LEGISLATIVE COUNCIL

Thursday 15 November 1984

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

PETITION: VIDEO TAPES

A petition signed by 27 residents of South Australia praying that the Council will ban the sale or hire of X rated video tapes in South Australia was presented by the Hon. K.T. Griffin.

Petition received.

QUESTIONS

BAGGED GRAIN

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

Leave granted.

The Hon. M.B. CAMERON: For some time there has been concern about what is occurring with bagged grain exports from South Australia. In particular, there has been concern that Governments at both State and Federal level are not giving sufficient financial support to encourage grain to be bagged in Australia before shipment overseas. I understand that if barley was bagged in South Australia at the port of Wallaroo at least 40 jobs would be saved immediately. As it is now, owing to the cost differentials (and I am sure the Minister is well aware of this) grain is shipped in bulk to Singapore for bagging and reshipment. I understand that the problem arises because, in fact, there is a saving of about $10.50 per tonne from this arrangement. At present, there is an offer by the Federal Government of 25 000 tonnes of bagged wheat to Ethiopia, and considerable concern has been expressed that that wheat might not be bagged in Australia.

Certainly, if it is bagged in Australia, it is important in many people's minds, particularly people associated with the port of Wallaroo, that all or part of that bagging occur through the port of Wallaroo. Regrettably, a number of costs that apply in South Australia have given rise to substantial advantage being derived from the practice of shipping grain to Singapore for bagging and, as I say, that amounts to a saving of about $10.50 a tonne. In fact, the Australian Barley Board has offered a $5 per tonne discount on all barley sold for bagging in South Australia.

In fact, this has reduced the differential to $5.50 in favour of Singapore. It is now essential that Government action be taken to reduce this margin, which amounts to an estimated total of about $2 million. I know that the Minister has already made approaches to the Federal Government on this matter: I was made aware of that not by the Minister but by other people. Will the Minister now make a further urgent approach to the Federal Government to have the Australian employers of waterside labour levies lifted in conjunction with any State charges that apply to the operators of grain bagging facilities? I understand that State Government charges could amount to $1.50 a tonne, and that includes wharfage and marine charges. Will the Minister promote Wallaroo as the site for barley bagging operations as the William Charlick facilities at Wallaroo are now idle and 40 people have been put off? Will the Minister make an urgent approach to the Federal Government to ensure that all or portion of the 25 000 tonnes of bagged wheat pledged by the Federal Government to Ethiopia is processed through the port of Wallaroo?

The Hon. FRANK BLEVINS: The information given by the Hon. Mr Cameron in his explanation is basically correct. This problem arose initially during the last grain season when the differential between bagging mainly barley in South Australia and exporting barley in bulk to Singapore or Sri Lanka escalated. The difference is now about $10.50 a tonne. With others, I was successful last year in having the differential reduced to the extent where the traders were able to sell South Australian bagged barley on international markets. That is proving to be much more difficult this year. The measures that were taken last year are still in place and the Barley Board has again made its very generous offer of a subsidy of $5 a tonne. The waterside workers have reduced their gang sizes and have taken other measures on the wharf to bring down their charges to the extent where everyone agrees that nothing further can be done on the wharf in regard to labour to reduce the cost.

For safety and efficiency reasons the gang sizes and the number of men involved in handling this material cannot be reduced. Everyone concedes that. Statutory levies apply to the use of waterside labour, and the AWL collects those levies. I am still having discussions with the Federal Government on these and other charges. The AWL levies come to just over $6, and that would make the difference, but whether the levies can be revoked (as they are statutory levies) for one section of industry is the point.

The Federal member for Port Adelaide is the Minister handling this issue for the Waterside Workers Federation and other interested parties. My office has contacted him and his officers from time to time to see what progress is being made. It is an extraordinarily difficult problem in that an Australian industry cannot compete with an overseas industry. For the Federal Government to step in and subsidise one industry but not other industries that are in basically the same position could create a precedent which the Federal Government would not like to establish. State Government charges are relatively minor: that is not the problem.

The Hon. M.B. Cameron: How much do they amount to?

The Hon. FRANK BLEVINS: That depends on the amount of material going over the wharf, and on how that material is shipped. The Minister of Transport has been advised of the problem and the Department of Marine and Harbors representatives have sat in on all discussions. Whatever assistance can be given will be given. That is not the problem; the problem is much larger than that.

I turn now to the matter of the wheat to Ethiopia. Virtually all bagging done in Australia is done in South Australia, so I think that it is reasonable to assume that if bagged wheat is being sent to Ethiopia that wheat has been bagged in South Australia. There is little or none done in other States. I am not sure whether South Australia is geared up at the moment to handle this 25 000 tonnes of wheat. Bags have to be ordered, I think from Bangladesh, to fill the order.

The Hon. M.B. Cameron: They can be made locally, I understand.

The Hon. FRANK BLEVINS: I am telling the honourable member what is my understanding of the position. Bags have to be ordered from Bangladesh to fill orders on an order by order basis. For example, a cargo of bagged barley would require bags costing $1 million, so nobody fancies having $1 million worth of bags in store just in case an order passes by, because that would be a very expensive exercise. There may be, in the case of Ethiopia, some urgency involved—I know that there is urgency involved. Just what the shipping programme for this aid wheat is, I am not sure, but I will find out. If there is any way in which we

can attract this order to South Australia we will certainly do so. However, the basic problem remains. If we get through this season it is my guess that the problem next season will be even greater, given my experience with what happened last season. At some stage the problem will have to be resolved permanently. That is the prime responsibility of the Federal Government.

I know that many Ministers are involved in this dispute. They have been contacted by me and by the Federal member for Port Adelaide. Lionel Bowen, Deputy Prime Minister and Minister of Trade, has had his attention, and the attention of his Department, drawn to this problem. Ralph Willis, Minister of Labour and Industry, has also had his attention, and the attention of his Department, drawn to this problem. It may well be, regrettably, that the waterside workers take action at Port Adelaide and possibly at South Australian outports to further emphasise their point on the loss of this valuable trade to South Australian waterside labour. I stress that this is not a loss of trade to our primary producers, because the barley is required and can be sold but it will be sold in bulk. This involves not a loss to the primary producer but a loss of work to waterside labour and a loss of port charges and so on to the State. This is a difficult problem, and we are working on it. I will certainly take up with the Federal Government the specific question relating to the 25 000 tonnes of bagged wheat for Ethiopia and I will find out whether it is possible for that shipment to be directed throught a South Australian port.

The Hon. M.B. CAMERON: I have a supplementary question. In view of the subsidy being offered by the Australian Barley Board (and it really is a subsidy) of $5 a tonne, which after all comes from the growers, will the Minister approach the Federal Government, on the basis that it is a subsidy by growers, to ascertain whether it will, at least in the short term, offer a dollar for dollar subsidy on that basis alone?

The Hon. FRANK BLEVINS: I already have. I have suggested to the Federal Government that it looks at $6.50. If the AEWL levies were waived somehow by creative accounting and redistributed back to the baggers of the barley, then the problem would be solved in the short term. I have already suggested that. The reception, I must admit, was not immediately favourable, but I am fairly persistent and the arguments will be certainly put again.

The Hon. M.B. Cameron: Keep working on it.

The Hon. FRANK BLEVINS: I assure the Hon. Mr Cameron that my staff and I are working on it constantly.

ASER DEVELOPMENT

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the ASER development.

Leave granted.

The Hon. K.T. GRIFFIN: In 1981 some new regulations were promulgated under the Building Act which provided that 5 per cent of guest rooms in developments such as the Hilton should have facilities accessible to disabled people. There was, at that time, some difficulty because the Adelaide City Council had purported to waive that requirement. Honourable members will remember that there were some public discussions about the availability of rooms for disabled people in the Hilton; that was subsequently resolved by agreement. The suggestion has been made to me that in the hotel in the ASER development the Government has waived the provisions of the Building Act so that 5 per cent of the guest rooms in that development will not have to be accessible to persons with physical disability. If that is, in fact, the case, it is a matter of considerable concern to me and to members of the community who have experience of disability. It is not an expensive matter to provide accessible facilities in guest rooms, which can be provided on a modular basis at very little extra cost. If they are planned as part of the development right from the beginning, I suggest that it certainly would not add anything to the total cost of the ASER development.

Has the Government in fact dispensed with the requirement that 5 per cent of the guest rooms in the hotel in the ASER development should be accessible to persons with disability? If it has, when was that dispensation granted and was it granted on any terms or conditions?

The Hon. C.J. SUMNER: The ASER development Bill passed through the Parliament and provided for the terms and conditions under which that development would proceed and the exemptions that were given to it from some of the planning and building controls. With respect to this particular matter, I would expect the hotel to contain rooms that cater for disabled people. Whether or not that would be precisely 5 per cent, quite frankly at this stage I cannot say. I am not sure whether the Hilton ended up with 5 per cent.

The Hon. K.T. Griffin: A fraction under 5 per cent.

The Hon. C.J. SUMNER: A fraction under 5 per cent, the honourable member interjects, as I imagine that he was involved in negotiations with the developers on that occasion to secure at least substantial compliance with the provisions of the Building Act with respect to guest rooms for disabled people.

All I can say is that I would expect that that would be followed in the hotel that is being constructed as part of the ASER project. However, I will certainly make inquiries to see that that planning is incorporated in the hotel development. If there is some difficulty, I will advise the honourable member.

WATER METERS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Water Resources, a question about stopcocks on meters in E & WS Department connections.

Leave granted.

The Hon. I. GILFILLAN: I guess like many users of water supplied by the E & WS Department I have received a small pamphlet dealing with payment of accounts in person. The pamphlet includes a paragraph headed 'Use of stopcock on meter' as follows:

> Consumers should not rely on the stopcock located on the meter to control the internal distribution of water. This control device is provided for use by the Engineering and Water Supply Department and should only be used in cases of emergency. A separate control valve may be fitted by the consumer to ensure that the flow of water can be controlled independently from the departmental stopcock. The Engineering and Water Supply Department accepts no responsibility for any loss or damage occasioned by the failure of the departmental stopcock.

It may not appear to be a matter of particular significance, but on reflection it seems to me that it is a case where a statutory body is avoiding what most of the general public would accept and would continue believing is the responsibility of the E & WS Department, that is, to provide a means of cutting off the water supply to a household.

It seems to me that questions need to be asked to find out why this measure is promoted. If acted on, it could add considerably to the cost of virtually every household through new plumbing and the fitting of separate stopcocks which may then be relied on. I suspect that this is a way of avoiding a responsibility which I think in all fairness the general public expect to be carried by the E & WS Department. I raise this question to discover on what basis the

Minister (assuming that he has approved this measure) has agreed that the E & WS Department can exonerate itself from what I believe is its responsibility. For the life of me I cannot see why the E & WS would want to use the stopcock to turn off water to a household. That seems to be well outside its normal area of activity.

I believe that the provision of stopcocks to virtually every household was originally intended so that householders could turn off the water supply on those frequent occasions when tap valves have to be replaced and other minor plumbing work must be done. If all householders in the metropolitan area suddenly feel that they cannot rely on the stopcock and if it is up to them to make sure that they can turn off their water supply in some other way, there will be a lot of worried people and perhaps a lot of unnecessary plumbing.

First, why does the E & WS Department want exclusive use of the stopcocks provided on meters, and what is the failure rate of these stopcocks experienced by the E & WS Department? Secondly, are there any consequential claims for damage as a result of such failure? Thirdly, how does the E & WS Department justify absolving itself from responsibility for providing a device whereby a householder can cut off the water supply? Finally, how many households have installed separate stopcocks on their meters?

The Hon. FRANK BLEVINS: I will draw the honourable member's question to the attention of my colleague in another place and bring down a reply.

COORONG PARK

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question about the Coorong Park.

Leave granted.

The Hon. R.C. DeGARIS: A number of people and organisations have written to me on the draft management plan for the Coorong National Park and Game Reserve. No doubt, other members have also been approached on this issue. A number of the organisations and people involved in the Coorong area cannot meet to study the management plan until well after Christmas. This is difficult for them, because the submissions and opinions on the management plan have to be in by the end of January.

While these organisations are opposing the management plan, nevertheless they would like to put a reasoned case in relation to it. They have asked me whether I can ask the Government to extend the time for submissions on that management plan from the end of January to a later date. Will the Minister examine this request and see whether the termination date for submissions in regard to the management plan for the Coorong National Park and Game Reserve can be extended to a date beyond 31 January?

The Hon. J.R. CORNWALL: I will refer that question to my colleague the Minister for Environment and Planning and bring back a reply.

MUNNO PARA COUNCIL

The Hon. DIANA LAIDLAW: Has the Minister of Health, representing the Minister of Local Government, an answer to my question of 19 September about the Munno Para council?

The Hon. J.R. CORNWALL: The Government has made a commitment that, if a proposal comes from any source which would affect the continued existence of the District Council of Munno Para, the Government would refer the submission to the Local Government Advisory Commission, seeking that no adjustment be made to the Munno Para boundaries that would prevent the council continuing its existence as an economic and well-based unit of local government.

In making this commitment, the Government would simply be ensuring that the Local Government Advisory Commission, in considering any proposal, would also need to examine the proposition that the District Council of Munno Para should be able to continue in existence regardless of any minor changes that might need to occur around the margin.

ETHNIC SOCIAL WORKERS

The Hon. DIANA LAIDLAW: Has the Minister of Health, representing the Minister of Community Welfare, an answer to the question that I asked on 15 August about ethnic social workers? I received advice some time ago that he had this answer available.

The Hon. J.R. CORNWALL: The Minister of Community Welfare informs me that the Federal funds for the Ethnic Workers Programme will be released immediately agreement has been reached about their management. I might add that I have had this in my bag since early October; so, if it has been overwhelmed by the course of events, the honourable member will have to bear with us. These funds have not been distributed to date as discussions have been taking place as to the participation of shelter personnel and members of the ethnic communities on the management committee of the proposed programme.

A meeting was arranged on Friday 24 August between representatives from women's shelters and representatives of the ethnic communities. The meeting was chaired by an officer from the Department of Social Security and was attended by Department for Community Welfare staff. Participants at the meeting determined that a co-operative working relationship between women's shelters and members of the ethnic communities is essential for the effective development of the Ethnic Workers Programme.

An interim management committee has been formed to prepare a draft constitution and incorporation of the programme. The membership of the interim committee consists of three representatives from individual shelters and three members from different ethnic groups. A further general meeting will be held in the near future to ratify the proposed constitution and, after that date, the funds will be released immediately to the elected management committee to establish the programme.

ACCESS CARDS

The Hon. R.I. LUCAS: Have you, Mr President, a reply to the question that I asked you two weeks ago about access cards to the members' car park and Parliament House?

The PRESIDENT: I have received a reply from the Chairman of the Joint House Committee. That committee, as honourable members know, has the responsibility for issuing the access cards. In response to the three questions asked by the honourable member, I have received this correspondence:

I am instructed by my committee that it is not prepared to release for publication the detail as to rights and privileges sought by the honourable member. I am, however, permitted to advise you that a list of all allocations of whatever kind, and in some cases with restrictions, is available and that the committee would place a copy of same in your hands. The committee would not object to the Hon. Mr Lucas perusing that list but would wish to strongly point out that the whole concept of security could be placed in jeopardy if the matter went further than that.

Should it happen that the Hon. Mr Lucas believes there has been either an inappropriate allocation or a failure to allocate, the committee would consider the matter and report to the Hon. Mr Lucas.

I must say that at this stage I have not received the list, so I cannot supply it to the honourable member, but I will follow up the matter.

The Hon. ANNE LEVY: My question to you, Mr President, relates to the answer that you have given to the Hon. Mr Lucas. Can one infer from that reply that the Hon. Mr Lucas has been given a security clearance that is not available to other honourable members of this Chamber and that, if other members of Parliament wish to peruse the list likewise, they would not be able to?

The PRESIDENT: Unfortunately, one could assume that. It is not my intention that there be any secrecy about the matter whatsoever. When I am supplied with the list and the Hon. Anne Levy makes application to me—if that is what she wishes to do—I see no reason why she also should not have that right.

The Hon. Anne Levy: And any member of the Chamber?

The PRESIDENT: Provided they make official application to see it, yes.

PSYCHOLOGICAL PRACTICES ACT

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health a question about the Psychological Practices Act.

Leave granted.

The Hon. I. GILFILLAN: I have been approached by a group of social workers who are concerned about some indication that they have had that the Government is contemplating an alteration to the Psychological Practices Act. I wish to quote from some of the comments they have forwarded to me, as follows:

One of the amendments proposed, as we understand it, is to register and restrict the use of the prefix 'psycho' to professional people currently covered by the existing Act. We are concerned that a small group of professional people would lay claim to a monopoly on the practice of psychotherapy, or to restrict the use of the prefix in a language already in common use by social workers, family therapists, speech therapists, etc., in dealing with psychogenic and psychomatic disorders.

This would be particularly annoying to those of us who practise in the general area of psychotherapy and who are involved in the training and supervision of professionals working in this area, some whom are already covered by this Act, medical practitioners and psychologists.

It seems that the main purpose for the original introduction of this Act, that is, to restrict the growth of Scientology, is being altered considerably to allow a monopoly on the training, practice and advertising of therapeutic techniques to be created for a small minority of professionals.

Can the Minister say whether it is his or the Government's intention to amend the Psychological Practices Act either in this sitting or in the future? If so, are there amendments foreshadowed that deal with the concern that this group expresses? Will there be an attempt to restrict the use of the word 'psycho' to registered psychologists? If so, what ground does the Minister see as existing for those amendments?

The Hon. J.R. CORNWALL: It is my intention—I have not yet taken it up with my Cabinet colleagues—to submit to my Cabinet colleagues, thence to my Parliamentary Labor Party Caucus Health Committee, and thence to the Caucus itself, significant amendments to the Psychological Practices Act. Some time ago I received a 60 page submission from the Board itself recommending a wide ranging review of the Act and many amendments. At this stage I have not read that myself. I have it with my competent officers, notably, my Chief Administrative Officer, who is well known to many members of this Parliament, of course, and the senior legal services officer of the South Australian Health Commission. I have not read it and, at this time, I do not have any specific proposals before me. What I have to determine in the near future is whether the setting up of a Select Committee to look at certain aspects, particularly consumer protection aspects, of the Church of Scientology would cause me to defer or alter my intentions and time table in any way. The main reason for the hold-up in the introduction of the Bill, I might say, has been that I have not been able to find a lawyer in this State (and I have searched diligently) who can produce a satisfactory definition of 'psychological practice'.

My most recent advice, I can tell the Council, is that that is probably not possible. In other words, it is not possible without placing undue and unreasonable restrictions on a whole range of people and organisations who are involved in counselling that the community accepts as being *bona fide*. I have said to this Council often that I have examined or that I have had my legal advisers examine—and my legal advisers include the Crown Solicitor—how to define 'psychological practice' in such a way that it would disbar certain undesirable elements in the community from engaging in mind alteration, if you like, on the one hand, while protecting the legitimate interests of not only psychologists but mainstream churches and a whole lot of other organisations that are widely accepted by the majority of people in the community.

I believe at this stage that we will probably have to content ourselves with simply specifying what qualifications ought to be necessary for the Board to register a person as a psychologist once that registration has been completed and that person could hold himself or herself out to be a psychologist and, in the case of a clinical psychologist appropriately registered, could practise for fee or reward.

I might warn the Hon. Mr Gilfillan, before he gets too far down the track (if I can mix the metaphors), that it is a veritable minefield. Psychologists as a profession are not noted for the degree of consensus that they reach in a large number of matters. There are three year graduates, four year graduates, Californian Ph.Ds, and other Ph.Ds from American States in particular who are clamouring to use the title 'doctor' *versus* the Australian Ph.Ds or the British Ph.Ds. Quite frankly, it is a very vexed and difficult area.

However, I am engaged in very fruitful discussions with the profession generally, and I could give a general indication that on the balance of probabilities I believe that I will be in a position to introduce a Bill to substantially amend the Psychological Practices Act in the autumn session of Parliament. As to the amendments that are allegedly foreshadowed, the Hon. Mr Gilfillan's informants, if they are correct (and I cannot say one way or the other), are certainly substantially ahead of any information that I have read to this time.

NATIONAL WORKERS COMPENSATION SCHEME

The Hon. DIANA LAIDLAW: Has the Attorney-General a reply to a question I asked on 12 September about a national workers compensation scheme?

The Hon. C.J. SUMNER: The Minister of Labour supports the gradual introduction by the Commonwealth Government of a nationwide system of accident compensation. Federal initiatives in this area have not had the effect of slowing down the processes of formulating new workers compensation legislation for South Australia. This exercise is of necessity a time consuming one, requiring extensive consultation and careful and detailed consideration of what is a most complex matter.

STATE GOVERNMENT FINANCES

The Hon. L.H. DAVIS: Has the Attorney-General a reply to the question I asked on 24 October, during the debate on the Appropriation Bill, regarding short-fall on interest and investments?

The Hon. C.J. SUMNER: A combination of a greater than expected run-down in net cash holdings, due in part to the later than anticipated 'take up' of statutory authority funds, and lower than expected rates of interest earned contributed to a short-fall (against budget) of some $6.1 million on interest received from investments in 1983-84.

NEW ORLEANS WORLD FAIR

The Hon. L.H. DAVIS: Has the Attorney-General a reply to a question I asked on 14 August about the New Orleans World Fair, which I understand has subsequently closed?

The Hon. C.J. SUMNER: The Commonwealth Minister of Home Affairs and Environment announced on 19 January 1984 that Australia would participate in this exposition. Officers from the Department of the Premier and Cabinet immediately contacted the Federal Department and expressed interest in assisting the Australian exhibit and ensuring South Australian interests were well represented.

In mid February, the Commonwealth Expo Committee briefed State Government officers and other invited representatives of their needs in relation to this Expo. Apart from all relevant State Government departments, representatives from the Museum, the Art Gallery, the Film Corporation, the History Trust, the Murray Valley League and tertiary institutions were also invited to this session. Aid was sought in locating material for inclusion in the national exhibit to represent this State. Three areas of interest seemed most likely to be able to produce the required material within the limited time frame set:

(1) South Australian opal from Jackson Gems had offered valuable gem stock plus printed leaflets containing background information on the industry and mining districts accompanied by a video tape edited for the requirements of the Expo.

(2) The wine industry of South Australia was contacted and offered some artifacts of local wine production.

(3) The South Australian Museum offered Aboriginal artifacts for a display denoting South Australia's Aboriginal peoples.

A range of colour transparencies to represent Adelaide and the State was also included to support the South Australian contribution. The materials for inclusion were to be secured within the following two weeks to enable shipping arrangements to be finalised.

To arrange this Commonwealth officers made direct contact with these groups to negotiate the terms of loan. Although much material of State significance was available and offered for use in the exhibit, the Expo Committee did not arrange for shipment and inclusion in the national Australian exhibit. Every effort was made by the South Australian Government to ensure that South Australian interests would be well represented in the national Australian exhibit. I would refer the honourable member to remarks made by the Minister of Tourism on this matter recorded in *Hansard* of 15 August 1984 at pages 280 and 282.

WINE TAX

The Hon. J.C. BURDETT: Has the Minister of Agriculture a reply to a question I asked on 22 August about wine tax?

The Hon. FRANK BLEVINS: The reply is as follows:

1. The number of people employed in the wine industry in South Australia (that is in wine and brandy producing establishments) is 2 430.

2. The number of jobs lost as a result of the imposition of this tax would be very difficult to predict at this stage. If the tax was all passed on to consumers, any effect on employment would be determined by the declining production caused by the reduction in sales. However, production will not only relate to the level of sales; it will also be affected by the level of stocks. Hence there are a number of variables that will affect employment and at this point in time it would be unrealistic to attempt to determine the level of unemployment caused by the tax.

3. If $49 million in revenue was collected from total Australian wine sales between 21 August 1984 and 30 June 1985 due to the wine tax, which would be equivalent to $62 million in a full year, the amount collected from South Australia would be about $4.4 million to 30 June 1985 assuming South Australians consume the same quantity of wine per head of population as do other Australians.

HOSPITAL BOARD MEMBERSHIP

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about the behaviour of the Minister of Health.

Leave granted.

The Hon. L.H. DAVIS: Last week the Mount Gambier Hospital Board Chairman, Mrs Considine, was unanimously reappointed for a further term. Mrs Considine is secretary to the member for Mount Gambier. She has extensive business experience and the high regard in which she is held in the local community is reflected by the fact that her reappointment as Chairman of the Board was unopposed. However, Mrs Considine's reappointment followed yet another foot in mouth exercise by the Minister of Health. Several weeks ago she became aware that Dr Cornwall intended to dump her as a Ministerial nominee to the Board. She heard from several sources that the Minister had approached members of the local sub branch of the Labor Party to see whether any of them would be available for appointment to the Board. Mrs Considine was formally advised of this fact only last Monday week and immediately nominated for one of the two positions as a community representative: she was duly successful.

No-one would deny the right of the Minister to replace Board members but, as he is no doubt already aware, this crude attempt to play politics over this Hospital Board appointment has made him the laughing stock of Mount Gambier. Following Mrs Considine's re-election to the Board, Dr Cornwall attempted to justify his decision to not reappoint her by saying that a Hospital Board should not be politicised and that Mrs Considine had been widely reported as being a potential Liberal candidate. He said that any aspiring politician should not be a member of a Hospital Board. However, Dr Cornwall conveniently ignored the fact that Mr Peter Humphries, the Labor candidate for Mount Gambier, served on the Board of that hospital until last week and was reappointed to the Board by Dr Cornwall when it was already being widely tipped that he would be the Labor candidate at the next election—as we know he was.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Mrs Considine has no intention of standing as a candidate for the Liberal Party at the next election, and she has said that publicly. Dr Cornwall prides himself on basing his decisions on fact and not rumour, but did not do that on this occasion.

The Hon. J.R. Cornwall: She was also reported to me to be a very incompetent Chair.

The Hon. L.H. DAVIS: Is that right? Well, put that on the record!

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Minister has just interjected and said that she is widely reported to be a very incompetent Chair.

The PRESIDENT: Order! I am not dealing with the interjection. The honourable member has had a reasonable time to explain his question.

The Hon. L.H. DAVIS: This mishandling of Board appointments to the Mount Gambier Hospital Board has brought discredit on the Minister and caused unnecessary embarrassment to Mrs Considine. My question to the Leader of the Government is: if Dr Cornwall is to remain Minister of Health could the Premier direct Dr Cornwall to conduct himself more properly in future?

The Hon. C.J. SUMNER: There is nothing of substance in that question that requires comment from me. The honourable member has based what he has said on supposition and rumour, so I do not intend to comment.

INTELLECTUALLY DISABLED

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Health a question about accommodation for the intellectually disabled.

Leave granted.

The Hon. K.T. GRIFFIN: The Minister of Health is undoubtedly aware of representations that have been made to him since earlier this year by a Mrs Heller in relation to her son, who is aged 20 years, is profoundly deaf and suffers physical and intellectual disability. Mrs Heller has had a considerable amount of difficulty in finding permanent accommodation for her son Craig. The story of her difficulty was featured in the *Advertiser* of 3 August. The difficulty arose when her son, who was attending Kensington Special Senior School, because of departmental policy was no longer eligible to continue at that school when he reached the age of 20 years.

Mrs Heller had had her son's name down at Strathmont Centre. He went there for some time but there was considerable difficulty in obtaining appropriate transport for him. She had his name down for Minda Home, but there is a long waiting list of those wanting to get into that home, so she is rather desperate to find appropriate accommodation for her son, who she believes needs more residential care than she is able to give him. She is a supporting mother of two children of whom Craig, her son, is one. She has made representations to the Minister and in May of this year he indicated to her in a letter that although there were no places presently available through the Intellectually Disabled Services Council he was confident that if additional funds could be provided to the Council in the 1984-85 Budget additional services would be available by the end of 1984. The Minister said that he was acutely aware that this did not solve any of the immediate problems confronting Mrs Heller but added that the Government had made additional funds available to the council in the past two years and hoped that this support would continue in the next financial year.

Mrs Heller has been to see the Minister again and also to see the Chairman of the Intellectually Disabled Services Council. She is still very much concerned about what may happen to her son at the end of this year and about the fact that she may well have to resign from her employment to care for him full time in light of the difficulties she is having in relation to accommodation. Can the Minister indicate whether additional funds have now been made available to the Intellectually Disabled Services Council that are likely to provide accommodation for Mrs Heller's son and other persons in similar positions, and, if not, is he able to offer any assistance to her to find some means to relieve concern that she is presently experiencing as a result of her inability to find suitable accommodation for her son?

The Hon. J.R. CORNWALL: Since this Government came to office a little over two years ago, through successive budgets it has made additional amounts—that is, new money over and above inflation and standstill—of $2.4 million available to the Intellectually Disabled Services Council, which makes this the highest growth area in the whole spectrum of my portfolio by a very large margin. Mrs Heller came to see me as Minister a few weeks ago. I am extremely sympathetic to her situation, as I told her at the time. I also told her that I believed that it was likely we would be able to find a permanent place for Craig by the new year. However, I made very clear that that was not a cast iron undertaking. It is likely that Craig will be placed by early in the new year.

PERSONAL EXPLANATION: MEMBER'S REMARKS

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a personal explanation in relation to the quite scurrilous allegations just made by the Hon. Mr Davis.

Leave granted.

The Hon. J.R. CORNWALL: It has been well known ever since I became Minister that I want to appoint—

Members interjecting:

The Hon. J.R. CORNWALL: It is just as well those school children who write letters are not here today. I wanted to create a situation in which the Boards of hospitals were Boards of Directors in the best corporate sense, that the best elements of the private sector ought to apply to the way that Boards approach their tasks in 1984, particularly in hospitals like Mount Gambier with budgets now in excess of $10 million. For that reason I make no apology for always looking for people with particular corporate experience. The two people I therefore appointed to the Board of the Mount Gambier Hospital—the Ministerial appointees—were Mr Downs, former General Manager of Softwoods, one of South Australia's best known companies, and, of course, a person who had been on the Boards of several national companies. He is an eminently suitable appointee. I also appointed Mrs Robin Gilbertson, a trained nurse of some 20 years standing who is currently completing a degree in business administration from the University of New South Wales and who recently toured North America visiting hospitals in both the United States and Canada. She, too, is eminently qualified within the sorts of parameters I have set.

Mrs Considine meets none of these requirements. She is also very close to the political process, and I have made clear that I do not believe that anyone actively involved in the political process should be on Boards and thereby politicised them.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The major reasons for not reappointing Mrs Considine as a Ministerial appointment are: first, she did not meet my requirement to be a competent director in the corporate sense; and, secondly, she is an active member of a political Party and very close to the active political process. I do not believe that boards of management are well served by being politicised by members of the Liberal Party, the Labor Party or any other political Party.

Members interjecting:
The PRESIDENT: Order!

QUESTION ON NOTICE

SUPERANNUATION

The Hon. L.H. DAVIS (on notice) asked the Attorney-General: When will the South Australian Government announce the terms of the inquiry into public sector superannuation schemes and the name or names of the person or persons conducting this inquiry?

The Hon. C.J. SUMNER: It is expected that an announcement will be made in the reasonably near future.

PRISONS ACT AMENDMENT BILL (No. 2)

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Prisons Act, 1936. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

The principal object of this Bill is to clarify the interaction between those provisions of the Prisons Act that deal with the obligation of the courts to fix non-parole periods and those provisions of the Act that provide for the automatic cancellation of parole where a parolee is sentenced to further imprisonment for an offence committed while on parole. The clarification has been sought by the Chief Justice of the Supreme Court as, in a recent appeal before the Full Court in the case of *R. v. Slater,* conflicting opinions on the proper interpretation of the relevant provisions were given by the judges comprising the Full Court. The Government quite obviously wishes to put the matter beyond doubt, and would have done so in the recent Bill passed by this House had the letter from the Chief Justice been received in sufficient time.

The Bill seeks to spell out clearly the liability of a parolee to serve the balance of his existing sentence, or sentences, of imprisonment should he be sentenced to further imprisonment for an offence committed while on parole. The Bill also seeks to spell out more clearly the obligation of the courts to fix a fresh non-parole period in that situation, taking into account the combined effect (as determined by the sentencing court in making the sentences concurrent or cumulative) of the new sentence and the balance of the existing sentence that the parolee is liable to serve. The Bill finally spells out what should happen in the situation where a parolee is sentenced (while on parole) to imprisonment for an offence committed before he was released on parole, or where he is imprisoned (while on parole) for non-payment of a fine, etc. I commend this Bill to honourable members, as I believe everything reasonably possible should be done to facilitate easy interpretation of a very complex area of law. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 firstly provides for the fixing or extending of a non-parole period in respect of a prisoner who is sentenced to further imprisonment while he is still in prison. Subsection (2aa) deals with a person who is sentenced to further imprisonment for an offence committed while on parole from some other sentence. In this situation, the sentencing court must look at the total period of imprisonment now facing the person (that is, the combined effect of the balance of the existing sentence and the fresh sentence) and fix a non-parole period if that total period is one year or more.

Clauses 4 and 5 are consequential upon clause 6. Clause 6 provides that where a parolee is sentenced to imprisonment for an offence committed before his release on parole, or for non-payment of a pecuniary sum, his parole is suspended while he serves that new sentence, or the non-parole period of that new sentence, as the case may be. Upon his release from prison, he continues on the old parole. If he had a non-parole period fixed in respect of the new sentence, he will, of course, be released on parole from the sentence, and so will be serving two lots of parole simultaneously, until one or other period of parole expires.

Clause 7 restates the provision that actually caused the difficulties in *R. v. Slater.* The primary liability of a parolee who is sentenced to fresh imprisonment in respect of an offence committed while on parole is to serve in prison the unexpired balance of all existing sentences (the actual period of course being determined by whether the sentences themselves were concurrent or cumulative). 'Unexpired balance' means the balance from the date of the commission of the new offence. This primary liability is, of course, subject to any fresh non-parole period that may be fixed at the time of the imposition of the fresh sentence.

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

WHEAT MARKETING BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1858.)

The Hon. PETER DUNN: This Bill, introduced in the Lower House, now comes up here and requires rapid transit because it is a requirement that permits be granted on 3 December, the date applying in the legislation. It will be necessary for us to pass this Bill today. I complain about that because I think that the Bill is very late coming in for us to have to have to deal with it today, along with the bulk handling legislation, which is sequential to the Wheat Marketing Bill.

In today's paper I noticed that permits for stock feed wheat will begin operating in South Australia on 3 December. I do not blame the Minister for the lateness of the Bill because I believe that there was a foul-up somewhere on the Federal scene. However, it does not alter the fact that to bring Bills in as late as this and expect them to be passed does not allow much time to peruse them, as is necessary with such important legislation. One is here dealing with a considerable sum of money and an industry that employs about 8 000 to 10 000 people in this State. There are about 8 000 wheat growing enterprises in the State, each one perhaps employing 1.4 people, which means that there would be 10 000-plus people growing wheat in the State. Wheat growers are spread right across the State under the Goyder line. In 1981-82, the value of this industry to the State in export income was, in round figures, $266 million. If we go to a better year, 1979-80, it brought $357 million into the State. This is a considerable amount of money which is of significant benefit to the State. I believe that we should not be dealing with Bills like this quite so lightly.

This South Australian product is of a very high quality. Australian standard white wheat grown in South Australia is of a very high quality and is sought by overseas bread producers as filler wheats because of its good colour and

quality. This market also requires harder and higher protein quality wheats to make the highest quality bread.

Blended with the Australian standard white it produces a very high quality bread product. Wheat marketing has had a rocky road in the past. Although I have not been a recipient of that rocky road, my forebears were. I am aware of some very distasteful incidents for people trying to make a living in the early part of this century. While a farmer was driving a team of horses pulling a trolley load of wheat to market, buyers would come out and offer perhaps 3c, 3.25c or 3.50c a bushel and the farmer would accept the best offer. It was certainly Rafferty's rules. However, at that time the Australian Wheat Board did not purchase the wheat, which was eventually sold overseas. A little later, and just prior to the introduction of intense mechanisation of the wheat industry, an orderly marketing system was introduced into Australia. Since then I think the industry has grown very strongly.

It may be that the orderly marketing system allowed for more profit in the industry, which in turn led to better mechanisation. Coinciding with mechanisation, the industry became and is now one of the biggest export earners for Australia. The wheat industry is very important for Australia's export income and ultimately our standard of living is influenced enormously by the high amount of export income brought into Australia. The Federal Government having looked at the IAC report has now decided to make some changes to the old Wheat Marketing Act. Those changes are fairly significant.

One change that I refer to is the fact that the Federal Government in its wisdom has seen fit to limit the number of grower representatives on the Australian Wheat Board. I am not sure whether that has been met with any enthusiasm by the growers. However, in the future if it proves to be beneficial to the industry, I will applaud it. At this stage I have not made up my mind and I will wait to see how it operates. There have been some ups and downs in the Wheat Board, particularly in relation to its accounting system where there were some problems. Perhaps this is one way of introducing some expertise which can rectify these small problems.

I believe that the industry should pay a tribute to those people who were members of previous boards, because the Wheat Board has an enormous amount of product to sell overseas. If it continues in the way it has in the past, we will not have many problems. Increasingly, there is greater competition on the world wheat market. At the moment we are fortunate that the price has risen a little. Primarily, that is a result of the Russian crop, which has failed once again. It seems to fail with monotonous regularity.

The Hon. R.C. DeGaris interjecting:

The Hon. PETER DUNN: It fails for a number of reasons, not necessarily as a result of disease. Sometimes it is the weather, and I believe it is also because the people growing the wheat are not particularly interested in producing a good product. As a result of the failure of the Russian wheat crop the United States has been able to sell much of its excess grain; in turn, that allows Australia to back up the market and supply our normal buyers at a reasonable price. I believe the Australian marketing system has proven itself in the past. This Bill does not significantly alter that. It means that we will need to have better people selling our product overseas and using all the modern selling techniques available to us.

There are significant wheat stocks in New South Wales. While travelling through that area a month ago, around southern Queensland and northern New South Wales, I observed considerable stocks of wheat stored in the open under plastic. I believe that is quite a reasonable way of storing the wheat, but there are inherent dangers because it cannot be turned over quickly, handled or have insecticides added to it to make it last. That wheat is being stored there because of significant union disputes in the Eastern States in the railways and on the wharves. Because of those disputes, this product remains in Australia when it should have been overseas and generating a considerable sum of money for Australia; instead, it is sitting on the ground covered with plastic in the western parts of New South Wales and the southern parts of Queensland.

In addition, there is a shipping programme. Ships come to Australia to transport the wheat overseas and, if they cannot load their product, the Wheat Board is responsible for demurrage of those ships, which amounts to a considerable sum of money. In fact, for a large ship it runs to many hundreds of thousands of dollars a month. In the long run these demurrage costs are borne by the grain grower. There has been a change in the legislation allowing for State accounting. That means that the State which has grain on hand makes payment if the railways or the wharves in that State have not been able to handle the product. The Bill does not deal with that, but I think it is significant that we note that fact. The Bill repeals the old Act and then picks it up in a significantly different manner, but it still deals with the sale of wheat in Australia. The Bill maintains the net return to the growers, and the Government underwrites that net return to 95 per cent for Australian standard white.

Of that 95 per cent net return the Wheat Board has agreed to pay 90 per cent in a first advance at the time of delivery of the wheat. There has been a change in the method of determining that 95 per cent net wheat return. The method used in the past led to some problems after the bumper 1979-80 year. It meant that the Government was responsible to underwrite a significant sum to the Wheat Board. Much of that was due to the fact that there had been spoilt wheat or weather damaged wheat in much of the northern New South Wales and southern Queensland areas. The change means that, instead of an average of three years being used to determine the 95 per cent net value, the year of highest return is removed. That means that over a three-year period the year with the highest return is removed. The average of the two remaining years becomes the bench mark for determining the 95 per cent net return.

The 90 per cent first advance paid on that amount is paid at the time of delivery, and the remaining 10 per cent is paid in March. That is not significantly different from the past. However, the significant changes in this Bill are the allowing of permits for the selling of stock feed wheat. We have already passed a Bill that allows the domestic pricing and selling for human consumption of wheat products. This Bill deals with stock feed wheat: that is, the trading of a product between growers and users.

The Wheat Board will still deal through the wheat pool system, as it did in the past. However, this allows growers and users to obtain a permit and sell weather damaged wheat or even good wheat between those two persons. There is in doing that a significant change because in the past the purchaser of that wheat had to pay all the costs that were incurred by the handling, the storage and the charges that were necessary to run that pool of wheat. By using this permit system, he will be able to barter or negotiate with the seller and perhaps purchase that wheat at a significantly lower figure and therefore allow it to compete with many of the coarse grains that are now being used for stock feed wheats.

If we look at the calculated price for the coming year, we find that the Australian price will be set at $140; for ASW wheat it will be set at $145; the first advance, being 90 per cent of that, will be about $131 (these are round figures); the residual of the $131 and $145 will be paid in March.

However, the costs for that wheat are: transport from the farm to the terminal silo, which in South Australia averages approximately $9; a statutory levy of 60c; handling charges by Co-operative Bulk Handling that amount to $12.50; they add up to approximately $22.10. If that is deducted from the $145 guaranteed price, the price is around $123. Therefore, the user of that wheat will have to determine whether the cost of protein in the wheat is equivalent to other coarse grains that are available to him: in South Australia, that is primarily barley. It will allow people who have weather damaged or rust affected wheat or wheat affected by disease to be sold at a lower price. It appears that that price will be between $95 and $100. There will be the same deduction for costs, which will bring it in the order of $70 or $75 for weather damaged or disease affected wheats.

This Bill, by doing that, frees up considerably the market place. I applaud that. It has already freed up the price of wheat for home consumption. We should see a drop in the price of bread, but I doubt whether that will happen because generally any drop is absorbed by increased costs further down the line. Certainly, it will free up the cost of stock feed. One other significant effect is that it will avoid the across-the-border selling being done under section 92 of the Constitution Act. I applaud that, because it puts some people at a disadvantage: in particular, in the area in which I live, if we want to go across the border we have to travel about 700 miles east or west, whereas people in the South-East can readily pick up a load and within half an hour be across the border and legitimately sell that wheat for whatever price they want.

This Bill will cure that problem to a large degree because there is a significant number of pig and poultry producers in those areas of which I am speaking that are a long way from borders, and they will not now be at a disadvantage. The Bill has met with considerable approval from the rest of the industry. I have contacted a number of people in that industry and have had no adverse comments. A number of people have indicated reservations, but nobody has been violently opposed in any way.

As I formerly indicated, I agree with the Bill as a whole and I would like to see it pass as quickly as possible so that the producers can get the full benefit of its effect. However, I register my disagreement with the lateness of the Bill and would like the Minister to pass on that disagreement to the Federal Minister concerning the slowness of bringing it into this State. Therefore, I support the Bill.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the Hon. Mr Dunn for his informative contribution to the second reading debate. This issue has been around for some time and it is possible that the briefest and most lucid explanation of the new wheat marketing plan was just given by the Hon. Mr Dunn, and I have heard it discussed far and wide in Australia. So, I congratulate him on that. I will certainly let the Federal Minister for Primary Industry know of the disquiet felt by the Hon. Mr Dunn about the late introduction of this Bill into this Parliament. We are entirely in the hands of the Federal Government as to timing.

I know that the negotiations that have taken place between the Minister and the industry have been protracted, but eventually they came to a satisfactory conclusion, which is reflected in this Bill. So, whilst the time is short for the consideration of the Bill in Parliament, it has been extensively discussed outside the Parliament prior to its reaching this stage. Again, I thank the honourable member for his informative contribution and his support and I commend the Bill to the Council.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'Permits for movement of wheat.'

The Hon. PETER DUNN: Under the permit system is there any limit to a third party's purchasing wheat in South Australia? Can a stock feed processor purchase wheat? I understand that he will have to pay $20 for the permit, but I only read that in the paper the other day, and for every tonne over 100 tonnes that he purchases he will pay 20 cents. As I understand that there are restrictions in other States, do restrictions apply in South Australia?

The Hon. FRANK BLEVINS: My understanding is that it is end users only who are permitted to purchase, and they are not permitted to purchase for resale.

Clause passed.

Clause 12—'Permits for purchase of wheat for stock feed use.'

The Hon. PETER DUNN: Does the sum of $20 apply in South Australia?

The Hon. FRANK BLEVINS: The fee referred to is $20 for the first 100 tonnes. The fee is $20 for the permit and 20 cents per tonne thereafter—the report was correct.

Clause passed.

Remaining clauses (13 to 31) and title passed.

Bill read a third time and passed.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1857.)

The Hon. PETER DUNN: This Bill is sequential to the Wheat Marketing Bill and brings into line a problem experienced in regard to the Bulk Handling Act. It was the only authority that could have handled and accepted wheat. Now that we have introduced the permit system it is necessary for a small adjustment to be made to this Act. It requires no further debate as the same criteria apply to this Bill as applied to the previous one. I support the Bill and look forward to its speedy passage because it is necessary for it to be handled by both Houses today so that 3 December can be the day on which permits can be issued.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the honourable member for his expression of support. As he stated, the Bill is consequential on the Bill previously passed in this Council. I thank the Opposition and its speaker, the Hon. Mr Dunn, for assisting in its speedy passage.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

In Committee.

(Continued from 14 November. Page 1860.)

Clause 6—'Right of person to request blood test.'

The Hon. PETER DUNN: Yesterday I asked whether the distance of 10 kilometres would be road distance or distance in radius. Parliamentary Counsel referred me to the Acts Interpretation Act, 1915-1975, section 28 *(b)* of which provides:

> . . . any Act passed after the passing of this Act, such distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

In other words, it will be a radius from the testing area. I am quite happy with that interpretation.

The Hon. FRANK BLEVINS: I thank the Hon. Mr Dunn for his query as it certainly was not clear to the Committee yesterday. I could not answer the question but the Hon. Mr Dunn has done his homework and has answered his own question very capably. I am pleased that the Opposition is now happy to support this clause.

Clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The purposes of this Bill are three-fold. First, the Bill empowers the Metropolitan Fire Service to attend at and act in relation to emergencies generally and in particular in relation to the discharge of hazardous chemicals and dangerous substances. Secondly, the Bill establishes a disciplinary code and procedure for dealing with breaches of the code which will be applicable to all members of the Metropolitan Fire Service. Thirdly, the Bill provides for an appeal system with respect to decisions arising from disciplinary matters and appointments to positions within the service.

When the Act was first considered, there was little perceived threat from the uncontrolled or accidental release into the environment of hazardous chemicals or dangerous substances. However, in recent years this threat has become all too real and the emergency services have moved to meet this threat.

Both the Metropolitan Fire Service and the Country Fire Service have accepted the primary responsibility within their respective areas of operation for combating this type of emergency. The fire services have obtained the necessary expertise, equipment and scientific information which is required to deal with the problem of hazardous chemicals. The Bill seeks to give statutory recognition to this emerging role of the Metropolitan Fire Service. The Service is empowered to take control of emergency situations which involve the escape of a dangerous substance or a situation which involves imminent danger of such an escape.

The Metropolitan Fire Service will be able to use the full range of emergency powers in relation to the escape of a dangerous substance as would be available to it in the event of a fire. Such powers as the right to enter buildings, disconnect the supply of electricity, gas or water and the right to close roads are all examples of the powers which the Metropolitan Fire Service would need to be able to exercise in the event of an emergency situation.

However, I would like to make clear that the definition of an emergency situation in this context is strictly limited by the Bill to emergencies arising from a fire or the escape of a dangerous substance. There is no intention on the part of the Government or the Metropolitan Fire Service to use fire service personnel in other emergencies, such as civil disturbances, which are the traditional role of the Police Force.

I would now like to turn to the provisions of the Bill which relate to the disciplinary code. In any emergency service, it is essential that the Chief Officer is able to maintain high standards of conduct and discipline among the members of the Service. The Metropolitan Fire Service is no exception. The Bill establishes a clear and effective mechanism for the maintenance of discipline within the Service. The Bill constitutes a disciplinary committee which will consist of the Chief Officer or the Deputy Chief Officer, an officer of the Service, and an officer or a firefighter according to the rank of the person appearing before the committee.

While the Chief Officer will have the power to reprimand an officer or firefighter whom he considers is guilty of misconduct, more serious matters will be dealt with by the disciplinary committee, which will have the power to dismiss a member of the Service whom it finds guilty of the most serious offence against the good order and discipline of the Service. Naturally, less serious offences attract less severe penalties. The Bill also establishes the South Australian Metropolitan Fire Service Appeals Tribunal. The functions of the Tribunal are to hear appeals from officers and firefighters who are aggrieved by a decision of the Chief Officer or the disciplinary committee in relation to matters of discipline and to hear appeals against nominations by the corporation to positions within the Service.

The Tribunal is constituted by a district court judge nominated by the Senior Judge and three members appointed by the Governor, one of whom shall be appointed on the nomination of the Chief Officer, one shall be appointed on the nomination of the Fire Brigade Officers Association and the third on the nomination of the Firefighters Association. For the purposes of hearings, the Tribunal is made up of the Chairman who is to be the district court judge, the nominee of the Chief Officer and the third member is selected according to the rank of the person who is appealing to the Tribunal.

The Tribunal is given wide powers to determine the facts of the matter before it. The Tribunal may require the production of any relevant books or papers, the appearance of any person who could give relevant testimony and require any person to answer any question put to him on oath even though the answer may tend to incriminate him. However, where this power is used, any answer to a question given under protest may not be used in any criminal proceedings except proceedings for perjury.

These powers are limited to the matters then before the Tribunal. The production of documents and the power to demand the answers to questions must relate to the matter before the Tribunal. These powers will not be available with respect to industrial matters except in so far as a mattter before the Tribunal has industrial connotations and then only to the extent necessary to bring relevant information before the Tribunal. The powers of the Tribunal are intended to be used in matters of day-to-day discipline within the Service and in relation to appointments to positions by the Corporation.

The Bill represents a much needed upgrading of the management and powers of the Metropolitan Fire Service. The legislative endorsement of the use of the expertise of the Service to combat the emerging threat from dangerous substances is essential if the Metropolitan Fire Service is to play an effective role in this area. The enactment of modern principles of discipline and promotion appeals mechanism is an important step forward for the Service as a whole and should serve the interests of the community, the officers and the firefighters alike. I commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 replaces the long title to the principal Act with a title that contemplates attendance by the Fire Service at emergencies other than fire. Clause 4 makes consequential amendments to section

4 of the principal Act. Clause 5 adds definitions to section 5 which are required by subsequent amendments contained in the Bill. Clause 6 makes a consequential change to the heading to Part II of the principal Act.

Clause 7 enlarges the functions of the South Australian Metropolitan Fire Service by including the function of dealing with emergencies in addition to fire and fire districts. The Fire Service will not, of course, be equipped to deal with every kind of emergency. It is proposed that the Service will deal with the escape of dangerous substances in addition to emergencies caused by fire. The Service will, however, be empowered by this amendment to attend at other kinds of emergency.

Clause 8 inserts into the principal Act a new Division which establishes the Appeals Tribunal. New section 14 sets out the membership of the Tribunal. Section 15 deals with matters relating to membership including removal from office and vacation of office. Section 16 provides for the constitution of the Tribunal on an appeal. Section 17 provides for the appointment of a secretary to the Tribunal. Sections 18 and 19 are procedural and section 20 provides the powers of the Tribunal. Section 21 makes provisions as to notice and representation on hearing appeals. Sections 22 to 26 are standard provisions.

Clause 9 makes a consequential amendment to section 38 of the principal Act. Clause 10 inserts a new heading to Part V of the principal Act. Clause 11 inserts a new section 40a into the principal Act. This section establishes a system of nomination of appointment to the Fire Service and provides for notice of nomination to be given to those eligible to be appointed to the position in question. Subsection (3) enables such a person to appeal to the Tribunal against the proposed appointment of the nominee. Subsection (6) provides the criteria on which the Tribunal must determine the question of who should be appointed.

Clause 12 replaces sections 45 and 46 of the principal Act. The new provision caters for the attendance by fire brigades at emergencies other than fires and provides that all persons, including other authorities, such as the police and the CFS, will be under the control of the commanding officer at a fire or an emergency consisting of, or arising from, the escape of a dangerous substance in a fire district. The powers of the commanding officer set out in subsection (3) are basically the same as those in the principal Act at the moment. New subsection (4) retains the substance of old section 45 (VIII).

Clause 13 makes consequential amendments to section 48. The effect of new subsection (2) is to limit the right of the Chief Officer to enter and inspect premises in relation to those emergencies (other than fire) for which the Fire Service is specially equipped, namely the escape of dangerous substances. Clause 14 repeals section 50 of the principal Act. The substance of this section is included in new sections 45 and 51a. Clause 15 replaces subsection (1) of section 51 of the principal Act. Clause 16 replaces the substance of section 50 (2). This provision should logically follow section 51 rather than preceding it. Clause 17 makes consequential changes to section 52 of the principal Act.

Clause 18 inserts new Part VA in the principal Act. New section 52a establishes the disciplinary committee. Subsection (3) ensures that one member of the committee will be an officer or firefighter appointed by the industrial association of the person whose conduct is in question. Subsections (6) and (7) provide for representation before the committee and subsection (7) provides for the payment of witness fees. Section 52b empowers the Chief Officer to reprimand an officer or firefighter. Section 52c (2) sets out the penalties that can be imposed by the disciplinary committee. Section 52d provides for suspension of an officer or firefighter who is the subject of a complaint to the disciplinary committee. Section 52e provides for appeals to the Tribunal against decisions of the committee or the Chief Officer on disciplinary matters.

Clause 19 replaces section 63 of the principal Act with a provision that reflects the current practice of the police in attending at emergencies at which the Fire Service is present. Clauses 20 and 21 make consequential changes. Clause 22 replaces section 71 of the principal Act. The new provision is designed to extend to all emergencies (including fire) at which the Fire Service attends. Clause 23 makes a consequential change to section 72 of the principal Act. Clause 24 replaces section 73 of the principal Act. Clause 25 makes certain consequential amendments to section 77 of the principal Act. Clause 26 inserts new section 79 into the principal Act. This section spells out the immunity that members of the Fire Service, other persons having certain duties under the Act and volunteers are entitled to enjoy. Clause 27 sets out in the form of a schedule a code of conduct to be observed by officers and firefighters.

The Hon. R.J. RITSON secured the adjournment of the debate.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

Second reading.

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

That this Bill be now read a second time.

This Bill empowers the Country Fire Service to attend at, and act in relation to, emergencies generally and in particular in relation to the discharge of hazardous chemicals and dangerous substances. In this respect, the Bill is complementary to that recently introduced in relation to the Metropolitan Fire Service. When the Country Fires Act was first enacted there was little perceived threat from the uncontrolled or accidental release into the environment of hazardous chemicals or dangerous substances. However, in recent years this threat has become all too real and the emergency services have moved to meet this threat.

Both the Metropolitan Fire Service and the Country Fire Service have accepted the primary responsibility within their respective areas of operation for combating this type of emergency. The fire services have obtained the necessary expertise, equipment and scientific information which is required to deal with the problem of hazardous chemicals. The Bill seeks to give statutory recognition to this emerging role of the Country Fire Service. The Service is empowered to take control of emergency situations which involve the escape of a dangerous substance or a situation which involves imminent danger of such an escape. The Country Fire Service will now be able to take command of an emergency situation involving the escape of a dangerous or hazardous substance, or the imminent danger of such an escape. The legislative endorsement of the use of the expertise of the Country Fire Service to combat the emerging threat from dangerous substances is essential if the Service is to play an effective role in this area. I commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends the long title to the principal Act. This amendment recognises that the CFS brigades may assist at emergencies other than fire.

Their area of expertise will be in relation to emergencies resulting from the escape of dangerous substances. However, it is not intended that they will be confined to this class of emergency. Clause 4 amends section 16 of the principal Act which sets out the functions of the board. The board's functions are extended by this amendment to emergencies consisting of, or arising from, the escape of dangerous substances or imminent danger of such an escape. Clause 5 makes amendments to section 28 of the principal Act arising from the establishment in 1981 of the South Australian Metropolitan Fire Service in place of the Fire Brigades Board.

Clause 6 makes consequential changes to section 35 of the principal Act. Clause 7 amends section 52 of the principal Act. Paragraph *(a)* replaces subsection (1) with a provision that extends the operation of the section to emergencies consisting of the escape of dangerous substances outside Fire Brigade districts and situations that involve imminent danger of fire or such an escape. New subsection (8), inserted by paragraph *(d)*, ensures that all persons at the scene of a fire or emergency to which the section applies will be under the control of the Director or his delegate. Paragraphs *(b)* and *(c)* make consequential changes. Clauses 8 to 11 make consequential amendments to sections 55, 56, 62 and 68 of the principal Act.

The Hon. PETER DUNN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly with amendments.

[*Sitting suspended from 4.10 to 4.50 p.m.*]

FAMILY RELATIONSHIPS ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Clause 6, page 2, line 27—Leave out 'Subject to this section, this' and insert 'This'.

No. 2. Clause 6, page 2, lines 36 to 42—Leave out subsection (2).

No. 3. Clause 8, page 4, lines 5 and 6—Leave out subsection (4).

No. 4. The Schedule, page 5, Part IV—Leave out the whole of Part IV.

No. 5. Long title—Leave out 'and the Sex Discrimination Act, 1975'.

Amendment No. 1:

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

That the House of Assembly's amendment No. 1 be disagreed to.

This amendment deals with the question of whether procedures of *in vitro* fertilisation and artificial insemination by donor should be covered by the Sex Discrimination Act. At the present time in South Australia, public hospitals at least, offer IVF procedures only to married couples. If the Sex Discrimination Act covered those procedures then those hospitals and the Government guidelines that have been used, I believe, would no longer be applicable, and the procedures could be offered to *de facto* couples or single people.

The Government took the view when this matter was debated previously that, as it is a matter before the Select Committee that this Council has established, and as it is not a matter of great practical importance for the moment, because of the long waiting lists that exist anyhow in the hospitals for these procedures, we should not make an exception for these procedures from the general provisions of the Sex Discrimination Act. However, I do not wish to push that point to the extent of a conference and possibly thereby placing the Bill in jeopardy at this stage.

The matter will be considered by the Select Committee and I would think that that particular topic of the applicability of the Sex Discrimination Act to these procedures is a topic that would be dealt with in any broader legislation dealing with what I might call the more medical and ethical concerns of IVF and AID procedures.

So, it is not really an appropriate matter to be dealt with in this Bill, but the Hon. Mr Griffin used this Bill as a vehicle to exclude these procedures from the operation of the Sex Discrimination Act. That would mean of course that the hospitals could, if they wished, offer them to single people or *de factos*. Their practice to date has been that they do not, and they could be subject to challenge under the Sex Discrimination Act. If the hospitals wish to offer these procedures to *de factos* or single people, then once this amendment passed they would still be free to do so. I doubt whether they will and, as I said, the waiting lists are such that it is probably not a practical consideration. I would also point out, as I pointed out earlier, that it is probable that the Commonwealth Sex Discrimination Act could cover the field in any event. In the light of those factors and in particular the fact that a considerable amount of work has gone into this Bill over a long period before the Standing Committee of Attorneys-General and the fact that it only deals with status questions and not the broader moral and medical issues that have arisen as a result of this new medical technology, the Government will now agree to the amendment proposed by the Hon. Mr Griffin, although it was not our preferred position.

The motion that I have moved will reinstate the situation in the Bill as it left this Council following the amendment of the Hon. Mr Griffin, such that the procedures of IVF and AID will not be subject to the provisions of the Sex Discrimination Act, and hospitals and other people carrying out the procedures will be free to make up their own minds as to what they do. They will be free to offer the procedures only to married couples for the time being without being subject to challenge at least under State legislation although, if some person considered that he or she was being discriminated against on the grounds of sex or marital status under the Commonwealth Act, a possible challenge could be mounted. Effectively the support of my motion which now agrees with the Hon. Mr Griffin's original proposition maintains the *status quo* as it has operated in public hospitals in South Australia.

The Hon. K.T. GRIFFIN: I support the motion because it endorses my original amendment. I have already spoken at some length on this topic and I do not intend to repeat all that I said then. Suffice it to say that what I was anxious to do was to ensure that the Queen Elizabeth Hospital and Flinders Medical Centre fertility clinics were not compelled in consequence of proceedings taken under the Sex Discrimination Act to make the procedures available to unmarried couples and single women in particular.

That was the concern that I was addressing in moving the original amendment, that there had been some suggestions that proceedings would have been initiated under the State Sex Discrimination Act to compel the two clinics to make those procedures available other than to married couples. The Bill allows those involved in the clinics to make a choice according to the best information that is available and not feel that the Sex Discrimination Act may be invoked at some stage in the future to interfere with the decisions we have taken. I am pleased that the Government is sup-

porting the amendment and I support the Attorney-General's motion.

Motion carried.

Amendment No. 2:

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

That the House of Assembly's amendment No. 2 be disagreed to and that the following amendments be made in lieu thereof:

Clause 6—

Page 2, line 38—Leave out 1 July 1986 and insert in lieu thereof 31 December 1986.

Page 2, lines 40 to 42—Leave out all the words in these lines.

This clause was inserted on the motion of the Hon. Diana Laidlaw to, in effect, make the whole of this Division of the Family Relationships Act concerning children conceived following medical procedures (Part IIA) a sunset part to expire, as it left this Chamber, on 1 July 1986. I argued that a sunset clause was completely inapplicable in a Bill of this kind and really was verging on the absurd. That is a view I still hold. I still believe that if there was any need to change the legislation that could have been done by the normal amending procedure.

I do not think that there is any suggestion that what is in this Bill to deal with the status of children conceived following medical procedures is not needed. All it does is deal with the status of those children. That is the only rationale for the legislation. It does not go on and deal with the other moral, ethical and medical problems that arise in this area. So, that being the case, and it being the case that the matter had been discussed at considerable length at the Standing Committee of Attorneys-General, I felt that there was really no case in logic for a sunset clause. I understand that politics is not always about logic and it appears that, if there is a sunset clause inserted in the Bill, people will feel that they will have a greater opportunity to consider amendment to the Bill should that be necessary following the report of the Select Committee.

As I said before, because this Bill deals exclusively with the status of children, I do not really believe that there will be a need for any amendment except possibly some very minor technical drafting amendments that might arise out of the deliberations of the Select Committee. For that reason we are talking about the establishment of a law that relates to the status of people. It really is illogical to say that they can have that status up until a certain point of time and that after that time they may have a different status. But, that seems to be the majority view of this Council and it appears that while I have the logic I do not have the numbers.

It has previously been said by Senator Pat Kennelly, a Labor member of the Federal Senate, 'I have a choice between the logic and the numbers. Give me the numbers any day.' So, members opposite have the numbers and seem to be quite content with that choice. Therefore, I have to bow to the inevitable, and the inevitable is that there is a majority in this Committee for a sunset clause. That being the case the Government was faced again with the possibility that the Bill might fail and, as I said, because a considerable amount of work was put into the drafting and consideration of this Bill by a lot of people over a long period of time, and given that it does have that narrow scope of dealing with the status of children, and that that is an important issue that needs to be clarified, I prefer that the Bill be placed on the Statute Book and be reconsidered as it will have to be before 31 December 1986, although I am confident that there will not need to be any major rewriting of this Bill.

There may need to be another Bill dealing with medical and ethical questions, but with respect to this Bill I am confident that there will not need to be any major amendments. But, that is a matter that the Select Committee can look at in the area of concern which, as I said, is *de facto* relationships, and the definition of *de facto* relationship to which this Bill should apply. It may be that the Select Committee, if it is going to look at that topic, will do it early in the piece. If it is to look at drafting problems and any areas that need dealing with in this Bill it can perhaps come back with an interim report. If that is the case perhaps the Council could set that question at rest early in the piece. In any event, under my amendment, we will have to be back with this Bill before 31 December 1986. But, the Bill at least provides a framework for the moment for determining the status of children born in matrimony, *de facto* or single situations.

The next question that I address is that the amendment moved by the Hon. Diana Laidlaw provided that the status of children was to be governed by this Bill. The sunset clause operated in respect of a fertilisation procedure carried out on or after 1 July 1986 (now to be 31 December 1986) or in respect of a child born on or after 31 December 1986, either within or outside the State. I have deleted paragraph *(b)* of that part of the clause because I think that the sunset clause should relate only to the date on which the fertilisation procedure is carried out. The problem is that if it is also related to the date the child is born, we introduce an additional uncertainty and perhaps the capacity for greater anomalies.

Even though the time of the carrying out of the procedure is a definite time, the time of the birth of the child may depend on many different medical factors. There may be two children conceived on the same day but born at different times: there is the potential that each will have a different status. That is probably a theoretical problem, if we come back and reaffirm the legislation before 31 December 1986. Nevertheless, the fact that the sunset clause is part of the Bill creates that possibility. Therefore, my amendment provides that the sunset clause relates to a definite time: the time of the carrying out of the fertilisation procedure.

Therefore, this part of the Bill dealing with children conceived following medical procedures will not apply to a child in respect of fertilisation procedures carried out on or after 31 December 1986. I think that is a sensible amendment because it extends the deadline and to some extent provides greater certainty. In any event, we will have to reconsider the Bill before that date. I think it gives the Select Committee and anyone else time to consider the Bill and the workings of this and the operation of similar Bills in New South Wales and Victoria.

The Hon. K.T. GRIFFIN: I am prepared to support the Attorney's proposal. Honourable members will know that I have had some difficulties with the Bill to the extent that it sought to deal with the status of children born to persons other than those who were married couples. Of course, that was an extensive debate and the numbers did not support me in my desire to limit it only to the children of married couples on the basis that the matter of children born to those other than married couples would be examined by the Select Committee which has now been established.

I recognise that to the present time that argument has not been successful. Notwithstanding that, I think it is a matter that should be considered by the Select Committee. Whatever termination date is placed upon this Bill, it ought to be a date which is reasonable considering the possible length of the determinations of the Select Committee. I hope that the Select Committee will be able to present an interim report dealing with this issue so that it is clarified once and for all. The date of 31 December is probably not much different, in terms of the principle, from 1 July 1986. If the Attorney-General can live with 31 December 1986, I am prepared to go along with that.

The other part of the amendment seeks to clarify the date even further. Again, I agree that there should be only one criterion which determines whether or not the Bill applies to a child born as a result of IVF or AID procedures. I am satisfied that the actual carrying out of the procedure should be the relevant characteristic for determining the status of a child born as a result of that procedure. Again, I hope that by the time that date arrives we will have a more satisfactory solution to the problem than that which I believe is incorporated in the Bill at the present time. In the spirit of compromise, I am prepared to support the proposal of the Attorney-General.

The Hon. R.I. LUCAS: I refer to the new date of 31 December 1986. A frozen embryo fertilised and frozen prior to December 1986 and then not transferred until after that date may not be covered by the Bill because 'fertilisation procedure' as defined means:

> The procedure of fertilising an ovum outside the body and transferring the fertilised ovum into the uterus.

That would be done after the cut-off point, which means it would not be covered. There appear to be two aspects to the definition of 'fertilisation procedure': one is the fertilisation and the other is the transfer. With respect to a frozen embryo, those two aspects are not very close together. The first part of the definition is the fertilisation that occurs, for example, prior to December 1986. It is then placed in a freezer and kept and it is not transferred until 1987 to the participating couple. Is my interpretation correct that the coverage of this legislation would not apply to that frozen embryo?

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

Motion carried.

Amendments Nos 3, 4 and 5:

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

That the House of Assembly's amendments Nos 3, 4 and 5 be disagreed to.

The amendments relate to the Sex Discrimination Act questions.

Motion carried.

The following reason for disagreement was adopted:

Because the Select Committee appointed by this Council may wish to consider and suggest amendments to the Bill.

[Sitting suspended from 5.35 to 6.10 p.m.]

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

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

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ARTIFICIAL BREEDING ACT (REPEAL) BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 6.17 p.m. the Council adjourned until Tuesday 4 December at 2.15 p.m.