are required to follow standards which are set nationally and I have referred to those specifically, quoting the particular standard numbers in this place on at least two occasions in the past two weeks. Reference to *Hansard* will pick that up. With regard to the specific issues and the more general issues raised by the Streaky Bay story that have been mentioned by Mr Elliott, one of the terms of reference is to review the standards and to make recommendations to the national body if that is considered appropriate or necessary. The other is that the Central Board of Health will specifically investigate the standards and competence of the particular pest controller who was involved in the treatment of the Streaky Bay Area School. In saying that, there should be no inference that this is trial by Parliament, nor should there be any inference of guilt. It is simply that, in the circumstances, the procedures that were adopted by that pest controller and the level of competence must be reviewed. Arising from that, it may be that we should look at the levels of competence and standards of pest controllers generally. Again arising from that, the Central Board of Health and the Public Health Division will review the national standards and, if they are not considered to be sufficiently stringent or appropriate, they will make recommendations to the national body. As to the use of insecticides generally, they are controlled by a variety of bodies. The Hon. Mr Elliott raised a number of issues that span a number of portfolios. It would not be prudent or wise for me to attempt an ad lib answer, but I will be pleased to bring back a considered response. The honourable member asked a question that should be directed to the Minister of Education regarding—

The Hon. M.J. Elliott: Programs over the last four or five years.

The Hon. J.R. CORNWALL: Those programs are a matter for the Department of Education and the Department of Housing and Construction, which is involved in processing and letting of the contracts. I will confer with my colleagues and bring back a reply.

MARKET RESEARCH

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to directing a question to the Attorney-General, representing the Minister of State Development and Technology, on the subject of Government market research.

Leave granted.

The Hon. R.I. LUCAS: In August 1986, the Department of State Development and the South Australian wine industry received a copy of a major market research project 'Attitudes, Behaviour, Perception and Knowledge with respect to South Australian Wine'. The report was based on a major qualitative and quantitative market research program by a company called David McKinna Pty Ltd, Melbourne, a Victorian based company. The report was a major study including four discrete sections:

1. Ten focus group discussions with wine drinkers in Melbourne and Sydney.

2. Four mini group discussions in Melbourne and Sydney.

3. In-depth personal interviews in Melbourne and Sydney.

4. A major quantitative study amongst 600 wine drinkers in Melbourne and Sydney after an initial interview of 1 200 respondents.

The Hon. L.H. Davis: They didn't use any ping pong balls?

The Hon. R.I. LUCAS: No, it was not a John Cornwall study. It has been estimated that the cost of the survey was at least $30 000 and possibly much higher. I have been contacted by a number of local market research companies in South Australia which are outraged that the Department of State Development and Technology, which is meant to develop local industry in South Australia, is giving major market research projects to interstate companies when there exists within South Australia a number of local companies that are capable of undertaking this sort of market research. These South Australian based companies already have national clients on their client registers and are undertaking research in not only South Australia but all other States of Australia as well. The summation of the sort of research projects that local researchers have given me is that this is bread-and-butter research in this area and capable of being handled by local research companies. This particular decision of the Department of State Development and Technology follows the decision of the Government and the Department of Tourism last year to award a $150 000 market research project to another interstate company, again when there existed within South Australia a company capable of undertaking that particular market research program. The market research companies which contacted me told me that this policy of the Government and, in particular, the Department of State Development and Technology is affecting the employment opportunities of many young people and women who undertake part-time jobs with market research companies as interviewers.

My questions to the Attorney-General are:

1. What was the cost of this market research project?

2. What other projects and at what cost have been given by the Department of State Development to this particular Melbourne-based company?

3. Why did the Government appoint an interstate-based market research company?

4. Does the Government believe that no South Australian-based company was capable of undertaking this particular market research program?

5. Did the Department of State Development follow all the directives issued by the Premier on 1 May 1984 for appointing market research consultants in South Australia?

The Hon. C.J. SUMNER: I will see what information I can get on that topic and bring back a reply.

COOPERATIVES

The Hon. I. GILFILLAN: I have been advised that the Attorney-General has an answer to a question I asked on 26 November last year on the subject of cooperatives.

The Hon. C.J. SUMNER: Further to the information already provided, I now advise the Council that the Special Employment Initiatives Unit in the Office of Employment and Training is maintaining a watching brief in the area of worker cooperatives. A capacity for small scale assistance for the development of specific worker cooperatives proposals exists within the Self Employment Initiatives Unit. The unit is interested to hear from members of the community, both unemployed persons and those working in existing businesses, who have a proposal for the establishment of a worker cooperative. Intending cooperatives should be soundly based upon the principles of cooperation, and be demonstrably economically viable.

HONEY

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Agriculture, and acting for the Minister of Tourism, a question on the subject of honey from grapes.

Leave granted.

The Hon. C.M. HILL: I have been reliably informed that after many years of experimentation and research, the Thumm family in the Barossa Valley—and honourable members will know that the Thumm family own the Chateau Yaldara wine operation—have developed a recipe for the making of honey from grapes. They have indeed not only done that but they have manufactured honey from many hundreds of tonnes of grapes already and, from what I have been told, it is very successful as a product. It is rich in all the characteristics associated with honey that of course comes from hives. It has been put to me, Madam President, that at a time when public funds are being expended for vine pull schemes (and no doubt will be further expended in the future), and with the prospective damage to the Barossa Valley from the point of view of tourism to South Australia as more and more vineyards are demolished, this question of further development of honey and the use of existing vines for this purpose is quite a serious matter. I would like to see the matter looked into at Government level to see whether these facts can be verified. If they were verified, and I am told there is a strong market for this honey produced from grapes, that operation ought to be further encouraged so that there will be no need for vineyards to be pulled up at public expense and no need for the great tourist wealth of the Barossa Valley to be damaged by that vine pull practice.

The Hon. L.H. Davis interjecting:

The Hon. C.M. HILL: In answer to an interjection, I am not trying to put bees out of business. I am raising a very serious matter of benefit to the State, because it will save money and assist tourism. I ask the Minister if he could look into the situation to see whether the facts can be verified and, if what I am submitting is true, what can be done in the form of action to correct the present situation?

The Hon. J.R. CORNWALL: I lost track of which particular Minister representing which Minister it was being referred to.

The Hon. C.M. Hill: Agriculture and Tourism.

The Hon. J.R. CORNWALL: Well, obviously the Minister of Tourism is absent on—

The Hon. L.H. Davis: She usually is.

The Hon. J.R. CORNWALL: I do not think I should respond to that. It is your Question Time, fellows, not ours. I do not mind you wasting the time. The Tourism Minister, as everybody knows, and even the Hon. Mr Davis would know, is absent on important Government business, and the other Minister is in another place, so I will be pleased to refer the questions raised by Mr Hill—and I do take them seriously, because unlike most of his colleagues, by and large he acts responsibly; lapses occasionally, but is usually responsible—to my colleague the Minister of Agriculture and to the senior officers of the Minister of Tourism. I would hope that we will both receive an expeditious reply.

FAMILY COURT

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of family law.

Leave granted.

The Hon. DIANA LAIDLAW: In late October last year, when the Commonwealth Powers Family Law Bill was before this Chamber, I sought to determine if the Commonwealth Government would be providing the funds sufficient to enable the Family Court to take on the jurisdiction in relation to ex-nuptial children when the powers were referred from this State to the Commonwealth. At that time the Minister noted in response to my questions:

> We have only been dealing with the legal aspect, namely, referral of the powers from the State to the Commonwealth. I expect the Commonwealth will review the question of resources as necessary when the legislation has been dealt with by the Commonwealth Parliament.

Earlier this week when the Chief Judge of the Family Court (Her Honour Justice Elizabeth Evatt) was in Adelaide, she highlighted that the question of funding has become an issue of major contention between the Federal Government and the Family Court to the extent that it is threatening the likelihood of Commonwealth legislation to confer the new jurisdiction on the Family Court. Justice Evatt expressed regret that it appeared that the Commonwealth may insist the jurisdiction for ex-nuptial children remain vested with State courts. I therefore ask the Attorney-General: is he aware that the Federal Government may have had a change of heart in this matter, a change essentially based on funding and resources and, if so, would he agree that after a decade of negotiation, such a step would be a retrograde one, perpetuating the current fragmentation of family law jurisdiction?

The Hon. C.J. SUMNER: The Government supported the referral of powers to the Commonwealth. Legislation to give effect to that has passed the Parliament in South Australia and, I think, also in Victoria and New South Wales, and I think Tasmania is considering the matter. It is now

a matter to see whether the Commonwealth exercises the powers that it now has as a result of this referral. Some issues were raised at the recent Standing Committee of Attorneys-General when the Commonwealth Attorney wanted to discuss and clarify the extent of the referral of the powers, but it is now a matter for decision by the Federal Government. I assume it will proceed in accordance with the previous arrangements that have been made.

STREAKY BAY AREA SCHOOL

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health a question about his failure to answer a question I asked yesterday about how many times the Health Commission must be alerted before it responds to a call for its attendance at a chemical spill.

The PRESIDENT: Order! I am not sure whether I should grant leave. Standing Order 111 provides:

A Minister of the Crown may, on the ground of public interest, decline to answer a question; and may, for the same reason, give a reply to a question which when called on is not asked.

As a result, I think a Minister may answer a question as he wishes, subject to Standing Order 110 which provides:

In answering any question, a member shall not debate the matter to which the same refers.

The Hon. R.J. RITSON: On a point of order, Madam President, it is not disputed that the Minister must answer a question.

The PRESIDENT: What is the honourable member's point of order?

The Hon. R.J. RITSON: It is not disputed that a Minister has to answer a question. However, the honourable member is trying to ask another question, and he should be entitled to do that.

Members interjecting:

The PRESIDENT: Order! There is no point of order. The Hon. Mr Dunn seeks leave to ask a question or to explain his question?

The Hon. PETER DUNN: I asked a question. How many times must the Health Commission be asked before it responds to a request for help following a chemical spill?

The PRESIDENT: Is the honourable member asking a question or seeking leave to explain a question?

The Hon. PETER DUNN: To ask a question.

The PRESIDENT: The honourable member does not need leave to ask a question; he needs leave only to explain it.

The Hon. PETER DUNN: I am seeking leave to explain a question before asking it.

The PRESIDENT: A question on the reply to a previous question?

The Hon. PETER DUNN: Yes, Madam President.

Leave granted.

The Hon. PETER DUNN: Yesterday I asked the Minister of Health a question about the Health Commission's response to three requests from the people of Streaky Bay. The first request came from a private citizen, the second by the Streaky Bay school and the third by the school some two months later (and that is understandable because the school was on holidays during the Christmas period). Unfortunately, there was no response from the Health Commission until the third request. I thank the Minister for his response when it finally became apparent that there was a problem at Streaky Bay. In fact, the response from both the Education Department and the Health Commission has been commendable. However, why did it take nearly three months before there was a response to something that was quite obviously a serious problem? The people of Streaky Bay really want an answer to that question.

Furthermore, why did not a Health Commission officer attend the public meeting at Streaky Bay when it knew that the meeting had been called? Why was there no officer present at the meeting to explain the problems, perhaps not in detail but just to explain what the people of Streaky Bay could expect? The Health Commission officer arrived at Streaky Bay the day after the public meeting, which more than 100 people attended.

The Hon. J.R. CORNWALL: They do persist in trying to politicise the Streaky Bay story; and that is most regrettable. It is also counterproductive and, frankly, I wish they would desist and stop making public fools of themselves. The scientific officer responded—

The Hon. M.B. Cameron: You've got more troubles coming yet.

The Hon. J.R. CORNWALL: The recklessly irresponsible one—Cameron—says that I have more troubles yet. First, the last time I looked the Streaky Bay Area School was not within the Health or Community Welfare portfolios. The Hon. Mr Cameron is carrying on like a lunatic in this matter, and he should be thoroughly ashamed of himself. Frankly, his performance yesterday was quite disgusting, and I said so on radio this morning.

Yesterday I tabled a telegram from Ross Allen congratulating and thanking me for what I have done to date. It will take quite some time to resolve this problem. I give regular bulletins as they become available. I have been scrupulously careful in this matter, as I am in all other public health matters, to ensure that the public is fully informed. There were two general inquiries in December, and I said this in response to a question from Cameron yesterday, which is why I did not repeat myself when Dunn got to his feet—

The PRESIDENT: Order! I am sorry, but the suspension of Standing Orders has expired. Unless there is a further suspension, I must call on the business of the day.

SOCIAL WORKERS

The Hon. DIANA LAIDLAW (on notice) asked the Minister of Community Welfare: In respect of each departmental region, how many social workers are employed currently and how many were employed at the end of the past four financial years?

The Hon. J.R. CORNWALL: I do not have an answer to the question.

The Hon. Peter Dunn: You haven't got an answer to any of them.

The PRESIDENT: Order! The Minister of Health has the floor in response to the Question on Notice from the Hon. Ms Laidlaw.

Members interjecting:

The Hon. J.R. CORNWALL: Members opposite are paid over $50 000 a year and they come in here and behave like comedians every day that we sit—and C grade comedians at that. It is a bloody disgrace! I make no apology for saying that because their behaviour is quite disgraceful. In fact, it is so irresponsible that the South Australian public really ought to know about the sort of behaviour on the Opposition benches every day that we sit.

The Hon. L.H. Davis: Have you read in *Hansard* what you said yesterday?

The Hon. J.R. CORNWALL: I have indeed. The Hon. Ms Laidlaw has three Questions on Notice and I do not have answers to any of them at this time.

OCCUPATIONAL THERAPISTS ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Occupational Therapists Act 1974. Read a first time.

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

That this Bill be now read a second time.

This Bill seeks to make a number of amendments to the principal Act to facilitate the administration of the Act and to bring it into line with some of the more recent health profession registration Acts. As members may be aware, the principal Act which was passed in 1974 provided for the establishment of a registration system for occupational therapists in South Australia. In that sense it was breaking new ground, and I think it is now fair to say that the profession has 'come of age'.

The board has reviewed the Act in light of experience in its operation and has requested a number of amendments, which are embodied in this Bill. Firstly, the composition of the board is varied to ensure, quite appropriately, that the profession has the majority of members. The size of the board will remain at seven members. The presiding officer will be a legal practitioner nominated by the Minister (as at present). One member will be a medical practitioner nominated by the Minister and one will be an occupational therapist nominated by the Minister (as at present). The nominee of the Institute of Technology will be a registered occupational therapist (in practice, this nominee has always been an occupational therapist, and the amendment will require that to be the case). Two members will be registered occupational therapists nominated by the Australian Association of Occupational Therapists (as at present). The remaining member will be a 'consumer' member nominated by the Minister, in keeping with modern health professional registration Acts.

The board has sought the inclusion of provisions to enable limited registration and provisional registration to be granted. The more modern registration Acts provide for both of these forms of registration. The board sees advantages to both the profession and health services in having similar provisions. In the case of limited registration, the board sees an advantage in being able to register a person with suitable overseas qualifications, restricting the area in which the person can practise, until the person has been able to sit for one of the six-monthly examinations which are held. Full registration could then follow. The board also sees the ability to grant limited registration as a means of attracting former occupational therapists back into the work force. A person could, for instance, be limited to practising under supervision until they had upgraded their skills sufficiently to qualify for full registration. Limited registration would, in addition, be used to cover the situation of a person who had come from overseas for teaching or research purposes for a short period of time.

In relation to provisional registration, power is given to the Registrar to grant provisional registration if he believes the board is likely to grant the application. The board would then determine the application at its next meeting. This will enable new graduates particularly to take up a position without delay. In some instances, graduates have moved interstate, where they can begin work immediately. Provision is included for the board to delegate powers to the Registrar, a member or a committee established by the board. This will facilitate the operations of the board.

The maximum penalties under the Act are currently $200. These are out of date and are upgraded by the Bill to $5 000 (and $2 000 in the case of offences against regulations), in line with more modern Acts. In relation to unprofessional conduct, the board currently has powers to hold an inquiry and hand down a penalty. The laying of the complaint is, under the amendments, expressed in similar terms to more modern Acts and the range of sanctions is similarly extended (that is, the board will be able to impose restrictions on practice, suspend for up to a year, in addition to reprimanding, cancelling registration or imposing a fine—which is increased from $200 to $5 000).

Revised provisions are included in relation to incapacity of a registered person. Under the existing Act, the board has to follow an inquiry procedure in cases of alleged mental or physical incapacity of a registered person and then may deregister the person and disqualify him or her temporarily or permanently from obtaining or holding registration. In line with more modern Acts, the Bill provides a procedure for establishing whether mental or physical incapacity exists, after which the board may suspend the person until they recover or restrict their right to practise. The person may be required to submit to a medical examination. There is also an obligation on a medical practitioner who is treating a registered person whom he believes to be unfit to practise to report that unfitness to the board (as is the case under other Acts). I commend the Bill to the House. The detailed explanation of clauses follows and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 replaces section 5 of the principal Act.

Clause 4 makes some non-sexist changes to section 7 of the principal Act.

Clause 5 includes the Registrar of the board in the immunity provision.

Clause 6 inserts a delegation provision.

Clause 7 inserts provisions for limited registration and provisional registration. These provisions are in the same form as similar provisions in other professional registration Acts.

Clause 8 replaces section 14 of the principal Act with four new sections. New section 14 enables the board to take disciplinary action against occupational therapists for unprofessional conduct. New section 14a enables the board to act where an occupational therapist is incapacitated in a way that affects his practice. New section 14b places an obligation on medical practitioners to report the unfitness of a patient who is an occupational therapist to the Registrar. New section 14c will enable the board to require an occupational therapist to submit to a medical examination.

Clause 9 makes consequential changes to section 15 of the principal Act.

Clause 10 increases the penalty prescribed by section 16.

Clause 11 inserts a new section that provides for variation or revocation of conditions imposed by the board or the court.

Clauses 12 and 13 increase penalties.

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

OPTICIANS ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Opticians Act 1920. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to make a number of amendments to the Act following requests from the Board of Optical Registration and the profession. First, the Bill seeks to remove impediments in the current Act to the use of drugs by certified opticians in the course of their profession. The Australian Optometrical Association has made submissions seeking to make it possible for certified opticians to use a limited range of diagnostic drugs in the course of their practice. They wish to be able to use a limited range of local anaesthetics, mydriatics, miotics, vasoconstrictor agents, lubricating and irrigating agents, and staining agents. Optometrists in other Australian States, for example, New South Wales and Victoria, are permitted to use a limited range of drugs and for many years optometrists in the United Kingdom and in a number of States in the USA have been permitted to do so.

The mechanism for permitting certified opticians to use drugs is by regulation under the Controlled Substances Act. Such a regulation would spell out the drugs which could be used and any limitations on their use. Regulations under the Controlled Substances Act are, of course, made on the recommendation of the Controlled Substances Advisory Council. The Government believes it is reasonable for optometrists in this State to have access to a limited range of diagnostic drugs and will in due course consider the recommendations of the Controlled Substances Advisory Council.

To facilitate the matter being dealt with under the controlled substances regulations, it is necessary for the impediments in the Opticians Act to the use of drugs to be removed. The Bill thus proposes a revised definition of optometry, seeks to repeal section 25, and inserts a new provision which makes it clear that certified opticians will only be able to use diagnostic drugs in the course of their practice as specifically authorised under the Controlled Substances Act. In proclaiming this amending legislation care will be taken to ensure that the controlled substances regulations are in place before section 25 is repealed.

Another important feature of the Bill is the prohibition on the sale of optical appliances to the public except on the prescription of a medical practitioner or an optician. This is a matter which has been of particular concern to the Board of Optical Registration. As honourable members may be aware, ready-made spectacles are on sale to the public in South Australia. There is, however, a major public health issue involved, and that is that people who buy ready mades are far less likely to seek regular eye examination. Not only are comprehensive eye examinations an important aid to vision, but they are also useful for the early detection of general diseases such as diabetes and hypertension.

Ready-made reading glasses are fabricated to assist people in the older age groups, with an assumption being made that a condition called presbyopia, which occurs universally between 45 and 50 years of age, is responsible for the user's reading problem. In many cases the assumption is correct, but in other cases more serious ocular conditions are responsible for the problem. Visual loss amongst the older age groups is frequently a result of eye disease. The major causes of blindness in the Western world, glaucoma and cataract and age-related maculopathy, are predominantly diseases of the older age groups. People who seek correction to their visual problems through the use of ready-made spectacles will frequently be led to ignore the fact that the deterioration of vision they have suffered is due to an underlying condition which could eventually result in complete loss of sight.

There is also another aspect to be considered and that is the fact that the lenses in ready-mades are not exactly suited to the wearer. Ready-made spectacles have identical optical power, yet 75 per cent of people wearing prescription eye glasses need different lens powers for each eye. Astigmatism is not corrected in ready-mades, yet 75-80 per cent of spectacles prescribed today contain a correction for astigmatism. The optical centres of ready-made lenses are neither the same distance apart nor the same height as the wearer's pupils. This can cause discomfort and affect vision.

On balance, the Government took the decision that, on public health grounds, it could not condone the availability to the public of ready-made spectacles. The Bill therefore makes it an offence to sell, or offer them for sale. The other important feature of the Bill is that it generally upgrades penalties from $100, $200 and $400 to $5 000. This is in line with modern health profession registration Acts. I commend the Bill to the House. The explanation of the individual clauses follows and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 repeals section 2 of the Act, detailing the arrangement of the provisions of the Act.

Clause 4 inserts new definitions of 'corporate practitioner of optometry', 'medical practitioner' and 'optical appliance' into the Act and substitutes a broader definition of 'optometry' that removes the prohibition on the use of drugs by opticians.

Clauses 5, 6 and 7 effect amendments consequent on the insertion of a definition of 'medical practitioner'.

Clause 8 upgrades the maximum penalty for an optician found guilty of unprofessional conduct, from $100 to $5 000.

Clause 9 provides for the repeal of section 25 of the Act which delineated the rights or titles conferred by registration under the Act. Section 25 has been superseded in part by the Medical Practitioners Act 1983, and in part by the proposed new definition of 'optometry'.

Clause 10 provides for the repeal of sections 27 to 31 (inclusive) of the Act, and substitution of new sections 27 to 29 (inclusive).

Proposed new section 27 upgrades the penalty for the unlawful practise of optometry from $200 to $5 000, and creates the offence of selling or offering for sale, optical appliances to the public except on the prescription of a medical practitioner or an optician.

Proposed new section 28 upgrades the penalty for failing to ensure that every place at which optometry is practised is under the management and personal supervision of an optician, and that the manager's name is prominently exhibited at that place, from $20 for each day that the offence is continued, to $5 000.

Proposed new section 29 prohibits opticians from administering, prescribing or supplying drugs, except as authorised by the Controlled Substances Act 1984. Penalty: $5 000. An absolute prohibition is placed on opticians treating disorders of the eye by surgery or a laser device.

Clause 11 upgrades the penalty for offences by opticians involving fraud or dishonesty, from $200 or 12 months imprisonment to $5 000 or six months imprisonment.

Clause 12 repeals section 36 of the Act, which deals with the recovery of fees. This section has been incorporated into the proposed new section 27.

Clause 13 repeals section 37 of the Act, which deals with restrictions on persons, who are not medical practitioners, from practising ophthalmology and ophthalmic medicine and surgery. This section has been superseded by the Medical Practitioners Act 1983.

Clause 14 upgrades the penalty for committing a breach of the regulations made under the Act, from $100 to $500.

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

OPTICIANS ACT AMENDMENT BILL (No. 2)

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Opticians Act 1920. Read a first time.

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

That this Bill be now read a second time.

The purpose of this short Bill is to deregulate optical dispensing in South Australia. At present, the Opticians Act precludes a company or business from dispensing prescriptions for glasses unless every shop or place of business is carried on under the actual personal supervision and management of a certified optician. For many years, the strict letter of the law has not been observed, and there appears to have been no resultant harm to consumers. Dispensing organisations have approached successive Governments, seeking to have the present legislation changed, to enable optical dispensers to dispense ophthalmologists' and optometrists' prescriptions without the supervision requirement. Legislation varies around Australia. For example, in New South Wales, Victoria, Western Australia, the Australian Capital Territory and the Northern Territory optical dispensing may be undertaken by non-optometric personnel, independent of supervision by optometrists. Two of those States have a licensing system for dispensers.

It has been submitted that the consumer would benefit from deregulation of dispensing through stronger price competition. Countervailing arguments claim that the *status quo* should be maintained in the interests of quality of eye and vision care. This is an issue which I believe cannot continue unresolved. Accordingly, the Bill before members today has been prepared in broad terms, to deregulate optical dispensing. It is my intention to seek to have the measure referred to a select committee, to enable the issue to be thoroughly examined and to afford all parties with an interest in the matter the opportunity to present their views. An explanation of the three clauses in the Bill follows and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 permits the dispensing of prescriptions for optical appliances by persons other than opticians, medical practitioners or corporate practitioners of optometry.

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

LIFTS AND CRANES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Lifts and Cranes Act 1985 provides statutory requirements to be observed for the safe design, use and operation of lifts and cranes. The Act repeals the existing Lifts and Cranes Act 1960 but has not been brought into operation due partly to difficulties in the preparation of regulations and partly to developments that have arisen since the Act was assented to in May 1985.

One of the regulatory matters that has required an amendment to the Act is the intended introduction of a certification system for persons known in the building industry as 'dogmen'. These persons sling and direct the movement of loads handled by a crane and it has been agreed by the parties concerned that such persons should be required to undergo a formal training and examination procedure that establishes a minimum standard of competence for the safety aspects of a dogman's activities.

The Act's provisions for the regular inspection of lifts are based on annual inspections by Government inspectors but because of the long standing difficulty in meeting the demand for inspectors' time under the current annual inspection requirements, provision was made in the Act to extend the inspection period by an additional 12 months. The Chief Inspector has the power to approve this arrangement subject to the owner's submitting an expert report that the lift is in good repair and may be safely operated for the period specified.

The Lift Manufacturers Association of Australia (LMAA) has expressed the view that due to the ever increasing numbers of new installations, compliance with the inspection provisions of the Act will not be possible unless a significant increase is made in the number of lift inspectors. Also, because of the significant improvements that have occurred in reliability and in-built fail safe characteristics of the modern lift, increased intervals between formal inspections would not reduce safety.

The Chief Inspector has recommended that as the maintenance of lifts in South Australia is already carried out competently on a regular basis by companies which are all members of LMAA, the Act's certificate of inspection provision (section 13) be removed and the frequency of inspections of lifts for safety purposes become a matter for prescription as is the case for cranes and hoists. Under section 9 of the Act an inspector may make an inspection of a lift, crane or hoist at any time and give directions to prevent the risk of injury as well as prohibit its operation until those directions have been complied with. Audit inspections by Government inspectors would verify the efficacy of inspections carried out by the lift companies in accordance with the Act.

The use of performance or quality standards and codes of practice published by the Standards Association of Australia (SAA) as a means of establishing safety requirements for compliance purposes has had wide acceptance for many years. The Act authorises SAA standards to be called up in regulations to provide detailed requirements for lift and crane design, use etc. In such cases the standards become legally enforceable. However, a new approach to the use of codes of practice has been incorporated in the Occupational Health, Safety and Welfare Act 1986. In brief, the new approach is to utilise codes of practice for the purpose of providing practical guidance to employers, employees and

others relating to occupational health and safety matters, for example, a code of practice may provide options or alternative methods of achieving a desired standard of safety for a particular situation.

These codes of practice will not be legal requirements in themselves (unless they are referred to in regulations) but may be used as evidence in legal proceedings. Where the requirements of a code have not been met, the burden of proof would shift to the accused to show that an equally safe practice has been used. It is considered appropriate that the same relationship is achieved between general offences under the Lifts and Cranes Act and compliance with codes of practice as is adopted under the Occupational Health, Safety and Welfare Act 1986.

The amendments proposed in this Bill will enable the Act to be operated as intended when it was introduced, that is, to provide effective and flexible requirements for the safe use of lifts and cranes applicable to the present industrial environment.

The provisions of this Bill have been fully discussed with industry representatives and approved by the Industrial Relations Advisory Council.

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 amends section 4 of the Act by adding a definition of an 'approved code of practice'.

Clause 4 repeals section 12 of the Act and substitutes a new section making it an offence—

(a) if a proper standard of care is not exercised in the operation of a crane, hoist or lift;

(b) if a crane, hoist or lift is operated while in an unsafe condition;

or

(c) if the operator of a crane, hoist or lift is not adequately trained in its safe operation subclause (2) provides that a person failing to exercise a proper standard of care in erecting, constructing, modifying or maintaining a crane, hoist or lift is guilty of an offence.

Subclause (3) provides that where a defendant is proved to have failed to comply with a relevant provision of an approved code of practice the defendant will be taken to have failed to exercise the standard of care required by section 12.

Clause 5 repeals section 13 of the Act.

Clause 6 amends section 14 of the Act by including 'lifts' so that the manner and frequency of inspection of lifts can be prescribed by regulation.

Clause 7 amends section 16 of the Act to provide that a person shall not operate a crane or perform work of a kind prescribed by regulation unless the person holds an appropriate certificate of competency or provisional certificate of competency.

Subclause (1a) makes it an offence for a person to cause or permit another person to act in contravention of subclause (1).

Clause 8 inserts a new section in the Act which makes provision for the approval of codes of practice by the Minister.

Clause 9 amends the regulation making power to permit regulations to be made relating to the safety of the public and to permit the exercise of a discretion by the Director or Chief Inspector in relation to matters specified by regulation.

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

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

The Hon. G.L. BRUCE brought up the report of the select committee on the Bill, together with minutes of proceedings and evidence.

Ordered that report be printed.

Bill recommitted.

Clause 1 passed.

Clause 2—'Service of members of the Committee of the Association.'

The Hon. G.L. BRUCE: I was a member of the select committee appointed to look into this Bill. I was on the original select committee that recommended giving full local government rights to Coober Pedy and, through an oversight, no allowance was made for any of those members who were members of the committee of management of the association prior to when it became a semi-autonomous local government association. Accordingly, those people who were on that committee previously were denied the right to stand as mayor. Following queries by constituents in the area it was drawn to the attention of the Minister, who subsequently raised the matter in the Council. While the matter may be seen to be proceeding with undue haste, I can assure members that that is not the case.

The committee met on two occasions and it advertised in the Coober Pedy press and on local notice boards. Following that, nine people took the trouble to write to the committee and inform it of their views. I would like to thank those nine people for the interest and concern they showed. While I thank them for that, I believe there was some misunderstanding and misapprehension as to the intent of the Bill. As it says in clause 2, all that is being sought is to give any person who has been a member of the committee of management of the association and then a member of council the right to stand as mayor in Coober Pedy.

The very fact that local people have displayed an interest in this matter will make for a lively election for local government in the area. That is to be commended. Certainly, if there is involvement and concern by local people about who is to represent them, it can only be for the better of local government in Coober Pedy, or indeed any other place in South Australia for that matter. I believe that the misunderstanding that existed at Coober Pedy was brought about by the fact that Coober Pedy people believed that they were thrust onto the local government scene—dragged screaming—and they did not like it. They thought the same thing was happening again.

However, this time we are extending the arm of democracy so that all people who have been involved in the Coober Pedy Progress and Miners Association or in local government have the right to run as Mayor. That extends the arm of democracy. While there may be an election—

The Hon. C.M. Hill: How many years back?

The Hon. G.L. BRUCE: It goes back to about 1982. The Bill is creating healthy interest in the proceedings at Coober Pedy. I recommend its passage to the Committee. The select committee met twice and there were no dissentient voices or opposition to the recommendations. Therefore, I recommend that members support the Bill in its present form and expedite its passage as soon as possible so that the people in Coober Pedy can get on with developing local government there.

The Hon. PETER DUNN: I support what the previous speaker has said. Democracy is still well at work because we are merely creating the opportunity for the people of Coober Pedy to vote for more candidates in their election.

The provision in the original Bill was rather restrictive; only people who were on the local council—people nominated in April 1986—were eligible to stand for election as Mayor. We are now saying that people who have served for one year on the Coober Pedy Progress and Miners Association, which was formed in about 1982, are also eligible to stand for the position of Mayor.

The people of Coober Pedy will decide whom they wish to have as Mayor, and that is right. A strong message was sent down to Parliament that the people of Coober Pedy do not like city people interfering in their operations, and I agree with them. They are right in saying that. They are a long way from the city; their problems are different from city problems and they have the capacity to cure most of those problems themselves. Indeed, I commend them for the independence that they are showing in wanting to run their own affairs, but now under the umbrella of the Local Government Act. I, too, commend the Bill and hope that it passes rapidly. By having it passed today and being dealt with by another place it is possible that we can give the people of Coober Pedy an extra week in which to determine whom they would like to nominate as Mayor. They will still have to vote, of course. I commend the Bill to the Committee.

Clause passed.

Title passed.

Bill read a third time and passed.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 11 March. Page 3319.)

The Hon. J.C. IRWIN: I support the Bill. I note that Parliament is supporting financial measures in this Bill to the tune of approximately $645 million. I take this opportunity to highlight and discuss the problems being faced by farmers in this State and in this nation. In other debates in this Council I have called on the Federal Labor Government and the State Labor Government to urgently take measures to cut back on their spending, their borrowings and their intrusions which affect the everyday lives of people, not the least of whom are rural people and rural producers.

For years many members of the Opposition have been saying, both inside this place and outside, the same sort of thing. The National Farmers Federation and its South Australian affiliate (the United Farmers and Stockowners) have repeated their message for at least three years. I quote from a speech made in Perth on 4 February 1987 by the President of the National Farmers Federation when he stated:

This is the year when we must marshal the frustration, desperation and anger of our members and the community support we have to achieve changes. We must accelerate our efforts to change directions, to make Australia internationally competitive. For God help us if we don't!

To get this economy back on the rails will require a large injection of flexibility and incentive. We must force substantial change in work practices, in protective barriers, in abuse of union power, in taxation reform and the extent of Government involvement in our lives. As a community we can act decisively now or face the prospect of international investors forcing far more disruptive change.

I wish that people in this Chamber and in Government would listen. The President of the NFF further stated:

Make no mistake, it will be forced upon us if we don't do it ourselves. This is the warning we have been trying to give. As Australian farmers we cannot sit around at the end of 16 months of interest rates touching 20 per cent, and inflation levels five times more than that of our major competitors, without immediate and significant action on the industrial and Government spending fronts. Sadly, anyone carrying that message has been at the receiving end of a large dose of vitriol and scorn.

The next point needs to be underlined:

In early December, we presented a detailed analysis to the Prime Minister and Treasurer which confirmed that key elements of their budget forecast were badly off target. The targets were their own budget forecasts. As people would know and remember, the welcome we got was rather short lived and we had a cryptic appraisal from the Treasurer's office that the analysis was badly flawed.

In my words, they were kicked out. The speech continued:

Our analysis of the September quarter national accounts demonstrated that the budget forecast of economic growth of 2.25 per cent in 1986-87 could not possibly be achieved. In fact, the figures show that economic growth in 1986-87 of between 1 per cent and 1.25 per cent at best is likely. Apart from the Treasurer's unsubstantiated dismissal, not one economic commentator has refuted our analysis. We saw, of course, the Government continue until the end of December to claim to be right on target. Yet, in his first day back on the job in 1987, the Treasurer found that the Government budget forecast for inflation had blown out by fully 20 per cent, his first public admission that the Government had misjudged a key economic indicator.

Of course, we heard again the mandatory Government view that the CPI had peaked. Mr Keating has blamed the blow-out of inflation to nearly 10 per cent on the size of the depreciation. As well, the Treasurer and other senior Ministers continue to claim that a stable exchange rate and associated high interest rates are essential to solving our cancerous inflation problems. This I mention because almost evangeliscal defence of our high interest rate policy sits very oddly with the United States experience. The US dollar has depreciated by about 40 per cent against the Yen and the Deutschmark over the last two years. Tellingly the US has inflation at a 30 year low of about 1.5 to 2 per cent and interest rates at about 8 per cent. To add insult to injury the Government is persisting with its argument before the Arbitration Commission that there should be a flat increase in wages of $10 a week with a 3 per cent margin above that for negotiated incomes.

I make the point that this speech was made in February before the Arbitration Commission decision, and this week we saw the industrial relations club come in with everything that the Government and the unions wanted plus 1 per cent more on the second tier. Almost every editorial condemned this decision with hardly a whimper from the Premier of this State. When you think that 60 per cent of the media in Australia is owned by one person (Mr Murdoch) that is not a bad performance, to have most or approximately 90 per cent of the papers in this country condemning the Arbitration Commission for what it has just done. The Premier's intelligence is such that he knows the great damage that will be done to this State and the damage that is being suffered already in this State by high interest rates and inflation. I will not go through the figures presented yesterday by the Hon. Legh Davis, which pointed out the key economic indicators for this State. The President of the NFF continued:

We have demonstrated that such a wage decision would result in unit labour costs growing this financial year at a rate sufficiently greater than wage growth among our major competitors.

This speech was made in February. We are now into March and the wage decision has been brought down. The speech continued:

This flies in the face of the Government's own clearly stated objective, yet the Commonwealth refuses to show where our analysis, is wrong and in the commission simply refuses to answer the analysis. Reliance on these extremely damaging high interest rates instead of action on the wages and Government spending fronts is the price we are paying to preserve the special relationship between the Government and the union movement. Every attempt is being made to discredit and distort the message of those who are urging fundamental change in the key areas of our economy. All of those feeling threatened by change have sought to characterise those seeking change as extremist, and therefore more easily dismissed.

I turn now to the editorial from today's *Australian* which is headed, 'Farming Misconceptions' and which reads:

Alarming new opinion surveys show that the difficulties of recent years in the farming sector have done nothing to improve

city voter's perceptions of our vital rural industries. At a time of crisis, when we most need to stand together to protect our national economic interest, we run the risk of becoming a country divided.

Qualitative research, carried out for the National Farmers Federation into urban attitudes to agriculture, shows that the farmer is seen by many city dwellers as inefficient, a constant drain on the economy, demanding ever more Government hand-outs.

Most worrying is the fact the people who should best understand the importance of farming to Australia—well-educated white-collar males—were uniformly hostile to farmers, with some even feeling the farmers should be forced off the land. By contrast, many single women and blue-collars workers, who perhaps see a role for Government assistance in coping with economic problems, were more sympathetic.

These findings point to a deepseated problem. Most of our population is urban. Many city people simply assume the rural sector will always be a provider, a fertile garden where indolent farmers grow rich on the fat of the land. The reality is that Australian agriculture has been plunged into a crisis—

the Minister of Health does not understand that—

caused largely by foreign trade subsidy wars. The typical worker on a family farm will make just $9 300 this year. Yet the crisis facing the farmer has descended on him not because of inefficiency or inability to compete on export markets. Far from it, our rural sector delivers us the cheapest food among the world's developed nations, and is among the least subsidised of any country.

These facts are not well understood in the cities. Most voters elect politicians representing urban districts and urban interests. But city people fail to see that their own prosperity hangs on the fate of the farm sector. Our farms provide one million jobs directly or indirectly. Agriculture is the nation's biggest export earner, pulling in $11 billion a year. Unless city voters grasp the reasons for the farm crisis, and persuade their representatives to take steps to address them, we will slide deeper into trouble.

It must be understood by everyone that, unless people throughout South Australia and Australia, whether it be the rural or urban sectors, take heed of the message that we are trying to give, everything will get worse. Nothing is clearer than that. If anyone needs convincing that when the farm sector falters Australia suffers, the present slump should provide ample evidence, and we are only at that beginning of that slump.

I return to the address made by the President of the National Farmers Federation on 4 February because I wanted to pick up what he said a month before the editorial to which I referred was published. The President of the federation referred to 'Our country campaign', which has been prominent on television and radio throughout the country for some time. This is what Mr McLachlan said:

As well as having the courage to change things you have to have the disposition that what is currently happening needs to be changed—and here I surmise we have a problem. Let me give you an example of some recent independent research that we have commissioned which reveals, for example, great antagonism by urban males towards farmers, particularly white collar antagonism.

That was the same research to which the editorial in the *Australian* alluded. The farm sector subsidises the rest of Australia to the tune of $7 000 net per year per farm, and that works out to $1.19 billion per year. The farmers would like to have that back in their pockets right now rather than subsidise the rest of Australia.

The findings showed farmers as highly subsidised which, of course, is not true, and I have just alluded to that. Mr McLachlan continues:

They see them as whinging cockies and they presume it is for more money. They see them as inefficient marketers and poor managers. Whether or not I think that is true, that is what the quantitative research shows. Far more interestingly, they are prepared to accept subsidisation for any other sector except agriculture. Equally certainly, the same independent research tells us that white collar city males are jealous of the independence of farmers, of the fact that they are physically capable (although they did not spell it out) and that they actually produce something.

Now to the crux of the matter. The white collar males in the city would rather see farmers taken over by large companies which would then employ workers. In other words, they would rather see rural independence destroyed. So, one has to wonder whether this is an isolated example or whether it is symptomatic of Australians losing their own independence.

The Hon. T.G. Roberts: Did that come out in the research?

The Hon. J.C. IRWIN: This was part of the research. The Hon. Mr Dunn might allude to other parts of today's *Australian* which had another article, but that was not in the editorial. Some of it was alluded to and I picked it up in Mr McLachlan's speech. Mr McLachlan continues:

In other words, they would rather see rural independence destroyed, so one has to wonder whether this is an isolated example or whether it is symptomatic of Australians losing their independence or being part of the crowd, an employee of a big company, part of a union and therefore jealous of someone who does not have these restrictions, and whether this lack of independent thought has not characterised our existence for rather longer than we would like to think.

As Henry Fielding put it, 'Some folks rail against other folks because other folks have what some folks would be glad of.' Whilst these prejudices exist, our policies will be distrusted and misunderstood. The fact that agriculture produces 40 per cent of Australia's export income; that we are probably the most efficient farming sector in the world; that our products are in demand on world markets; that Australian food prices are the lowest of the developed countries; that we create over one million jobs; and that our level of subsidy or protection is one-third of that given to manufacturing industry will count for little. They are all facts. Governments will continue to discriminate against the farming sector in formulation of policy. It is therefore crucial that farmers attempt to ensure that public perceptions of agriculture are absolutely accurate. Priority with Governments is heavily influenced by public opinion.

I have not been in Government, but those who have been or even those who have been in Opposition know that priority with Governments is heavily influenced by public opinion. Until public opinion about agriculture changes and becomes more objective and accurate, we will have difficulty in having our policies accepted by government.

The Hon. J.C. IRWIN: I apologise, Attorney. I will be long winded in this matter, but—

The Hon. C.J. Sumner: It is irrelevant.

The Hon. J.C. IRWIN: It is not irrelevant. I am tieing it in on farmers and I am saying, whether or not it is long winded—

The Hon. C.J. Sumner: It is irrelevant.

The Hon. J.C. IRWIN: It will be relevant, because every charge the Government raises with the $645 million to fund more public servants affects the farming sector and it affects their viability. I will go on in this place and outside it *ad nauseam* helping people like the National Farmers Federation and the UF&S repeat their message for just as long as it takes the Federal Government and this State Government to heed what the community is saying, and you will note that it is not just—

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: Well, you are not taking much notice of it. It is not just the rural community that is saying it. It is increasingly being said by more and more sectors of the community, small business, etc in the city. When the Federal Labor Government is thrown out at the next election and replaced by a coalition Government, I will go on repeating what I am saying now to whoever is in Government. The Federal Opposition has been right in most of its attacks on the Hawke Government initiatives, especially as they relate to finances. Usually the Federal Government has to be dragged screaming to the barrier to make the correct changes. The great pity of it is that it takes 12 to 18 months for the Government to address the problems, and even then it usually goes about it the wrong way. All that time the productive farming sector suffers, as does every

other productive sector in this community. How much longer do these sectors have to suffer before hard decisions and correct decisions are made? Do Labor Governments want to create more and more poverty and more and more welfare dependants?

They say they do not want to do this, but their actions say and show differently. Money paid to welfare beneficiaries has risen from $1.148 billion in 1982-83 to $1.506 billion in 1985-86. This is a 31 per cent rise in welfare over three years. I thought that the Hawke-Bannon policies were going to bring this down, but over the four years that they have been running almost parallel in power, Federally and State, they have not brought it down, so welfare continues to rise. Therefore, we are to assume that the Federal and State Governments want to have more and more welfare. I assume that is so because that is the way it is going. Why do I pick on the farmers to talk about in a debate such as this? Because I know that sector; I have close contact with the rural community; and farmers and other small businesses are at the very front or, to use the familiar phrase, at the coal face of the Australian economy, and they are vitally affected by every decision made by the Federal and State Governments regarding cost pass-ons to that sector.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. IRWIN: Yes, they are reasonable at the moment, I quite agree with that. Emotional scenes are being brought to us by the print media and television increasingly showing the cold facts of farmers being evicted from the land, and note that I do not use 'their' land, because in most cases it probably is not their land. They have borrowed beyond its value at auction and it probably will not be their land any more. We are also reading about and seeing machinery sales being disrupted by angry farmers. They are angry, emotional and bitter because they are bearing the brunt of the bad economic decisions that have been made by successive Governments right back before the 1970s.

I acknowledge that international commodity prices for farm products are a contributing factor, but this factor should not hide the fact that Australia has tried to go too far too quickly. I will use the hackneyed phrase that it is living beyond its means. It has done that at its peril and it is now suffering increasingly and, as I and most people see it, there is no easy fix. The longer we put off making decisions, that easy fix gets harder. By doing that, it has distorted the market place in every conceivable way and I remind honourable members that farmers' incomes are mainly derived from a free market place.

A few hard, irrefutable facts about farming in Australia bear repeating. They should never be forgotten, or brushed aside by farmers, prospective farmers or anyone else. A percentage of farmers, as in any other business, will go broke. Secondly, every farming and grazing area in Australia has a drought factor. Thirdly, the product return is of a cyclical nature. Fourthly, the great bulk of the farming markets are auction markets. Those markets might be sheep, cattle or pigs, but they are open markets. Wool, mohair, cashmere and other fibres are totally open auction markets.

Certainly, wheat, barley and oats are all controlled by marketing boards and they are greatly influenced by world market prices. Our largely unsubsidised grain must compete with European and American subsidised grain. Similarly, milk, eggs and butter have production and marketing constraints. All these rural products have a market and competition factor about them and they have a very high input cost factor. That is why I return to the State Government and its influence on cost factors before these products reach the international market or even the household market in rural South Australia, in Adelaide or the suburbs.

I return to the simple example with the bread situation. Bread is now selling for in excess of $1 per loaf (I do not know how much it is exactly but it is in excess of $1). Each loaf comprises 4c or 5c of the base wheat price. Wheat prices are falling by $20 to $30 a tonne, but we still have the irony of rising bread prices. The farmers are blamed for that because people think it is an agricultural problem. Even eggs, which have been hammered around this place as recently as late last year, have a floor price of $1.23.

The Hon. C.J. Sumner: At least they were not thrown.

The Hon. J.C. IRWIN: There will be time for that later. The floor price for eggs is $1.23, which comprises the production costs to the farm gate. To get the eggs from the farm gate to the retailer—the corner store or a supermarket—increases the price of a dozen eggs to over $2, which is a rise of over 78c for little input. These costs are way beyond the control of the farmer. When we talk about rural products, we include basic food and clothing material produced by nature with the help of science, machinery and hard work. With that in mind, the farming sector has enough to contend with without excessive Government intrusion and excess taxes. Scant regard is paid to the horrific effect of market forces on the one hand and Government demands on the other. Left to their own devices with fair Government taxation and limited Government intrusion farmers would mirror any other business sector—small or large.

The good, the average, the bad; the wealthy, the average, the poor; most prudent farmers would, should and do try to set aside cash and fodder reserves for the inevitable drought or market downturn. Of course, they would keep in mind the cyclical elements affecting their product return (as I mentioned earlier). It is becoming increasingly difficult to do this, as I will illustrate. However, before that I will say a couple of things which are unpalatable and difficult for me to say in the present climate. First, farmers who are going broke should not be stopped from going broke. The longer you stop that from occurring, the worse it will be. The longer a Government resists making hard financial decisions, exactly the same thing happens and the worse it becomes.

What is happening in the farming sector is very evident. The longer you resist making a difficult decision, the worse the problem becomes down the track. I say that we should let the market work it out now with some compassion, whatever the short-term price. Secondly, it has now been generally accepted that the lending institutions have made it too easy for borrowers. However, I accept that the long-term financial decisions must be the borrower's responsibility. Borrowers cannot say that they did not know what a bank or lending institution was telling them and that they simply followed their advice. That is not good enough and the Attorney and others know that in law that excuse is not good enough, either. The borrower must take responsibility for those decisions.

What is sometimes forgotten when we talk about finances is that the value of the land is always the bottom line. A farmer tends to forget that, if he defaults, the lending institution will take possession of his land. So the bottom line is always that whatever happens in the long term—if the worst happens—the bank, stock firm or lending institution will end up with the land. That is all right while land values remain reasonably firm. The value of land is now a very pertinent and sore point. In fact, ramifications and distortions are appearing everywhere. Some land is selling well,

some is selling very poorly and some land receives no bid at all. So what is the value of the land?

There is absolutely nothing more basic to society than the land we live on and the land that we live off. Not only are Government policies forcing degradation and desertification of land by overstocking and overproduction, but the energy that drives this country cannot have maintenance carried out on it. For instance, it is becoming very difficult to continue maintenance such as weed control, rabbit and vermin control and ordinary fence maintenance. Land values are falling dramatically in most rural areas, and in some cases by as much as 50 per cent. What does this mean? In many cases the cash equity in the properties of many good farmers has declined to a dangerous point, forcing the lending institution to consider selling the property. This is happening increasingly. We are also seeing properties for sale which do not receive any bid because a potential buyer would probably have to borrow money and it is very dangerous to do that at the moment. Even if we consider such a purchase as a good long-term investment, what hell do these people have to go through to get there? I imagine that the Hon. Peter Dunn will go into some of this when he contributes to this debate.

The Hon. T.G. Roberts: He's a successful grazier.

The Hon. J.C. IRWIN: Yes, he is a wheat grower who is having some problems because of the season; and he also does some grazing. Let us consider local government rates based on property values, and I give the example of the valuation of a local council falling 20 to 50 per cent. So what? The council has only to adjust its rate to bring in last year's rate plus inflation to keep abreast with the year before. That is unreal to contemplate. Financial theory tells us that property value and property wealth means the ability to pay. What rubbish that is, and we are seeing increasingly that it is rubbish. I do not know whether that happens in the urban area, but it certainly happens in the rural area where the wealth of a property on paper has absolutely no relationship at all to the owner's ability to pay. If an owner has no money in his pocket, how can he pay? One must add to that the fact that the State Government loads up local government by passing on extra burdens (most of which are well known). One must also include things like the recent national wage increase of $10 which the farmer (if he can afford to employ anyone at all) must pay. A farmer could barely afford to employ anyone at all before that national wage decision.

Local council staff will receive their $10 increase at least, and some of them will receive the second tier 4 per cent, as well. With falling land values how can any council expect its ratepayers with their own falling incomes to maintain employment, effort and everything else to keep a council area viable? So we have an ever-decreasing circle—a dog chasing its tail. Out of that comes the increasing calls for help to the State and Federal Governments, both of which should get their priorities right. These calls for help are going to Governments which refuse to cut real spending, which borrow and keep borrowing until no-one can meet the interest bill that comes at the end of the day. I have spoken about Argentina in this place before. We have passed the Argentinian situation and we are heading for Brazil. However, neither the State nor Federal Governments seem to be aware of that or even seem to care.

One will notice that the Federal Treasurer is now blasting the States for their borrowings. However, only a few months ago—before Christmas—the Treasurer allowed this State and other States to enter into deferred annuities, and in South Australia's case it involved an amount of $100 million. What idiotic hypocrisy and how utterly wrong can anyone be. It was wrong then and it is certainly seen to be wrong now a few months down the track, and it will be even worse when someone has to pick up the tab in the 1990s.

If the Federal Treasurer does not know that what he has done there is dynamite, I put it to the Council that he should not be the Federal Treasurer. The Federal Treasurer has said over and over again that he will not bring a May financial statement down, but now he says he will—it is not a mini-budget but a financial statement. Yet he is saying to the people that it is responsible and honest, and that it is needed now. I put it to the Council that it was needed three years ago, not now; that it is already three years too late.

The NFF, the Opposition, employers and others have told him that, and every month that has passed since then has increased the need for and severity of measures that have to be taken. The Federal and State Governments simply do not have the courage to make any decisions outside their tight socialism dogma. They are followed and supported by decent wage earning people who are now rapidly losing their much vaunted standard of living. I am going to be long enough anyway, and do not wish to prolong my speech and cite more figures.

The Hon. C.J. Sumner: It's not really relevant to the Bill.

The Hon. J.C. IRWIN: I am talking about the standard of living. When the wage earners of this State finally wake up, it will be thrown out—

The Hon. C.J. Sumner: It is irrelevant.

The Hon. J.C. IRWIN: Well, every other speech is irrelevant.

The Hon. C.J. Sumner: This is not Address in Reply.

The Hon. J.C. IRWIN: No, it is not an Address in Reply speech.

The Hon. T.G. Roberts: On the last Supply Bill I was picked up for doing a similar sort of thing, and I had to stop.

The Hon. J.C. IRWIN: Well, you weren't stopped.

The ACTING PRESIDENT (Hon. Peter Dunn): Order! The Hon. Mr Irwin.

The Hon. C.J. Sumner: Debate is supposed to be relevant to the Bill.

The Hon. J.C. IRWIN: The Bill contains $674 million worth of expenditure by the State and I understand that that is normally discussed two months from now. It is being discussed early in the year, and it is relevant if costs are then passed on to the farmers. What are the economic facts being dictated by Governments? Taxes, charges and legislation are being imposed by all three levels of Government—Federal, State and local. Our currency is at its lowest ebb against any but the South American basket. We owe $110 billion plus—the second largest overseas debt in the world. We have the second and third largest balance of trade annual deficit in the world outright and we have only 16 million people. That is not bad against figures from America and a few other countries; only Saudi Arabia and other countries surpass us.

The Hon. C.J. Sumner: America is at the top.

The Hon. J.C. IRWIN: Only the United States of America and Saudi Arabia surpass us. We have an inflation rate that does not seem to be reducible and this is up to four times to our trading partners.

The Hon. C.J. Sumner: So does Mr Reagan, and I thought you supported his policy.

The Hon. J.C. IRWIN: I haven't said that here. Our interest rates are at South American levels because of the Government's policy of interfering with the dollar. I can even now agree with the Prime Minister that Mr Keating is the world's best Treasurer. I can even agree with the Federal Treasurer himself that we are heading towards being a banana republic, if we are not there already. Hawke and Keating have succeeded in making us the best at being worst—not a bad record in an election year. These are not my facts and figures but are published everywhere.

The Minister for Primary Industry has even put out a few facts which illustrate the effects his policies are having on the farmers. For every one percentage point of interest rate rise it costs the farm section $80 million. From December 1984 to February 1987 (two years), Bankcard charges rose from 18 per cent to 22 per cent; Savings Bank home loans rose from 11.5 per cent to 15.5 per cent; the prime interest rate rose from 13.5 per cent to 18.5 per cent; and the small overdraft rate rose from 14.5 per cent to 20.5 per cent—up 6 per cent.

I remind members that Bankcard and small overdraft interest rates are at all time record highs and that the prime interest rate, in December 1985, hit 21 per cent. This is how we show up with the other countries. In relation to interest rates, the United States of America has gone down 4.3 per cent; Japan has gone down 1.7 per cent; France has gone down 2.5 per cent; Canada has gone down 2.3 per cent from 9.3 per cent; and Australia is up 5 per cent, and is at 18.5 per cent.

Every one percentage rate that inflation rises costs the farmer $110 million. Australia sits at 8.9 per cent inflation; the United Kingdom at 2.4 per cent; France at 2 per cent; the USA at 1.6 per cent; Japan at minus .2 per cent and Germany at minus .4 per cent. Both of these indicators are constantly rising but are declining everywhere else in the world. These interest and inflation factors are affecting everything, including this State's budget. I am sure that it must impact heavily, and the Hon. Mr Davis in his contribution would have hit that point, and has constantly hit that point, that the South Australian budget is probably blowing out because of external pressures bearing on the Premier.

I indicated earlier that the economic problems we have in Australia are not totally caused by the Commonwealth Government. There is quite an add-on effect from the State Government's economic and social decisions. These decisions, as taxes and charges, find their way to farming and the rural sector. There is the impact of rising power, water, fuel and beer prices. As far as fuel and beer prices are concerned, State excise is linked to that of the Federal Government.

When farmers receive large amounts of money financial institution duty is levied by the State Government and farmers are lucky if they have that large amount for a couple of days, and it then goes off to pay something at the bank. There is the impact of rising third party insurance, motor vehicle registration costs, State Transport Authority charges (because of the enormous $100 million plus deficit)—and we could go on listing the rises until the buck eventually stops.

The Hon. C.J. Sumner: Do you reckon that the Government is responsible for third party insurance?

The Hon. J.C. IRWIN: I do not care who is in charge; it is under a single insurer. Get it back to the private sector so that everyone can compete with other insurance policies.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: That is where I think workers compensation should be, too.

The Hon. T.G. Roberts: A 300 per cent increase.

The Hon. J.C. IRWIN: That is fine, but you give the private insuring sector exactly the same rules as you have given your single insurer and you won't have a 300 per cent increase; they will be much more competitive. Members opposite have not seen what will happen. It is already happening in Victoria, we understand, and it will happen in South Australia. The Opposition has told you, but you will not listen. We will see what happens.

I must mention local government because it is related to this cost squeeze that happens in the rural sector. Again, Federal and State decisions impact on local government and those, in turn, impact on the ratepayer. One simple example is that inflation in South Australia may be running at 10 per cent, and this is calculated on a basket of commodities affecting family and living costs (and I am not being accurate about 10 per cent; I am using it as an example). Local government's inflation rate can be up to 5 per cent higher than the CPI because its basket of commodities is limited to generally the high-flying costs regarding inputs: wages, labour, fuel, petrol, diesoline, bitumen for road making, and so on.

In rural council areas the farmers supply the bulk of rate revenue. It would be generally accepted that two years ago rates accounted for approximately 2 per cent or 3 per cent of gross farm income. This is small in percentage terms, but let us look at what it means in actually paying the bill. Each unit of family farm labour—each farmer, therefore—will earn approximately $3 800 this year; 35 per cent of farmers will have a negative income, a factor I stress; there is 18 per cent unemployment in rural areas; and the rural debt is $8 million as against the gross production of $11 billion. Of that gross income, 80 per cent is gobbled up in costs. The real rate of return this year will be approximately minus 6 per cent—that is, the general average scene. Because the capital value factor in local government rates cannot be escaped and because there is total disregard for the ability to pay anything in relation to capital values, we have a real problem when coupled with the previously given statistics regarding farm income.

I cite one example of a rural council's position on loans, interest rates and rates over the period 1 July 1983 to 1986-87: loans have risen by $900 000; the interest burden has risen from $106 000 to $308 000; rates have risen $587 000 to $2.26 million, a rate rise of $91 per head of population.

I suggest that this council has been very responsible in its desire to balance rate increases and services and the perceived ability of ratepayers to pay, but it still receives the wrath of representatives of the rural farming community. Make no mistake about it, this council (which is similar to many other rural councils) knows that it has a very hard time ahead—it has to react to what its electors tell it and it has to absorb the cost of services passed on to it by other Governments. Some of these costs may be very small, but they all add up. We have already discussed electoral roll costs, waste management costs, rearrangement of the CFS costs, repaying valuations, etc.

An honourable member interjecting:

The Hon. J.C. IRWIN: But they have not happened before and they are not being told. I quite openly believe that there should be some charges, but people should be told what those charges are going to be so they can budget for them. The redistribution of Federal Government grants (that is, money for the funding of human services) is also in the pipeline. Despite the ever increasing return to Governments from fuel excise and vehicle registration, rural

local government does not receive its fair share of road building and maintenance money.

This local council I have referred to has already put off five members of its workforce and one of its senior engineers has not been replaced. The process of cutback is slow and no Government likes to do it. I have illustrated that before, but the chill winds of economic decline will force the State Government, and then the Federal Government, to cut back more. My bet is that this local government council (and many more like it) will cut services and staff and be forced to make other arrangements in order to ease the burden on those who fund it. So, if there is any way to cut back further, there will be more than five or six reductions in the workforce when this year's budget comes around. That situation will apply in local government right across the State and it will be quite severe.

Like the farmers, rural local government is at the coal face and it is the first to feel these winds. I can tell you from experience that it has been feeling these winds for more than one or two years now. You try telling rural local government and farmers how good it is to fund yachts, car races and other glamour events rather than getting the essential priorities correct. You try telling this Government—

The Hon. C.J. Sumner interjecting:

The Hon. J.C. IRWIN: I invite you to tell the farmers why you bought a hotel at a cost of $700 000 to $1 million to train a few drink waiters when that could have been achieved in some other way. As far as I am concerned, it is nothing but a free child minding centre for students, most of whom probably should be out working. You try and tell the farmers that the Reserve Bank's fiddle with the Australian dollar, which netted the Australian Government last financial year (1985-86) $2.49 billion, is not harming them to the point of destruction. The fiddle with the dollar in 1985-86 might be fine for the income of the Federal Government, but it is killing a lot of people in the process and it is not funny. The State Government ought to give that message to the Federal Government. You try telling the farmers that the setting of 13.5 per cent on home loan interest rates is good. People in rural areas pay interest rates of 20 per cent plus and they are trying to produce the golden egg that Labor Party Governments are squandering.

The farmers are producing the best and cheapest food on this earth for the people who form governments and oppositions to eat while they are making their decisions. Try telling them all of those things and they will laugh at you. They laugh at me when I try to tell them. They have been trying to tell you for years but this Government will not damn well listen. It goes on adding to its Public Service, adding to Government intrusion and adding to welfare and unemployment problems. I have given the figures and members can check them. Welfare is increasing rapidly. What the Government is doing about it is not right. The Federal Government is rushing around promising and spending money on improving rural welfare services to help pick up the pieces as a result of its own policies. Rural people want the Government quick smart to stop shattering the people into little pieces in the first place and then it would not have to rush around spending money to pick them up.

The State Government must heed the lessons taught by people like Tom Playford who built the State into the leading manufacturing State of the nation. The long-time Labor rule that you enjoy now is a direct result of the policies of Playford. Members do not deny that. We suffer now on this side electorally because of it. We are happy to suffer that now if the Government will go back and put its energies into that direction again. Playford did not put those people in factories for successive Governments to protect them out of existence. In the rapidly growing Western Pacific region, our share of the market for manufacturing goods that this State ought to be producing to go along with its rural production is now half of what it was 15 years ago. We only export 12 per cent of our output into that region.

If we compare that with little New Zealand (which can beat us at hockey and cricket and is about a tenth of our size), we find it has 25 per cent of that market and is killing us. Glamorous contrived projects and tourism are not the answer. Proper planning by this State for revival for small and large manufacturing industries is the answer. I wish the Government would move on that and some of the welfare problems would go away. It will not achieve that by continuing to back Hawke. This Government, the Premier and the Leader in this Council have to fight him and not take sitting down the sort of medicine dealt out.

I have just glanced at today's paper to find that the Premier will look at following the peg that Mr Cain has put on supermarket prices in Melbourne. I have not had much time to think about it, but that is ridiculous. What about the specials given around supermarkets now? What happens when all the other products are pegged to a higher price? There will not be specials any more.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: The 78 cents is being hung on to it. Let them hang it on and pay the price for it. Variations of 50 cents exist between supermarkets. I hope this Government takes some note of what people are saying to it. I have tried to put together what I have been reading and hearing in the community and I hope the Government will forget some of its prejudices, get on and do something for the State.

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

UNCLAIMED GOODS BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to overcome defects in the present common law of this State regarding the situation where a person may knowingly have or come into possession of the goods of another but is compelled by extraneous circumstances to retain possession longer than he or she desires. Thus, for example, if A hands goods over to B for safekeeping and A subsequently fails or refuses to reclaim or collect those goods, B is (with very few exceptions) presently without a lawful remedy.

If, therefore, the goods in question become nothing more than of nuisance value to B and B purports to dispose of them or sell them to another person, B could well find himself or herself liable at law to A for the tort of conversion. As Professor Fleming has said in his text on the Law of Torts (6th edition p. 49):

Conversion may be defined as an intentional exercise of control over a chattel which so seriously interferes with the right of another to control it that the inter-meddler may justly be required to pay its full value. Of overriding importance is the fact that ordinarily the measure of damages for conversion is the full value

of the chattel so that the action, in effect, forces an involuntary purchase on the converter; it permits the plaintiff to say to him: 'You have bought yourself something.'

The reason for this unsatisfactory state of affairs is summed up by Palmer in his text on 'Bailment' (pp. 395 ff):

There is at common law no general right to dispose of goods which a bailor has refused, or is unable, to collect. In *Sachs v Miklos* [1948] 2 K.B. 23, at 37 Lord Goddard C.J. suggested that the bailee might place the bailor in a position of having impliedly consented to a sale, by writing to him and warning him that this will take place unless the goods are collected within a specified time. But this raises difficulties, not the least in that silence in response to an offer cannot generally be taken to connote consent.

To overcome these types of problems, England first passed its Disposal of Uncollected Goods Act in 1952. All States of Australia, except South Australia, have separate legislation on the topic in similar if not identical terms to those of the English Act. New South Wales passed its Act in 1966, Western Australia in 1970, Victoria in 1961, Queensland in 1967 and Tasmania in 1968. Palmer has observed (p. 427):

At present, most of the State legislation in this field is rather more abstruse and complicated than seems appropriate, in view of the likely frequency of the problem and the likely value of the goods involved;

It was with such criticisms in mind that this measure has been drafted. The Government believes it represents a healthy simplification of the law on this topic without unwarranted sacrifice of the relevant interests that are at stake.

In summary, this Bill spells out the criteria by which goods are to be regarded as unclaimed for its purposes. Thus, if the goods are valued below $100 and the expenses attached to their maintenance and sale exceed that figure, the bailee is entitled to dispose of them as he or she sees fit.

If the goods are valued between $100 and $500 the bailee has one of two ways to deal with them: either the bailee can sell them by public auction or pursuant to a court authorised sale. If the value of the goods exceeds $500, then a court authorised sale is the only means by which the bailee is entitled to proceed. In any case, proper notice must be given of the bailee's intentions and adequate and appropriate publicity must be given to those intentions.

The court which is called upon to authorise sale or disposal is to be determined according to the value of the goods: that value attaches jurisdiction to the appropriate court according to the ordinary jurisdictional limits.

In turn the bailor can have the court proceedings stopped and reclaim the goods: but in order to do so must pay to the bailee the legitimate expenses and other charges incurred by the latter. Any dispute about those expenses and charges is to be resolved by the court.

If the sale proceeds, any purchaser will obtain good title to the goods, free from the interests of third parties of which a purchaser has no knowledge.

Any surplus from the sale proceeds (i.e. after deducting the moneys to which the bailee is lawfully entitled) is to be paid to the Treasurer. Any person, who is able to establish a claim to a legitimate interest in the goods, can expect recoupment of the share of his or her interest from the Treasurer.

The following features of this Bill should also be noted. It will have retrospective operation, that is, it will apply to relevant situations that have arisen before the Act comes into operation.

The Bill will also not affect any other specific legislation that deals with related questions. In this regard, honourable members are referred to the relevant provisions of the Unordered Goods and Services Act 1972, the Pawnbrokers Act 1888, S. 79a of the Residential Tenancies Act 1978 and S. 41 of the Workmen's Liens Act 1893.

Nor is the Bill intended to affect or in any other way derogate from the existing rights and remedies of a bailor with respect to any unlawful loss or damage sustained by him or her. Therefore, if a relevant bailee does not avail himself or herself of the provisions of the Act or indeed comply with them he or she can expect to be held legally accountable under the ordinary principles applicable to such cases (e.g. by the tort of conversion itself to which reference has already been made).

The Commissioner of Police will also be required to be notified in the event of a public auction of the goods or of a court-authorisation being sought for their sale. This procedure will enable the police to check whether the goods in issue are or have been the subject of criminal behaviour (e.g. stolen, criminally damaged etc.). If they are so subject then the ordinary powers of police investigation will take over and the property can be seized or otherwise taken into the possession or custody of a member of the Police Force in furtherance of an official inquiry. Subsequently, those goods would (if they remain unclaimed) be able to be dealt with pursuant to Part XIII of the regulations made under the Police Regulation Act 1951 (*Government Gazette* 23 December 1981 pp. 2497-2499).

The Bill has been the subject of scrutiny and comment by the Judiciary, the Law Society, the Legal Services Commission, the police and others.

It represents a reform of the law that is long overdue. And it does so in a style that is, in the Government's view, of great clarity and simplicity which will make it readily accessible and comprehensible to the general public as well as their legal advisers.

Clause 1 and 2 are formal.

Clause 3 defines expressions that are used in the measure. Of significance are the following:

'bailee'—a person in possession of goods belonging to another;

'bailor'—the owner of such goods;

'the Court'—is defined in such a manner as to reflect the jurisdictional limits of the local court. Thus the local court of limited jurisdiction deals with goods whose value falls within its jurisdictional limit, and so on.

Subclause (2) provides that the measure applies to all goods in a bailee's possession, even those that come into his possession before the measure commenced.

Clause 4 binds the Crown.

Clause 5 deals with unclaimed goods. Under subclause (1), goods are unclaimed goods—

(a) if the bailee received them under an agreement providing for the bailor to collect them at a certain time and the bailor has failed to do so;

(b) if the bailee has them under an agreement providing for him to deliver them to the bailor, and the bailee, after making reasonable attempts to so deliver, has been unable to do so;

or

(c) if there is no agreement governing the collection or delivery of the goods but the bailee has requested the bailor to collect them and the bailor has refused to do so or failed to do so within 42 days. Such a request must state the times at which the goods are available, the address, a description of the goods and may be made by post addressed to the bailor's last known address or if the whereabouts is unknown, by notice in the prescribed form in a newspaper.

Such a request shall not be regarded as valid unless it allows the bailor a reasonable opportunity to collect the goods.

Clause 6 provides that a bailee may, after the expiration of three months from the date on which the goods became unclaimed goods—

(a) sell the goods;

or

(b) if the value of the goods is insufficient to cover the cost of sale, otherwise dispose of the goods.

The sale or disposal may be authorised by the court, and if the value of the goods exceeds $500, the goods must not be disposed of without authorisation.

Where authorisation is sought—

(a) notice must be given to the Comissioner of Police;

(b) appropriate notice must be given to the bailor and any other person who in the opinion of the Court may be interested in the goods.

The court may give any directions it thinks appropriate in relation to the sale or disposal of the goods.

Where goods valued between $100 and $500 are to be sold without authorisation—

(a) they must be sold by public auction;

(b) notice in the prescribed form of the proposed sale must be given to the Commissioner of Police and the bailor.

The notice may be given by post and if the whereabouts of the bailor is unknown, by advertisement in a newspaper.

Clause 7 provides that, where a bailee has commenced proceedings under the measure but has not yet disposed of the goods and the bailor claims them, the bailee may not proceed with the disposal and must give them to the bailor.

However, before handing the goods over, the bailee may request the bailor to pay—

(a) the costs incurred in proceedings under the pressure;

(b) the costs of storage and maintenance after the date when the goods were to be collected;

(c) the amount of any lien in favour of the bailee.

If these amounts are not paid within 42 days of the rendering of an account, the bailee may proceed with the sale or disposal. The bailor may apply to the court for a review of the account and in that event the sale or disposal may not occur until the completion of the review, and the court may vary or affirm the account.

Clause 8 deals with the proceeds of sale. The bailee may retain the reasonable costs of sale and proceeding under the measure, the recoverable costs of storage and maintenance; the amount of any lien he had over the goods. The balance will be paid by the Treasurer. The Treasurer may pay that balance to any person whom he is satisfied had, prior to the sale, an interest in the goods.

Clause 9 provides that a purchaser of goods sold under the measure acquires good title to the goods, free of any mortgage, lien or charge in favour of the bailee and any other mortgage or charge of which the purchaser was unaware.

Clause 10 provides that the measure does not affect the bailee's right to deal with the goods in accordance with any other Act.

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

MOTOR VEHICLES ACT AMENDMENT BILL (1987)

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The proposed amendments to the Motor Vehicles Act 1959, have a two-fold purpose.

1. To allow vehicle owners residing in Coober Pedy and Roxby Downs to continue to receive a 50 per cent concession on registration fees.

2. To facilitate the hearings of disciplinary matters coming before the Tow Truck Tribunal.

'Outer Areas' Concession

It is proposed to amend section 37 of the Motor Vehicles Act to include the recently established district council areas of Coober Pedy and Roxby Downs in the definition of 'outer areas', so as to retain the registration concession for residents in these areas. Section 37 provides for a 50 per cent concession on the registration fees on vehicles owned by residents in outer areas.

Tow Truck Tribunal

The proposed amendment to section 98pc of the Act provides for the presiding member of the Tow Truck Tribunal to be appointed from the judiciary on the nomination of either the Senior District Judge or by the Chief Magistrate, at the request of the Minister of Transport, or at the Minister's discretion to be a legal practitioner of at least seven years standing.

Under the present provisions of section 98pc, the presiding member shall be a judge of the District Court, a special magistrate or a legal practitioner of not less than seven years standing, and shall be appointed by the Governor for a period not exceeding three years.

The proposed amendment will allow any member of the judiciary to be a presiding member of the Tow Truck Tribunal on an *ad hoc* basis, so as to overcome existing problems where, because of court commitments, a permanent presiding member is not always available to hear a disciplinary matter coming before the Tow Truck Tribunal.

Whilst there is not a great number of matters coming before the Tribunal, they invariably affect the livelihood of tow truck operators and any delay in hearings can incur severe economic losses.

Clause 1 is formal.

Clause 2 extends an entitlement, currently enjoyed by residents of outer areas, to persons who reside within the areas of the District Councils of Coober Pedy and Roxby Downs, to pay one-half of the prescribed registration fees under the Motor Vehicles Act 1959, in relation to such of their motor vehicles as are kept and used within those areas.

Clause 3 substitutes section 98pc of the Act which provides for the constitution of the Tow Truck Tribunal. The section provides that the presiding member of the tribunal shall be a person holding judicial office under the Local and District Criminal Courts Act 1926, a special magistrate or a legal practitioner of not less than seven years standing.

The new section provides that the presiding member will be a District Court judge nominated by the Senior District Court Judge, a magistrate nominated by the Chief Magistrate or a legal practitioner of not less than seven years standing appointed by the Governor. A District Court judge or a magistrate will not be nominated unless the Minister indicates to the Senior Judge or Chief Magistrate a desire to have the position filled from the judiciary or the magistracy.

The other two members of the tribunal are appointed by the Governor on the nomination of the Minister: one person is selected by the Minister from a panel of three persons nominated by the Motor Trade Association of South Australia Incorporated (formerly the South Australian Automobile Chamber of Commerce Incorporated) and the other is a person who, in the opinion of the Minister, has appropriate knowledge of the tow truck industry.

The remaining provisions of the section relating to terms of membership, deputies and members allowances remain substantially the same.

Clause 4 effects a consequential amendment to the Local Government Act 1934.

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

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

Returned from the House of Assembly without amendment.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

Adjourned debate on second reading
(Continued from 11 March. Page 3328.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, whhich makes a change consequential upon the change in portfolios. It deals with the Industrial and Commercial Training Board. Presently, the Director of the Department of Labour is a member and the responsibility has now been transferred to the Director of the Office of Employment and Training. This Bill merely evidences and effects that change so far as the Industrial and Commercial Training Board is concerned. In that context the Opposition supports the Bill.

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

ADJOURNMENT

At 4.52 p.m. the Council adjourned until Tuesday, 17 March at 2.15 p.m.