HOUSE OF ASSEMBLY

Tuesday 4 December 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Administration and Probate Act Amendment (No. 2),
Aged and Infirm Persons' Property Act Amendment (No. 2),
Artificial Breeding Act (Repeal),
Bulk Handling of Grain Act Amendment,
Canned Fruits Marketing Act Amendment,
Criminal Investigation (Extra-territorial Offences),
Criminal Law Consolidation Act Amendment (No. 2),
Election of Senators Act Amendment,
Evidence Act Amendment (No. 3),
Juries Act Amendment,
Justices Act Amendment,
Magistrates Act Amendment,
National Crime Authority (State Provisions),
Prisons Act Amendment,
Road Traffic Act Amendment (No. 3),
Soil Conservation Act Amendment,
Tobacco Sales to Children (Prohibition),
Valuation of Land Act Amendment,
Wheat Marketing.

DEATH OF Mr J.S. CLARK

The Hon. J.C. BANNON (Premier and Treasurer): By leave, I move:

That this House expresses its regret at the recent death of John Stephen Clark, a former member of the House, and places on record its appreciation of his long and meritorious service; and that as a mark of respect to his services, the sitting of the House be suspended until the ringing of the bells.

John Stephen Clark, or Jack, as he was so well known to all of us, unfortunately passed away last week. Mr Clark was aged 77 years. He had been the member for Gawler and the member for Elizabeth for a continuous period of some 21 years—a long period of service in the Parliament of South Australia. During his Parliamentary career he served on a number of committees and other bodies of the Parliament. For instance, he was a member of the Joint Committee on Subordinate Legislation for nearly seven years; but his main work in that area was on the Public Works Standing Committee, of which he was a member for some 13 years, the last five of which he served as Chairman of the Committee, that is, from 1968 until his retirement in 1973.

Mr Clark was educated at Gawler Primary School and Gawler High School, and subsequently the University of Adelaide. By profession he was a school teacher with the South Australian Education Department, from 1926 to 1952, when at the age of 44 he won a by-election for the seat of Gawler, and entered this Parliament. Much of his life and activities was centred around the northern and Gawler communities. He was a member of the Gawler council, chairman of one of the football clubs, patron of marching girls teams and town bands and he commentated at the Gawler Annual Show. In other words, he played a very full and active part in all the community activities of his district. His interest in education, naturally, was very high considering his long period in the Education Department. Among other tasks, he was a member of a four person committee which was given the job of compiling a set of reading books for all South Australian schools, and when in Parliament he showed a constant interest in education funding, advocating that specific Federal grants were necessary to ensure the best education.

Another Parliamentary issue about which he felt very passionate was electorate reform. In 1965 the Gawler electorate, which he represented, had over 28 000 electors—that was more than four times the average size of electorates of the day. Fortunately, his Parliamentary career extended to the time of the 1970 electorate reforms which saw that blatant system of unfair electoral organisation abolished by Act of Parliament. As a local member of the district he represented, he championed the cause of British and European migration; he argued strongly for Government policies of decentralisation; and he was interested in workers compensation. His interests were broad, but his specialisation in education was certainly something that made a major contribution to developments in this State, as well as, of course, his constant work on the Public Works Committee. Following his retirement, Mr Clark undertook further public service as Chairman of the Hairdressers Registration Board. He was quite often seen in the House, where his advice was available and indeed it was sought on many occasions.

It is with great regret that we note his death. I convey our condolences to his widow, Sadie, and his four children, and I put on record what a great debt of gratitude we owe to Jack Clark for the period of his service in this House as a backbench member, embodying all those characteristics that make backbench members so important a part of our Parliamentary process. The assistance and advocacy that he gave to his district, coupled with his interests in the broader issues of the State, made him a very fine member of Parliament and a very valued member of the Labor Party caucus. His concern and compassion, particularly for migrants and those establishing themselves in a new country, was something particularly important that must be recognised in this context. It is with very great regret that I refer to the death of Jack Clark, and all those who knew him will know that a very fine person is no longer amongst us.

Mr OLSEN (Leader of the Opposition): The Opposition supports the motion of condolence moved by the Premier as it relates to a former member of this House, Mr Clark. His career spanned two distinct eras, two decades—21 years in service to this Parliament and the State. During those two eras he served whilst there were two distinct styles of Parliamentary Government: first, the Playford era and then the beginning of the Dunstan decade. During that period of time, representing the area of Gawler and Elizabeth, he saw quite significant growth through that region. Mr Clark's approach to his Parliamentary responsibilities, despite these two distinct styles of government, did not change. He was recognised for his unfailing courtesy and humour within this place and was a friend, I am told, of members of all sides of the Parliament.

Although he never became a Minister, as has been pointed out by the Premier he served with distinction within the Parliament under the committee system in serving the Parliamentary Public Works Committee with some distinction for 13 years and for five years as Chairman. This Parliament and the people he represented were certainly the richer for his contribution to this place. In addition, within the committee system of the Parliament Mr Clark served on the Subordinate Legislation Committee for some seven years. Whilst acknowledging his contribution in this place as a person who contributed significantly to the committee system of Parliament itself, it ought to be recognised that he made a distinctive and valuable contribution to his own area of Gawler through involvement with the football club and his

association as well with such other instrumentalities within the town as the Gawler Town Band, the High School Council, and the Children's Hospital Auxiliary.

His involvement in community life extended far beyond the Parliamentary arena and the direct Parliamentary committee system of this Parliament. To that end we acknowledge that he has made a valuable contribution to the community of South Australia and Parliamentary life in South Australia. On behalf of members of the Opposition, I join with the Premier in extending our condolences to his family.

The Hon. B.C. EASTICK (Light): I also support the motion. Jack Clark in this place was Steve Clark in his own home and to many of his Gawler associates. I referred to him in my maiden speech as Jack Sewerage Clark, much to the disgust of some people opposite who had not heard me through. They thought that I was being facetious and unkind, but Jack revelled in the fact that the 's' for sewerage was a vital programme which he undertook over a number of years. He was renowned in the Gawler area for the work he did for his town and, more specifically, in that issue as a simple backbencher.

It is interesting to note that in the tribute paid to him in the local *Bunyip*—the Gawler paper—only last Wednesday, the dedication, verve, and effort he put into obtaining a sewerage system for Gawler was referred to in much the same light. It was a term of endearment when associated with Jack in that way. As indicated, Jack was born 77 years ago at Pinkerton Plains—a small area immediately north of Wasleys. I had the good fortune to know him through the whole of his Parliamentary career, although I must admit that I never voted for him. Whilst I have been his member since 1970, I doubt very much that he ever voted for me. However, that did not prevent us from being very great friends, extending to participation in a number of family events, including the golden anniversary that he and Sadie enjoyed in January 1983.

Jack was a family man, and to Faith, Bernard, Ann and Michael the condolences I am sure of members of this House and indeed of members of the Gawler community have already been extended in a very practical way. Before coming to this place Jack was a school teacher. In fact, he was a member of the Gawler Primary School from 1937 to 1952, when he came here following a by-election, replacing the late Les Duncan, who had died in office. Jack continued to be particularly interested in those matters directly associated with education and the formative years of the young mind and, more particularly, in matters associated with English and the comprehension and appreciation of good books. To go into Jack's library, right to the end, was to go into a library of which any person could be proud and one of which indeed he was particularly proud.

His good humour has been referred to by the Leader of the Opposition, and a number of members of this House who had the pleasure to work with him, indeed, those of us who came here in 1970, recognise him as having transferred from the seat of Gawler to become the first member for Elizabeth and recall that wit. My colleague immediately in front of me might recall, and it is often thrown back at him even today, that the late Jack referred to him as 'gravel voice'. I do not know why, but I leave that to other members to ponder.

The Hon. E.R. Goldsworthy: More sweetly modulated now!

The Hon. B.C. EASTICK: Yes. Members will also recall a number of other pieces of advice given from behind a newspaper from the seat currently occupied by the member for Henley Beach. With and alongside the former member for Ross Smith, a great deal of good humour and some good advice went out to younger members.

The cartoonists in the *Advertiser* had a field day when they were able to report on one occasion a certain piece of activity that had arisen when the former member for Elizabeth referred to the then member for Mitcham as 'an insolent prawn'. Having been called to task by the Speaker of the day, the member for Elizabeth said that with due deference to the prawn he would remove the implication. The following morning the *Advertiser* had a cartoon showing two prawns going up and down in a glass tank of water, one saying, 'You insolent Millhouse, you!'

I mention these things because it was a character which developed through debate, and one which was evident in his contribution to the community he continued to serve in a number of ways after he left this House. He was the editor of the centenary book for Gawler Primary School in 1978. He has had a number of other involvements and right to the time of his death he was the Chairman of the Royal District Nursing Society in the town of Gawler, an area which he has represented in very many ways.

It was most fitting that, as he fought in 1952 for a satellite town establishment, he became the first member for that satellite town, Sir, as your neighbour and mine—you on the south and I on the north. He ably filled that original seat of Elizabeth, which is now divided, as the member for Napier (the Minister of Housing and Construction) will know, as between Elizabeth and Napier. I give my support to the condolences expressed by others and certainly to Sadie, the four members of the family and their families who I know have been comforted by the expressions of goodwill and thought which that been extended by so many people in the community.

Mr EVANS (Fisher): I support the remarks made in relation to the sad passing of Jack Clark, and take the opportunity of recording my regret at his passing. Over the years I served with him, although it was only for a limited time in his total career, I appreciated his comments. In debate he was one of the most cutting members of the House, even though he did not take so many opportunities to speak. However, the thing that I remember him for—one which my colleague the member for Light has omitted—is that he was the only member I recall who stood up in this place and asked members to consider the prayer for which they stand before the start of the Parliamentary day. Those who were here then would recall that he read it out and asked honourable members to take note of it. I took the opportunity of speaking to his widow at the funeral, but I did not speak to his family, and I would like to record in *Hansard* my deep regret at their sad loss, and I hope that they will accept those expressions from me and my family, considering that we did have contact with them at times while the late Jack Clark was a Parliamentarian.

The SPEAKER: I, too, support the motion. When I entered this Parliament some 14 years ago the late Jack Clark assisted me greatly wherever he could. He was a man of whom it could be truly said that he had at the same time ability, common sense, wit and a capacity to command respect. To Mr Clark's great relief I took a sizable area of his electorate, which in those days stretched from Gawler to Gepps Cross, believe it or not. Again, because of this I was constantly asking him for advice and he was only too happy to assist with his contacts in the area.

I am advised by the Clerk of the House today that the late Mr Jack Clark probably has a record tenure of office as Honorary Auditor to the Commonwealth Parliamentary Association, which he served for 25 years. So, speaking on

behalf of the whole House I offer my sincere condolences to his widow and family. I shall make sure that they receive the *Hansard* relating to this motion.

Motion carried by members standing in their places in silence.

[*Sitting suspended from 2.22 to 2.31 p.m.*]

PETITIONS: ANTI DISCRIMINATION BILL

Petitions signed by 242 residents of South Australia praying that the House delete the words 'sexuality, marital status and pregnancy' from the Anti Discrimination Bill, 1984, and provide for the recognition of the primacy of marriage and parenthood were presented by the Hons H. Allison and D.C. Brown and Messrs Evans, Groom, Gunn, Hamilton, Lewis, and Rodda.

Petitions received.

PETITION: FIREARMS

A petition signed by 40 residents of South Australia praying that the House oppose legislation that further restricts the ownership and use of firearms but support the use of funds derived from gun licence fees for the promotion of sporting activities was presented by the Hon. G.F. Keneally.

Petition received.

PETITION: MEAT SALES

A petition signed by 2 235 residents of South Australia praying that the House reject any legislation seeking to extend the existing trading hours for the retail sale of meat was presented by the Hon. J.D. Wright.

Petition received.

PETITION: ORANGE BELLIED PARROT

A petition signed by 131 brownies, guides and their leaders of Davenport, Tasmania, praying that the House restore and preserve the feeding grounds in South Australia of the orange bellied parrot was presented by Mr Trainer.

Petition received.

PETITION: TRAIN SERVICES

A petition signed by 369 residents of South Australia praying that the House urge the Minister of Transport to direct the State Transport Authority to timetable peak hour trains to stop at Keswick station was presented by Mr Hamilton.

Petition received.

PETITION: X RATED VIDEOTAPES

A petition signed by 109 residents of South Australia praying that the House ban X rated videotapes in South Australia was presented by the Hon. H. Allison.

Petition received.

PETITION: VOLUNTARY SERVICE AGENCIES

A petition signed by 18 residents of South Australia praying that the House urge the Government to subsidise charges to voluntary service agencies and to keep any price increases within the parameters of wage indexation was presented by the Hon. H. Allison.

Petition received.

PETITION: PORNOGRAPHY IN PRISONS

A petition signed by 139 residents of South Australia praying that the House urge the Government to withdraw pornographic material from prisons was presented by Mr Lewis.

Petition received.

PETITION: GILLES PLAINS COMMUNITY COLLEGE

A petition signed by 37 residents of South Australia praying that the House provide realistic funding to the Gilles Plains Community College was presented by the Hon. Michael Wilson.

Petition received.

PETITION: KINDERGARTEN UNION

A petition signed by 34 residents of South Australia praying that the House urge the Government to reconsider its intentions to disestablish the Kindergarden Union and to allow it to remain under the care and control of the Minister of Education was presented by Mr Lewis.

Petition recieved.

PETITIONS: EARLY CHILDHOOD EDUCATION

Petitions signed by 52 residents of South Australia praying that the House urge the Government to ensure that the course in early childhood education at Magill campus of the South Australian College of Advanced Education be retained in its present form were presented by Messrs Evans and Lewis.

Petitions received.

PETITIONS: UNSWORN STATEMENT

Petitions signed by 79 residents of South Australia praying that the House support the abolition of the unsworn statement were presented by the Hon. H. Allison and Mr Lewis.

Petitions received.

PETITIONS: OPEN SPEED LIMIT

Petitions signed by 170 residents of South Australia praying that the House reject any proposal to reduce the open speed limit from 110 km/h to 100 km/h were presented by the Hon. H. Allison and Messrs Gunn and Lewis.

Petitions received.

PETITIONS: COORONG BEACH

Petitions signed by 1 374 residents of South Australia praying that the House urge the Government to ensure that the entire Coorong beach remains open to vehicles and the public and that all tracks are maintained in good order were

presented by the Hons H. Allison and D.C. Wotton and Mr Lewis.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions on the Notice Paper, as detailed in the scheduled that I now table, be distributed and printed in *Hansard*: Nos 83, 85, 89, 140, 161, 165, 169, 175, 177 to 180, 186, 190, 193, 196 to 199, 206, 207, 209, 210, 215, 217, 218, 220, 222, 229 to 232, 235, 237, 240, 241, 243 to 249, 252 to 254, 257, 259 to 261, 265, 273 to 276, 279, 281, 283, 285, 286, 288, 289, 292, 320 and 323; and I direct that the following answers to questions without notice and replies to questions asked in Estimates Committees A and B be distributed and printed in *Hansard*.

SOFT DRINK QUALITY CONTROL

In reply to **Mr MAYES** (29 August).

The Hon. G.F. KENEALLY: The criticism referred to in the member for Unley's question relates to Coca Cola Bottlers, which has been prosecuted for the presence of foreign matter in a soft drink bottle. The presence of foreign matter in food is a continuing problem in a wide range of foods in many countries and is not a problem restricted to this State or to the soft drink industry. The matter is treated with concern by both the industry and those charged with the administration of food legislation. However, action both in other States and countries as well as in this State has not yet prevented the presence of foreign matter in foods in all instances. Information obtained from the Metropolitan County Board shows that in the period 1 July 1974 to 30 June 1984 the Board received 1 137 complaints about foreign matter in food. In 138 instances these complaints were about foods in reuseable containers, whilst the remaining 963 complaints were about a wide range of foreign matter in diverse types of food. During that period 238 prosecutions occurred.

The bottling operations of Coca-Cola Bottlers have been inspected and the matter discussed with the General Manager and the Bottling Plant Manager. A significant part of the company's operation is that about 70 per cent of the bottles used are multi-use bottles. The company is well aware of the foreign matter problem associated with the use of returnable bottles and has bottle washing and inspection programmes designed to remove and detect the presence of foreign matter in bottles. These programmes involve through washing and inspection of the bottles before and after filling by visual and electronic bottles inspectors. The visual inspectors have their visual acuity assessed by an optometrist and if needed are provided with prescription glasses. In addition, they are instructed in bottle scanning techniques and, to overcome fatigue problems, they are relieved at 20 minute intervals.

The electronic bottle inspectors are serviced by electricians prior to each day's operations and monitored throughout the day by passing a known contaminated bottle through the system. These devices are subjected to major overhaul four times a year. It is well known that electronic bottle inspectors only scan part of the bottle and do not detect foreign matter on bottle sides. A recent report claims that when these devices are used in series and in conjunction with the visual inspector, the detection rate, whilst being significantly enhanced, still does not detect all bottles containing foreign matter. The inspection operation is similar to that used by other food packers using returnable containers.

At present there is no bottle inspection system that consistently detects all foreign matter defects in bottles, there being defects in both the visual and electronic means of scanning. This is shown by the continuous consumer complaints received and the information obtained from the Metropolitan County Board. Although the rate of contaminated bottles that are undetected is likely to be the same for all beverage packers using reuseable containers, the numbers that occur increase with the numbers processed. The production by Coca-Cola Bottlers of the Coca-Cola range of products and Hall's products is about 1 million bottlers per day and the total number of defects reflects this production level. The presence of foreign matter is a concern to the company and it has ordered additional electronic bottle inspectors to that they can be operated in series and so enhance the detection rate of foreign matter. It is also investigating what other technology is available to deal with the problem.

SCHOOL RAFFLES

In reply to **Mr ASHENDEN** (13 November).

The Hon. D.J. HOPGOOD: Lottery regulations were introduced in South Australia in 1971 for the purpose of providing approved organisations with a lawful means of fundraising. The lottery to which the honourable member refers was conducted by the Banksia Park Primary School Council under a general licence issued on 10 July 1984, in response to an application received on 9 July 1984. This category of licence requires the payment of a $5 application fee and a licence fee of 2 per cent on gross proceeds up to $2 000 or a 4 per cent licence fee on the total gross proceeds where turnover exceeds $2 000. The application nominated a maximum of 100 000 tickets at 50c with total prizes to the value of $12 100. The lottery was drawn on 31 October 1984, and although an audited statement has not yet been forwarded to the Department, the following information was supplied by the Secretary of the school's lottery committee.

Number of tickets sold	53 080	
Gross Proceeds		$ 26 540.00
Expenses	$	
Prizes	8 794.00	
Printing	1 585.00	
Administration	66.79	
Tax	1 063.62	
	$1 509.41	
		$11 509.41
Net Proceeds		$15 030.59
Distribution		
Banksia Park Primary School Council		$3 800.59
Distributed to other schools		$11 230.00
		$15 030.59

Given that the audited statement may show some variation to the above figures, nevertheless the profit was far in excess of the $4 000 which you nominated and the licence fee or tax to which you refer was approximately 7 per cent of profit and not 25 per cent as stated. There are currently some 10 000 organisations that conduct lotteries for the following purposes; charitable, religious, educational, sporting, social, cultural, political, industrial and community. With the exception of bingo, licence fees have not increased since the regulations were introduced in 1971 and many thousands of organisations, including educational groups, have accepted the charges and gained substantial financial assistance through this medium of fundraising.

In 1982, the Lottery and Gaming Act was amended to exempt approved charitable organisations which hold a lic-

ence granted under the Charitable Purposes Act from the payment of lottery licence fees. That decision was only made as a result of considerable investigation and deliberation and in the knowledge that any further exemptions would create anomalous situations. I appreciate the comments made and indeed applaud the fundraising efforts of the various school committees, but given the total situation, I cannot support the request for special dispensation.

WATER TREATMENT

In reply to **Hon. P.B. ARNOLD** (13 November).

The Hon. J.W. SLATER: Chloramination, which has been recently introduced into South Australia, is not a new process. It has been used extensively overseas, including the USA and it has also been used in Brisbane for many years and more recently in Sydney. Chemical disinfectants react with the natural organic material in water and there may be some risk arising from some of the by-products so formed. The risks associated with both chlorine and chloramination are very low and the potential for adverse effects from these disinfectants used for treatment of water supplies cannot be reliably determined with the toxicological and epidemiological methodology currently available. It is unlikely that there are any major differences between the chlorination and chloramination treatment methods but trihalomethanes are produced as the result of disinfection with chlorine.

The choice of disinfection method should be made on the basis of its effectiveness in controlling microbial contamination. Chloramination can be more effective in certain circumstances because of its persistence in long pipelines. The risks to public health of ineffective disinfection are considered to be far greater than the risks, if any, associated with the chemical by-products of chlorination or chloramination, such as the trihalomethanes which are produced as a result of disinfection using chlorine. This view is supported by the recommendations of the World Health Organisation and the Chief Toxicologist, US Environmental Protection Agency. The South Australian Health Commission and the Governmental Standing Committee on Health Aspects of Water Quality have endorsed the action taken by the Engineering and Water Supply Department in the Mid Northern towns, Yorke Peninsula and in the Tailem Bend/Keith distribution systems to control *naegleria fowleri.*

POLITICAL PAMPHLETS

In reply to **Hon. MICHAEL WILSON** (25 October).

The Hon. LYNN ARNOLD: The Secretary of the Department of Education and Youth Affairs recently wrote to the Director-General of the South Australian Education Department concerning the distribution of the pamphlet. He stated:

I assure you that no discourtesy was intended and I regret any embarrassment that you or your Minister may have suffered. The distribution of the pamphlet was planned to follow closely on the publication of the Commonwealth Government's Guidelines to the Schools Commission. It was intended to provide accurate information on the Government's funding decisions.

Unfortunately, delays in printing, over which my Department had no control, had the result that the pamphlet was despatched in bulk to a distributing firm only a short time before the announcement of the Federal election, and its arrival in schools occurs in an election context.

The pamphlet is not intended to be part of an election campaign but is a presentation of information on Commonwealth decisions on school funding.

ELECTRICITY CONSUMPTION

In reply to **Hon. B.C. EASTICK** (1 November).

The Hon. R.G. PAYNE: In the nine years from 1974 to 1983, total sales of electricity per head of population increased by 43 per cent from 3 490 kWh to 4 980 kWh. During the same period domestic sales of electricity per head of population also increased by 43 per cent from 1 450 kWh to 2 070 kWh. During 1983-84 sales of electricity were depressed for a number of reasons relating mainly to the mild weather and the economic downturn with the result that total sales per head of population declined by about 6 per cent and domestic sales per head declined by about 4 per cent. The first quarter of 1984-85 has seen a recovery in sales associated with a higher level of industrial activity as well as a return to more normal weather conditions. On present indications the level of sales in 1984-85 are comparable with those of 1982-83.

VIDEOTAPES IN COUNTRY LIBRARIES

(Estimates Committee A)

In reply to **Mr LEWIS.**

The Hon. G.F. KENEALLY: This financial year, a pilot collection of videotapes will be placed in 12 libraries throughout the State, six of these in country areas. These videotapes will concentrate on information programmes and will be in both VHS and Beta formats. Tapes will be available for loan to the public free of charge. The collection has been made available through funding to the South Australian Film and Video Library. In the joint-use libraries throughout country areas of South Australia videotape collections also exist and these are available in most libraries for the public to use in the library but not to borrow. These videotape collections have been funded by TAFE or the Education Department for their own purposes but because of the joint-use nature of the libraries are available for community use as well. The Libraries Board has been considering the purchase of videotapes for all its libraries but at this stage believes it has a higher priority to establish library collections themselves in all parts of the State before this enhancement takes place. However, it has agreed to this pilot programme to establish the demand for this type of educational material and if it is successful, no doubt will be encouraged to consider seriously the provisions of videotape collections in all its libraries.

GOVERNMENT VEHICLES

(Estimates Committee B)

In reply to **Mr BAKER.**

The Hon. D.J. HOPGOOD: Services and Supply control less than 6 per cent of the total Government car fleet; of the $1 830 million allocated against the 'common motor vehicle purchase' line, only $250 000 relates to vehicles purchased by this Department. Departments receiving their own capital allocation, 1984-85, are as follows:

	$'000
Agriculture	765*
Education	760
E & WS	3 464*
Environment and Planning	440
Fisheries	105*
Lands	370*
Marine and Harbors	395
Mines and Energy	215*
Police	6 410
Public Buildings	1 290*
TAFE	230

*Reduced from 1983-84 level.

The 1984-85 Budget allows for the provision of additional vehicles as below:

	No.	$'000
Correctional Services	27	221
Environment and Planning	3	14
Police	17	180
Public and Consumer Affairs	3	21
TAFE	2	24
Tourism	2	21
	55	488

The gross difference in provisions is $2 609 000. Also included in the 1984-85 budget is an allowance of $325 000 for carryover of unexpended funds from last year for commitments unpaid as at 30 June 1984. The net effect of these two facts is to reduce direct provision for replacements to $17 960 000 in 1984-85. This represents an 11 per cent increase in funds provided which is made up of an average price increase in the year of approximately 8 per cent per unit, plus an increase of approximately 70 in the number of vehicles which were subject to replacement in this year's Budget. The full effects of the reduction in the inner-city fleet will not be felt until subsequent years.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.C. Bannon)—
Pursuant to Statute—
South Australia Jubilee 150 Board—Report, 1983-84.

By the Treasurer (Hon. J.C. Bannon)—
Pursuant to Statute—
State Bank of South Australia Act, 1983—Regulations—Prescribed Amount for Deceased Customers.

By the Minister for the Arts (Hon. J.C. Bannon)—
Pursuant to Statute—
South Australian Film Corporation—Report, 1983-84.

By the Minister for Environment and Planning for the Minister of Labour (Hon. J.D. Wright):
Pursuant to Statute—
South Australian Industrial and Commercial Training Commission—Report, 1983-84.

By the Hon. D.J. Hopgood, for the Minister of Emergency Services (Hon. J.D. Wright):
Pursuant to Statute—
Country Fire Services Board—Report, 1983-84.
South Australian Metropolitan Fire Service—Report, 1983-84.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—
Pursuant to Statute—
Planning Act, 1982—
Regulations—
Development Control.
Roadside and Township Vegetation.
Crown Development Reports by the South Australian Planning Commission on proposed—
Classrooms, Coorara Primary School.
Development by Department of Lands at Berri.
Additions, Strathalbyn High School.
Single Classroom, Eyre High School.
Concrete Water Tank, Reynella.
Maintenance Shed, Lake Butler, Robe.
Additions to Plant Nursery, Brookway Park Horticulture Centre.
Land Division, Hundred of Mann.
Radio Mast, Magill.
Radio Tower, Hundred of Adelaide.
Concrete Water Tank, Aberfoyle Park.
Development by Engineering and Water Supply Department, Yorketown.
Suspension of Cable over River Torrens, Castambul.
South Australian Planning Commission—Report, 1983-84.
Supply and Tender Board—Report, 1983-84.
Planning Appeal Tribunal—Report, 1983-84.

By the Hon. R.G. Payne, for the Minister of Transport (Hon. R.K. Abbott)—
Pursuant to Statute—
Third Party Premiums Committee—Determination, 1984.
State Transport Authority—Report, 1984.

By the Minister of Education (Hon. Lynn Arnold)—
Pursuant to Statute—
Education, Director-General of—Report, 1983.
Education Act, 1972—
Regulations—Book and Material Grants.
Teachers Registration Board—Report, 1982.
Fisheries Act, 1982—Regulations—
Aquatic Reserves, Upper Spencer Gulf.
Investigator Straight Experimental Prawn Fishery Fees.
Upper Spencer Gulf.
Metropolitan Milk Supply Act, 1946—Regulations.
South Australian Teacher Housing Authority—Report, 1983-84.
University of Adelaide—Report and Legislation, 1983.

By the Minister for Technology (Hon. Lynn Arnold)—
By Command—
South Australian Council on Technological Change—Technology Appraisal—Automated fuel systems.

By the Minister of Tourism (Hon. G.F. Keneally)—
Pursuant to Statute—
Chiropractors Act, 1979—Regulations—Accepted Institutions.
Food and Drugs Act, 1908—Regulations—
Advisory Committee Attendance Fees.
Packaged Perishable Foods, Date Marking.
Health Act, 1935—Regulations—Pesticides.
South Australian Health Commission Act, 1975—Regulations—
Incorporated Health Centre Fees.
Incorporated Hospital Fees.

By the Minister of Local Government (Hon. G.F. Keneally)—
Pursuant to Statute—
Local Government Act, 1934—Regulations—Proceedings of Councils (Amendment).
Public Parks Act, 1943—Disposal of Land—
Aberfoyle Park.
Thebarton.
Athelstone.
Hove.
District Council of Kimba—By-law No. 27—Repeal of By-laws.
District Council of Robe—By-law No. 26—Street Traders and Street Hawkers.

By the Minister of Community Welfare (Hon. G.J. Crafter)—
Pursuant to Statute—
Children's Court Advisory Committee—Report, 1983-84.
Classification of Publications Board—Report, 1983-84.
Corporate Affairs Commission—Report, 1983-84.
Community Welfare, Department for—Report, 1983-84.
Rules of Court—Supreme Court Act, 1935—Supreme Court—Control of Records.

MINISTERIAL STATEMENT: SCHOOL DISCIPLINE

The Hon. LYNN ARNOLD (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: Discipline in schools is a vexed question which is repeatedly raised in school and community groups and through the media. The community agrees—in fact, demands—that schools provide the security, care and organisation to ensure the right learning environment for students. How schools set about achieving this is the issue which can often polarise a school community. It was in the interest of coming to grips with various concerns and developing a coherent response that I asked the Education Department to prepare a public discussion paper

raising issues about the appropriate setting for learning in our schools and the management of student behaviour.

It is the second policy development paper issued by this Government to encourage the community to contribute to development of important educational policies. This is the first South Australian review of the ways in which student behaviour is managed in our schools. I might say that it is not before time. Vast changes in the attitudes of the community have occurred over the years. These changes are of course reflected in our schools and in the behaviour of students.

There are many different areas of change. Firstly, circumstances outside students' school life obviously influence their behaviour within the school. With increased changes in the structure of families, increases in violence in the home, poverty, drug abuse and alcoholism and unemployment, the effects of these factors are displayed through student behaviour in school hours.

There is also a general sense of gloom about the future which many teenagers have. They know that steady attention to school work does not necessarily mean steady employment prospects and consequently can feel angry and rebellious. A change in the way in which youngsters react to adult authority also has emerged in recent times.

Finally, over the years, significant changes have occurred in parent and community attitudes, particularly in relation to the responsibilities of the school. The school today is expected to be involved in areas once the preserve of parents, the extended family and the church. All these factors and others raised in the discussion paper have mounted strong pressure on the traditional means of ensuring that schools are productive, supportive places for students.

The paper outlines some of the measures used now to assist this aim and points to some possible areas for review. The paper also highlights legislative deficiencies. There are at present only four sanctions against disruptive behaviour which are legally defined and set out in regulations under the Education Act. They are detention, suspension, corporal punishment or expulsion.

There are many other strategies, including counselling with students and/or parents, loss of privileges, referral to guidance officers of Department for Community Welfare/Child, Adolescent and Family Health Service panels which are more regularly used. The paper's principal recommendation is that, rather than a central departmental policy on disciplinary measures, each school work up its own school-based policy.

I believe this is an issue which requires thorough public discussion and examination. I am therefore urging strong community input, inviting public submissions until 30 March 1985. It is through this process that I hope a new, constructive approach to and support for schools in relation to school discipline can be achieved.

PUBLIC WORKS COMMITTEE REPORTS

The **SPEAKER** laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Aberfoyle Hub Primary School,

Naracoorte College of Technical and Further Education—Multi-purpose Workshop (Construction),

Parafield Poultry Research Centre—New Laboratory.

Ordered that reports be printed.

QUESTION TIME

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the time for asking questions be extended to 3.50 p.m.

Motion carried.

PARLIAMENTARY SUPERANNUATION SCHEMES

Mr OLSEN: In view of the precedent established by the present Federal member for Boothby, will the Premier ask the former member for Elizabeth to transfer his superannuation entitlements to the Commonwealth Parliamentary Fund rather than seeking a lump sum payment from the South Australian Parliamentary Superannuation Fund? In 1974, when the present member for Boothby (Mr Hall) resigned from this House to take a seat in the Commonwealth Parliament, he was eligible for a lump sum superannuation payment of $50 000 or, in today's terms, $146 000, but instead the member for Boothby, who had some 14 years service in this House, elected to transfer his entitlements to the Commonwealth Parliamentary Fund.

However, it is reported in the media that the former member for Elizabeth is seeking a lump sum payout in excess of $200 000, more than half of which was contributed by South Australian taxpayers. Such a payout is not in keeping with the spirit of the Parliamentary Superannuation Act or the principle that Parliamentary superannuation is a means of providing an income in defeat or retirement.

The Hon. J.C. BANNON: I have only seen reports in the media about Mr Duncan's intention, and I do not recall seeing a definitive statement about what he will do. In fact, as I recall those reports, he said that he had not made any approach about the matter at this stage. So, presumably he is contemplating what would be the best method of continuing his superannuation benefits, and no doubt he will be taking that up with the trustees.

However, I agree with the Leader of the Opposition that the principle of the Parliamentary Superannuation Act in this area, dealing with involuntary retirement, is to allow for those situations where a member is forced out of Parliament either by loss at an election or I think also in circumstances where he loses the endorsement of his Party or where ill health requires him to leave Parliamentary life. In all those instances, of course, it is quite proper that the appropriate payout should be made. Bear in mind that all members of Parliament are contributing to the superannuation fund at the rate, I think, of 11.5 per cent of their earnings, which is about double or certainly significantly more than most schemes, in order to allow for the sort of contingencies occurring in Parliamentary life.

However, as I understand it, that provision in the Superannuation Act which allows transfer to the Federal Parliament to be treated as a situation of involuntary retirement has been included there in order to allow the member to transfer to the Federal scheme the superannuation accruals that he may have obtained at the State level. Again, I think that that is appropriate: there are many such arrangements among superannuation funds.

Of course, our Parliamentary Superannuation Act is arrived at by agreement between the Parties. It is not a scheme that has been implemented in any partisan way: it is implemented on actuarial and other advice in order to provide benefits to members. However, I do agree that, if one then looks at the principle and the reasons behind that provision of the Act, it is not intended that large lump sum payouts should be made at the time of such transition where it occurs in these circumstances, and I hope that Mr Duncan will have regard to that.

GRAND PRIX

Mrs APPLEBY: Will the Premier advise the House of the arrangements for televising Adelaide's Grand Prix to overseas countries? On 28 November the Leader of the Opposition released a statement in which he claimed that the race would not be shown in Europe. The Leader's statement was based on an article in the *Bulletin* magazine, which was published on 28 November.

The Hon. J.C. BANNON: I did see the Leader of the Opposition's statement, and I was both surprised and concerned by it. I was surprised in that he not only misinterpreted what the *Bulletin* said but also he showed a complete lack of understanding about the way in which the Grand Prix races are packaged and presented on international television; and I was disappointed in that it seemed that the Leader was expressing the sort of negativism that unfortunately is becoming too familiar in areas of State development.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It was interesting that in referring in his press release to that particular aspect of the *Bulletin's* statement the Leader neglected a number of other statements about it. For instance, reference was made by the writer in the following terms:

> It's an historic event for the whole country and a coup for the South Australian Premier, John Bannon, who has worked for many months to make it happen.

Later, he stated:

> It's a tribute to Bannon that he has made his way through the Association's maze to snare a Grand Prix.

I do not lay claim to all of that praise. The fact—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The fact that we are getting a Grand Prix—

Members interjecting:

The Hon. J.C. BANNON: I ask for your protection, Mr Speaker.

Members interjecting:

The SPEAKER: Order! I ask the Premier to resume his seat. In attempting to carry out the Standing Orders, I do not place upon them my own interpretation, but quite clearly the Premier has been consistently interrupted. I ask that honourable members pay due regard to the Standing Orders. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. I was saying that I certainly do not lay claim to all the credit for the Grand Prix. Many people have been involved over a period, and it has been very much a joint effort of a number of those people, including me, which has ensured that we are in a position to have the Grand Prix in Australia. However, it was interesting that in that very churlish and misrepresenting statement no reference was made to those aspects of the article which were in great praise of the coup that had taken place.

As for the specific question of television coverage, the main aim of the Government in this regard is obviously to ensure that, as part of the publicity surrounding a Grand Prix, Adelaide and South Australia receive international recognition and coverage. Each of the Grand Prix at present is the subject of a promotional package that is begun by a segment varying from about four to 10 or 15 minutes covering the details of the city in which the Grand Prix is being held, highlighting that city's particular attractions and setting the scene. It is the sort of tourist publicity and presentation that money simply could not buy for that sort of audience. These packages are put together by promoters, and for a number of races FOCA (Formula One Constructors Association) has had that job. I have obtained from Mr Eccleston a video that he has put together for me showing the various introductory segments to some of last year's series of races. I will have that video copied and made available to the Parliamentary Library so that members can view it, and I think that they will see just what sort of presentation we can expect as part of that.

Clearly, we want the television coverage of Adelaide to be shown at the best available time overseas and one at which there will be maximum audiences. It is not simply a question of cars going around a circuit for an hour and a half but the featuring of the city, and this is where the introductory package is so important. The telecast will go out of Australia live, and each country that receives it will determine at what time it is shown. This is the case in all Grand Prix events.

I make the point that if a race were held at 3 p.m. in Adelaide and shown live, it would be viewed in the UK at 5.30 a.m. and in most parts of Europe at 6.30 a.m., and in some parts of the United States its showing would range between 4 p.m. and 9.30 p.m. the day before. The point is whether or not that is the best time to get an audience, and that is a decision that has to be made by local TV stations that pay for the Grand Prix coverage. For example, when Australia receives the coverage of the Grand Prix from Brazil, it comes to Australia live at 1.45 a.m., but because the audience at that time of the night obviously would be fairly minimal it is not shown then: it is recorded and played later in the morning when there would be a larger audience.

Similarly, some of the European Grand Prix have been recorded and played later to avoid clashing with other sporting events such as Wimbledon, and the American packages for European and other races are shown at different times. Therefore, there is no point in insisting, nor have we ever suggested, that a live broadcast in Europe or other parts of the world is necessary. In fact, a live broadcast could substantially reduce the audience and the coverage that we would anticipate. So, I much regret the very negative and carping tone of the press release, the eager seizing on one supposedly negative aspect, which in fact was not negative at all but is positive if one looks at the way in which Grand Prix are packaged and marketed. It is a great pity that the Opposition, as usual, is demonstrating, in the interests of creating a bit of political flack and getting some publicity, that it will knock anything and everything that is going on in South Australia.

PARLIAMENTARY SUPERANNUATION ACT

The Hon. E.R. GOLDSWORTHY: Can the Premier say whether the Government will amend the Parliamentary Superannuation Act to ensure that any member who resigns from this Parliament to immediately and successfully contest a seat in the Federal Parliament must transfer all superannuation entitlements to the Federal Parliamentary Fund rather than collecting a lump sump payout from the State Parliamentary Fund?

The Hon. J.C. BANNON: The Deputy Leader of the Opposition well knows—knows better than I, in fact—that amendments to the Parliamentary Superannuation Act are arrived at by discussion and agreement between the Parties. I would have thought, in the light of the recent publicity surrounding this particular aspect of the Act, that it would be in the interests of the Parties to have such discussions. The Deputy Leader would also be aware that there are one or two other minor amendments which have been discussed previously and which affect members on his side as well as ours, and they have been the subject of discussion and analysis. I would anticipate that any changes that have to be made should be made in the context of any overall

changes. So, I would suggest that it be taken up in the way that it has always been taken up—between the Parties.

POLLING BOOTH FACILITIES

Mr MAYES: Will the Minister of Community Welfare—

Members interjecting:

The SPEAKER: Order! I hope that the Leader and the Deputy Leader will refrain from their conversation across the floor with the Premier. I am calling the member for Unley, and I invite him to start his question again.

Mr MAYES: Will the Minister of Community Welfare, representing the Attorney-General in another place, ask the Attorney to provide access for disabled people to all polling booths? I noticed in several editions of the *Advertiser* last week that full page advertisements had been placed by the Australian Electoral Commission outlining polling areas and stating where polling booths would be situated. In addition, in the advertisements, asterisks were marked highlighting polling booths providing access for disabled people. In the whole of the District of Unley there is only one polling booth which provides access for the disabled—

Mr Whitten: In Price there wasn't even one.

Mr MAYES: —and I am informed that the electorate of Price in fact had none available. The matter of access to public buildings is one of great concern and has been raised with me on several occasions by people in my electorate. As voting is compulsory, I ask the Attorney to investigate this matter, because on Saturday I saw several disabled people who were not able, under their own steam, to gain access to the polling place.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. The point that he takes is well made, and I will be pleased to refer this matter to my colleague in another place for discussion with the Commonwealth and State electoral authorities together, so that further attention can be given to this important aspect of access to polling booths for the disabled.

PARLIAMENTARY SUPERANNUATION FUND

The Hon. MICHAEL WILSON: My question is directed to you, Mr Speaker. As a trustee of the Parliamentary Superannuation Fund have you, or has any officer authorised by you to do so, had discussions with the former member for Elizabeth about his superannuation payout entitlements and, if there have been such discussions, will you say whether the former member is seeking a lump sum payout?

The SPEAKER: There are two things that I wish to say. As I read the Act, I am one of three trustees of the money, and one of the sacred trusts that is to be borne by any trustee is that he never discloses the personal affairs of any beneficiary. So, on that ground, I would not disclose that information and, even if my view were rather old fashioned and conservative about these things, I certainly would not disclose it unless there had been a meeting of the trustees and a unanimous decision had been made to pass on the information.

NEW POWER STATION

Mr GREGORY: Can the Minister of Mines and Energy give the House a progress report on the work being undertaken to select a South Australian coalfield to fuel the State's next major power station?

The Hon. R.G. PAYNE: Yes, I just happen to have with me a progress report on that very matter.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: I am sure that all members of the House will be very pleased that I am able to provide the information so shortly after being asked. I can report to the House that the selection process has now moved into high gear following the receipt about two weeks ago of commercial proposals from the owners of the four coalfields in contention. Members would be aware that the deposits under consideration are Kingston, Lochiel, Sedan and Wintinna. Each of the proponents submitted their bids to the Future Energy Action Committee on 19 November. Each bid contained detailed mining plans, costings and commercial offers, backed up by an enormous quantity of supporting documentation. In total, the four bids represent more than $2 million worth of expenditure on the part of the competing companies.

The Future Energy Action Committee is now undertaking a detailed assessment of the four proposals, with the expert assistance of the West German consultant, Rheinbraun. The committee's principal task is to identify the preferred deposit and one alternative on the basis of the delivered cost of electricity. These nominated deposits will then enter the environmental impact statement process to ensure that the proposed mine and power station developments are environmentally acceptable. Once the necessary environmental approvals have been obtained a decision on the precise timing of the need for the new power station will be made.

This process will ensure that the State is in a good position to proceed with the lowest cost electricity generation option whenever it is required. On the basis of the present time table, I expect to be advised of the results of the committee's evaluation in the first half of 1985. The coalfield assessment is not the only task being undertaken by the Future Energy Action Committee. It is continuing to supervise a number of other major energy initiatives recommended by the Stewart Committee, including natural gas supply, interconnection, long term coal utilisation and alternative energy options.

THIRD PARTY INSURANCE PREMIUMS

The Hon. D.C. BROWN: Can the Acting Minister of Transport say what anticipated loss in third party insurance premiums the SGIC will incur in 1984-85 as a result of the Bannon Government's delaying the increase in premiums until February of next year, and to what extent this will cause further substantial increases in premiums next year to cover the loss during 1984-85? Yesterday, apparently by sheer coincidence, two days after the Elizabeth by-election and the Federal election, the Government announced a 15 per cent increase in third party insurance premiums. Of course, we all know that that was a very devious move by the Bannon Government.

The SPEAKER: I ask the honourable member to cease debating the matter.

An honourable member interjecting:

The Hon. D.C. BROWN: No, it certainly did not. On 13 November, the Minister of Transport, in answer to a question I had asked, said that he expected a decision within a week, after obtaining more information. Exactly a week later, on 20 November, I again challenged the Minister of Transport to release details of the premium increases. However, it was not until 22 November, according to this morning's *Advertiser,* that the Minister even wrote to the Premiums Committee and asked for further information.

In other words two days after the Minister said that they would finally make the decision they wrote and asked for that additional information. Why the delay? The Government's delay of five months in appointing a Chairman to

the Premiums Committee is one reason why the premiums have increased so much this year. In five months they will need to try to collect what normally would have been collected in a 12-month period. Further large increases can be expected next year as a direct result and consequence of these two major delays by the Bannon Government: first, the recent delay in the making of the announcement and, secondly, the much more substantial delay earlier this year in the selection of the Chairman to the Premiums Committee.

The Hon. R.G. PAYNE: Over the years that I have been in this Chamber I have become quite used to the style of questioning by the honourable member: it is one of innuendo, smear and general sneer. In this case the honourable member also has a selective memory. In referring to the time taken for the announcement to be made about this matter the honourable member's memory was short because he was a member of a previous Administration in March 1981 (a period when his Party was in Government although he was not necessarily the Minister) when the time between the original determination from the committee and its announcement by the Government was such that the determination was originally made on 27 March 1981 and the then Government did not make the final announcement until 20 May 1981, a period of 54 days.

In this case we are referring to a period of three weeks or so, during which, on the chronology of it, perhaps there would have been time for two Cabinet meetings and the honourable member knows darn well that matters of this nature might well appear on a Cabinet agenda and then require further information subsequently and a further appearance on the Cabinet agenda.

The Hon. D.C. Brown: You are being defensive about it, aren't you?

The Hon. R.G. PAYNE: I am not being defensive at all; I am simply explaining that it is not unusual for a time to elapse between the determination and the announcement. The honourable member seemed to imply that there has been some lack of effort on the part of the Minister whom I am representing today and who is overseas on Government business. I would refute that also because, when the release was made, the correspondence concerned was also released and the date on the correspondence shows a time lapse between the letter from the Minister to the committee and a return letter providing answers to the matters raised in the letter from the Minister. In the event, the kind of information which was supplied and which was subsequently available for consideration did not perhaps address the matters in the way I can only assume the Minister might have expected. It was his letter, not mine (I am speaking in an acting capacity). I can assure the House and the honourable member that there was no undue delay nor was there any untoward way in which this matter was handled. For that reason, the correspondence shows beyond doubt that that is the case.

CARLTON UNITED BEER BOTTLES

Mr MAX BROWN: Can the Minister for Environment and Planning say whether the Government is able to provide suitable recycling facilities for the return of Carlton United beer bottles; if so, can the Minister make sure that these facilities are available in country areas and if, by chance, no provision is available, can this situation be examined? It appears that Carlton United Brewers have made considerable inroads into the South Australian beer market. A constituent of mine has told me that he is unable to return the Carlton United beer bottles to recognised bottle recycling outlets simply because those outlets are unable to satisfactorily dispose of them. If this is true, it would seem quite improper.

The Hon. D.J. HOPGOOD: The first thing I want to say about this matter is that I assume the honourable member is talking about reusable containers, which therefore in the normal course of events would be part of what we call the Pickaxe system and as such are exempt from the legislation. If, in fact, they are one-trip containers, they would attract a 5 cent deposit under the legislation and that is something which would be recoverable.

On the assumption, and I think I am right, that the honourable member is talking about the Pickaxe bottle or its smaller relative, the 450 ml bottle, then that is something over which the Government has no direct control because those bottles are exempt from the Act on the understanding that the industry is operating its own system. There has been some minor breakdown in the system because of the intrusion of the Carlton United beer into the South Australian market. Until recently the Adelaide Bottle Company had been handling bottles used for the sale of Victorian produced beers, but the Adelaide Bottle Company is no longer handling those containers. Arrangements have been made for Can Recycling (S.A.) Pty Ltd to handle bottles used for the sale of Victorian beer. Previously cans from country dealers and consumers had attracted the same rebate as the rate paid for bottles originating within this State, that is, 30c per dozen. The Can Recycling company is now requiring country dealers to pay their own freight costs to Adelaide, thus reducing the margin of the marine store dealer and as a result the dealer in Whyalla is refusing to handle Victorian bottles.

Representatives of the manufacturer of the beer bottled in Victoria will be in South Australia soon to discuss the issue and provide assistance with the transition, and I have every confidence that indeed we will be able to get back to a reasonable position. I would take the opportunity of calling upon the industry to ensure that this is so. Successive Governments have agreed that the Pickaxe system should be exempt from the legislation on the understanding that a reasonable system would be operated by the industry. If that system is to break down in any significant way, of course, it would be necessary for the Government to consider what at present it does not want to do and that is, of course, to expand the ambit of the legislation.

FIXED TERM PARLIAMENTS

The Hon. B.C. EASTICK: Can the Premier say when the Government will introduce legislation for fixed term Parliaments? We are told that a draft Bill for fixed Parliamentary terms has been discussed by Cabinet on four occasions during the last 10 weeks, the latest occasion being yesterday. Originally the Government had promised to introduce the legislation during the previous session. I have been told that the legislation is now being delayed for two reasons: first, the Government now accepts that it will not win the next election and therefore it does not want to guarantee the next Liberal Government four years in office; secondly, following its defeat in the District of Elizabeth, the Government wants to keep open its option for an election early next year. This would be the fourth successive early election called by a Labor Government in South Australia and would expose the complete hypocrisy of the ALP policy for fixed terms.

An honourable member: How extraordinary!

The Hon. J.C. BANNON: I think that is an appropriate comment, if comments or interjections can be appropriate.

The SPEAKER: They are always out of order.

The Hon. J.C. BANNON: That really is a straw man that has been put up nonsensically. I do not know the origin of the report in the *Advertiser* this morning but clearly a document has fallen off the back of a truck.

The SPEAKER: Order!

The Hon. J.C. BANNON: The Attorney-General will be introducing a Bill this week. I would have thought that that indicates what nonsense are both of the statements made by the honourable member. As to the first statement, that is, that we will not win the next election, we will see about that. I do not think that the Opposition can draw any comfort whatsoever from the events of the weekend.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The fact is that, despite unusually large swings in some seats against the Labor Party, the overall vote was higher than was the vote that we achieved to win office in this State at the last election.

Members interjecting:

The Hon. J.C. BANNON: The interjections that are coming now are very interesting because honourable members opposite are beginning to hear the analysis. I would suggest that a number of members opposite would be feeling considerably shaky in the light of those figures. Indeed, the member for Newland, who shakes his head, is one of those, because there is no question that on those figures the member for Newland will be out on his ear.

Members interjecting:

The SPEAKER: Order! I ask honourable members to support the Chair; otherwise I will vacate it until the end of Question Time.

The Hon. J.C. BANNON: Mr Speaker, you are quite right, and I thank honourable members for their assistance: I am in fact referring not to my colleague the current member for Newland, but to the member for Todd, who proposes to be the member for Newland after the next election. I am simply saying to him that he can draw very cold comfort indeed from those figures. I admire his bravado, but on looking at the figures he would be very concerned as to whether he may or may not occupy the seat of Newland. I would also suggest a bit of uneasiness on the part of the current member for Glenelg, the hopeful, after the tortuous process that has gone on, for the seat of Bright. I would suggest that whoever it is who will be the candidate for Fisher—it may be the current member for Fisher, I am not quite sure—would also be concerned about the results.

Members interjecting:

The Hon. J.C. BANNON: I am six months behind: there were so many contests, permutations and combinations that I am not surprised.

An honourable member interjecting:

The Hon. J.C. BANNON: A very successful rejection of the Whip. In dealing with the Federal election and the assertion of the member for Light, I would suggest that the Federal election results, which showed a vote better than we obtained in winning Government in this State in 1982, will be more than repeated at the next election.

Members interjecting:

The Hon. J.C. BANNON: It is true; look at the figures. As to the Elizabeth by-election, that has certainly been canvassed very fully in the press. My attitudes and those of other members of my Party on that are quite clear. Indeed it was a quite disappointing result which saw a rejection of our official candidate, but I suggest again that that is very cold comfort for members opposite.

Members interjecting:

The Hon. J.C. BANNON: Indeed the Liberal vote progressively in Elizabeth—

Members interjecting:

The Hon. J.C. BANNON: How they shout when they are in trouble! In the past five years the Liberal vote in Elizabeth has dropped from 32.8 per cent to 15.5 per cent. On Saturday there were two candidates: one was the officially endorsed Labor candidate, handing out 'how to vote' cards and under our Party banner, and the other, with his supporters, stood with a very large badge and leaflets supporting the Federal Labor Party ticket and with the word 'Labor' in very large letters—I think misleadingly—emblazoned on there. The combination—

The Hon. E.R. Goldsworthy: You are trying to find any excuse.

The Hon. J.C. BANNON: It is no excuse: I am simply putting the facts before you.

An honourable member interjecting:

The Hon. J.C. BANNON: Yes indeed. Throughout his campaign, Mr Evans stressed that he was a supporter of Labor and the Labor Government. That is what he said; that is what his Party literature said, and what his 'how to vote' card and his supporters said. Between our official candidate and that man purporting to be a Labor candidate our combined vote was 78.2 per cent. Again, I am very surprised that the Opposition Parties find great satisfaction in a result which has seen their vote slump to the lowest level ever seen during an election.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I turn now to the second point made by the member for Light, concerning the question of an early election. My Government was elected for a three year term in accordance with the normal Constitutional requirements. We also embarked on a three year programme, and I am certainly not involved in seeing that programme distorted and disrupted by early elections. It may be that members opposite will attempt to precipitate that situation, but I can assure them that there is no intention and never has been an intention to have an early election. We are two thirds the way through our programme and we will complete our programme and go to the people then.

GNUZTOOB

Mr HAMILTON: Will the Minister for Environment and Planning investigate the use of a tube called the Gnuztoob, described in Western Australia as a boon for the harassed postie, and whether this tube has an application in this State? As the Minister would be aware, the question of junk mail has been a long and vexed one, particularly in relation to unsolicited mail and clogged up letter boxes, especially at weekends, when distribution is at its heaviest. It would appear from an article published in the *West Australian* of 15 November that the tube has been hailed as a boon for postmen fed up with trying to find room for letters amongst newspapers and junk mail. I understand that the tube fits on letter boxes, and it has been described by the Keep Australia Beautiful Council Director as being very pleasing. I ask the Minister whether he will look at this matter in relation to its possible application in South Australia.

The Hon. D.J. HOPGOOD: When the honourable member first began his question I had a little trouble working out whether he was referring to some sort of container for that South African animal which I believe is similar to the wildebeest or whether in fact it was a play on words which referred to the news in the sense of a newspaper or information which is spread around the place. But having heard the honourable member's admirable explanation, and knowing that he may well be close to being the champion letter boxer in relation to members from either side of the House, I better understand the question. In letter boxing that I have

done I have seen a tube welded above or below the letter box into which rolled mail can be placed, and I assume that that is what is being suggested here. There is no sort of pneumatic tube which would then take the rolled mail into the house, or anything like that! The mail stays there and the tube takes some pressure off the letter box. I think that the suggestion is admirable and relates to a matter that people could consider but that it is not something for which we should legislate.

SPEAKER'S VOTE

The Hon. JENNIFER ADAMSON: Mr Speaker, I address my question to you. Does the Speaker support the Government's policy that the Speaker should indicate his concurrence or non concurrence with a Bill which alters the Constitution, and, if so, will the Speaker give a guarantee to the House that he would not exercise this right on any other occasion? The result in the Elizabeth by-election at the weekend has raised the distinct possibility that there will be occasions before this Parliament expires when there will be an equality of votes at the second or third reading stages of legislation before the House.

The question of the rights of the Presiding Officer in these circumstances has been disputed in another place and, while the Government has proposed to have the matter tested in court, it has not done so. Instead, I understand that the Government has now drawn up legislation which effectively proposes to disfranchise all electors represented by the Speaker by denying the Speaker a vote on all Bills except those which propose alteration to the Constitution.

The SPEAKER: My answer is very short. If there has been a majority decision of Caucus and the votes are equal, I will vote according to the majority decision of Caucus. If, however, it was a matter of conscience, and there was an equality of votes, I would vote according to my own conscience.

CHILD RESTRAINTS

Ms LENEHAN: Will the Chief Secretary initiate discussions with the Commissioner of Police in respect of the introduction of a campaign, first, to enforce current laws relating to the use of child restraints within motor vehicles and, secondly, to widely publicise those laws? In the past six months I have been approached by a number of my constituents who have expressed concern at the apparent lack of understanding by the community of current laws relating to the restraint of children within motor vehicles. I was approached again yesterday by a constituent who described to me the scene of a child hanging out the back of a car as the car travelled along at 100 kilometres an hour. My constituent expressed a concern which I believe is felt by many people in the community about the safe constraint of children within motor vehicles. I make clear that I am not criticising the Police Force in any way, but am suggesting that a campaign be mounted along the lines of a drink driving campaign—

The SPEAKER: Order! The honourable member is now debating the matter.

Ms LENEHAN: —to promote the safe use of these restraints.

The Hon. G.F. KENEALLY: I thank the honourable member for her question. I am sure that all members of this Parliament agree that the dangerous practice of children travelling in motor vehicles, particularly at speed or even within the speed limits applicable in the State, without suitable restraint is a very dangerous practice indeed and one that ought to be curbed. I also take the honourable member's assurance that in no way is she reflecting on the effectiveness of the South Australian Police Force in policing this law. We would all agree that it is a fairly difficult one for the police because of the number of motor vehicles, the number of children and the number of police who have the responsibility for our roads.

The suggestion that there ought to be an advertising programme alerting South Australians to the danger of such practices is a good one, and I will give an undertaking to the honourable member that the matter will be taken up with the Commissioner of Police so that he can advise whether such an advertising or publicity campaign is warranted or has already been proposed. I will certainly take up the matter with him. It is a good suggestion and one with which all members of Parliament would agree. I am certain that it is one with which members of the Police Force would agree and it must to be to the benefit of parents and particularly to young children who travel in motor vehicles in South Australia.

LANGWARRA WINE COMPANY PTY LTD

The Hon. P.B. ARNOLD: Will the Premier advise whether the Government held discussions with Ferrier Hodgson and Company, receiver managers for Langwarra Wine Company Pty Limited, to ascertain the long-term viability and potential of the company to trade out of financial difficulties if a State Government guarantee were provided. The Premier would be aware that the Langwarra Wine Company, based at Monash, has gone into receivership and owes about $1.25 million to wine grapegrowers in that area. An article headed 'Financial help needed—receiver' in the *Murray Pioneer* of 30 November 1984 stated:

> Langwarra Wine Company receiver/manager, Mr Tony Hodgson, wants Government support for the winery. He said that he was urgently seeking talks with Government representatives to ascertain the level of support available.

Many of the 265 growers involved with Langwarra are the same growers who lost out when the Vindana and Monash wineries collapsed, thus leaving the growers concerned in a virtually impossible financial situation. It is considered by many that the only real chance of growers being paid in full for grapes delivered in the 1984 vintage is for the company to continue trading. Since the company has a good market outlet for its style of wine, which is appreciated by the multi-cultural community, Government support by way of guarantee could well be justified.

The Hon. J.C. BANNON: Those talks are taking place. I have not received a report nor any specific proposals as to their outcome. However, as the honourable member would be aware, the Government through its officers moved swiftly to apprise itself of the situation and to hold discussions. The honourable member himself contacted me last week to make representations as a result of meetings. I was a little disappointed after that contact to read a subsequent edition of the *Murray Pioneer* which continued a report of some fairly upbeat statements by the member, some of which were misleading.

For instance, it is wrong to suggest that the problems surrounding Langwarra are associated with the water costs of irrigation in the Riverland. Certainly, that is a cost factor in the production of grapes, but it is nothing to do with the collapse of Langwarra. In fact, the honourable member also called on certain action to be taken, and, indeed, my colleague the Minister for Water Resources had that in train at that very time. So, we have taken the necessary steps, but I do not think it helps the growers of the Riverland or the Riverland area generally to suggest that there are simplistic

solutions to underlying structural and marketing problems—most severe marketing problems.

I assure the honourable member that, to the extent possible, the Government is ready to assist, but it is an unfortuante fact of life that the Government cannot simply go around picking up every business that fails and providing guarantees and support for them. That, first, would be rightly criticised by those in the private sector who believe that businesses should be judged by their success in marketing and general production.

It is not the role of Government to ensure that each and every business survives. We are certainly concerned about the effects of the failure of businesses and will seek to do what we can, but I do not believe that anything is gained by, first, proposing simplistic solutions, and, secondly, suggesting that, if one gets into trouble, one should not worry as the Government will come over the hill and everything will be all right. As the honourable member knows, the Government simply does not have resources, nor is it its role, to do that. We are concerned about the overall problems of the Riverland.

The Government's interest in this area has been amply demonstrated by the considerable steps that it has taken to ensure some sort of viable future for the Riverland Cannery and millions of dollars of taxpayers' money has been put into trying to preserve that operation. I hope that the honourable member is not suggesting that we follow up that matter by simply providing more and more aid in time. He knows that that is out of the question. I would hope that, as the representative of that area, the honourable member could adopt at times less of a short-term attitude to it and address himself to, and assist the Government in addressing, the longer-term problems, as indeed it is doing. So, to summarise, I certainly share the member's concern about the collapse of Langwarra and the implications to those 265 growers. We will attempt to assist: we are discussing it with the receiver.

STATE RESERVOIRS

Mr TRAINER: I ask a question of the Minister of Water Resources, whom I am pleased to have back with us in the Parliamentary arena. With the driest part of the year approaching, will the Minister advise on the condition of our State's reservoirs?

The Hon. J.W. SLATER: First, I assure the member for Ascot Park that the situation with respect to metropolitan reservoirs is secure for this summer. Certainly, there is no likelihood of water restrictions. Currently, the total capacity is 70 per cent and River Murray Commission storages are 84 per cent, so there will be no difficulty this summer with water in South Australia.

I take the opportunity to thank the member for Ascot Park and well wishers generally who sent 'get well' cards to me during my recent hospitalisation. Also, I want to thank the Opposition for not sending me a 'get well' card! I might mention that, with respect to the card that came from my colleagues, I was advised by the Whip that the matter was carried 27 to 5 in Caucus. So, I thought that was a reasonably good majority! However, for the sake of the media (which has shown some interest in my health) and for that of the Opposition and my colleagues, I intend to issue from my electorate office a daily bulletin on my blood pressure, pulse rate and so on. Appropriately, we could call it *The Gilles Report.*

WOMEN'S MEMORIAL PLAYING FIELDS

Mr EVANS: Will the Minister of Recreation and Sport give a guarantee that his Government will not take away from the South Australian Women's Memorial Playing Fields Trust any control that that Trust presently has over those fields without the consent of the Trust? I am a committee member of the Trust, and there is concern within the Trust that with Federal funding possibly being available for the development of a hockey pitch of international standard for men's and women's hockey there is a move to build the pitch in the area of the Helen Black Oval and that that will take away from women's sport one of its playing fields.

The Trust agrees to such a pitch being established within the grounds or by using part of the grounds and part of the adjacent Government-owned land. That will enable the Telecom car park and another car park to be used, which will mean that traffic will not be taken nearer to residential areas. The Trust is keen to have that facility provided.

However, I have been asked to make sure that the Minister understands that the fields were set up for women's sport. This is the only memorial playing field in the State for women's sport, and it was the first set of fields set up as a major project for women's sport in the State. The vast majority of that work was carried out by a group of volunteers with a great amount of guidance by the late Miss May Mills. There is a very real concern that, after all these years of battling to get some recognition for women's sport, and particularly in memory of those women who gave their lives and health in the Bangka Straits conflict, control may be taken away to facilitate the joint hockey proposal. Will the Minister guarantee that no control whatsoever over any part or all of those fields will be taken away without the consent of the Trust?

The Hon. J.W. SLATER: The Trust has shown considerable interest over a period of time: it has made submissions, and I thought that it supported the establishment of an international standard synthetic surface hockey arena at that site. The argument that the member for Fisher is putting relates to the location of the field on that site. I understand that negotiations and discussions have taken place between officers of my Department and persons representing the Trust.

No final determination has been made because, first, the determination that has to be made is based on the acceptance of a submission made by the South Australian Government to the Federal Government for assistance in funding from its national facilities scheme. No decision has been forthcoming on that matter. However, I know that discussions have taken place with the Trust. This is the first time I have become aware of what the member for Fisher raised today, although I have heard from my departmental officers that some concern had been expressed by members of the Trust.

I give the member for Fisher and the Trust a guarantee that the actual siting of the synthetic pitch, if it comes to pass, will be finally assessed and determined. Certainly, the prerogative of the Women's Memorial Trust that has been established over a number of years will not be taken away; nor will the other matters expressed by the member for Fisher. However, I am quite surprised, because I thought that the Trust was very supportive of the project being established on that site. I will investigate the matter further and advise the member accordingly.

POLLING BOOTHS

Ms LENEHAN: I ask a question of the Minister of Community Welfare, representing the Attorney-General in another place. Will the Attorney-General ensure that two additional polling booths are provided in the Morphett Vale area before the next election? The polling facilities provided for the people of Morphett Vale in the election on Saturday

consisted of the Flaxmill Primary School situated in Flaxmill Road. As I worked on that polling booth, I can report to the Parliament first hand on the situation that existed there. In excess of 4 200 people actually passed through the polling booth on that day, and there were long queues at all periods during the day, with the exception of a very short time at around 3 p.m. Constituents actually complained to me personally that this caused great hardship, in that they had to wait for periods sometimes in excess of half an hour before being able to cast their vote. I therefore ask my question in the light of the experience at Saturday's election.

The Hon. G.J. CRAFTER: I thank the honourable member for her question, which I will relate to my colleague in another place for reference to the State Electoral Commission. However, I point out to the honourable member that with the new State electoral boundaries there will obviously be a reconsideration of polling booth places and that this matter will undoubtedly be considered in due course.

PORTER BAY PROJECT

Mr BLACKER: Will the Premier explain the anticipated works programme for the construction of the proposed new marina project at Porter Bay, Port Lincoln? When is it expected that a number of unskilled work opportunities may be available?

The Hon. J.C. BANNON: I do not have with me the precise information that the member is seeking, but I will certainly undertake to give him a report and supply him with his answer.

The SPEAKER: Order! Call on the business of the day.

PUBLIC WORKS STANDING COMMITTEE

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That, pursuant to section 18 of the Public Works Standing Committee Act, 1927, the members of this House appointed under that Act to the Parliamentary Standing Committee on Public Works have leave to sit on that committee during the sittings of the House this week.

Motion carried.

PUBLIC ACCOUNTS COMMITTEE

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That, subject to section 15 of the Public Accounts Committee Act, 1972, the members of the House appointed to the Public Accounts Committee have leave to sit on that committee during the sittings of the House this week.

Motion carried.

CHILDREN'S SERVICES BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to ensure the provision of services for children; to repeal the Kindergarten Union Act, 1974; to amend the Community Welfare Act, 1972; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It provides for the co-ordination and development of children's services. It also repeals the Kindergarten Union Act, 1974. This Bill provides for a most significant initiative in the administration of services for young children in this State. It establishes a structure for effective co-ordination and planning, and a sound basis for the future development of these vital community services.

In June of this year, the Government decided to establish a new structure to co-ordinate early childhood education and care services. This followed a comprehensive review of early childhood services conducted by Mrs Marie Coleman in 1983. Mrs Coleman's report identified that, while service provision in South Australia was of a high standard, there were distinct gaps in service availability. There was very little co-ordination of the various services provided and, indeed, duplication and overlap in some areas. Public comment on Mrs Coleman's report was then invited, and many submissions from organisations and individuals were received. The very strong common thread in virtually all these submissions was endorsement of the need for effective co-ordination and co-operation between all the care and education services provided for young children.

After detailed consideration, the Government took the decision in June to draw together a number of responsibilities, and place them under the control of a single Minister, and to bring together the various service functions in a new agency—the Children's Services Office. Since then, an exhaustive process of planning for the establishment of these new arrangements has taken place. There has been close involvement of management and officers of the services involved and industrial organisations in the planning work. There has also been considerable community discussion in a variety of forums and specific comment sought on a number of key aspects and issues.

Every effort has been made to provide information during the planning process and to provide the opportunity for community input into that work. There has been substantial consultation, down to a level of detail unusual in such a planning process. There are, of course, many individual groups and organisations involved in the children's services field, and it may not have been possible to reach or respond to all of them. Nevertheless, a wide range of local groups, organisations, and concerned individuals have made a very valuable contribution to planning these very significant changes.

In deciding on the schedule for implementation of the new structure, the Government had uppermost in mind the needs of our young children. There have now been many inquiries in this field in recent years and, clearly, broad agreement has now been reached on the need for effective action towards co-ordination of all services. We believe, therefore, that it is important not to delay implementation. The date set for the start of operation of the Children's Services Office is February 1985. We believe that, to be least disruptive, this change to the administrative structure should be made at the beginning of the calendar or school year—that being the basis on which children's services operate—rather than half-way through a term or year.

The Government considers that these changes are of such importance and will yield such benefits for our children that they should not be further postponed. In implementing the changes to the administrative arrangements, every effort will be made to ensure that there is as little change to local arrangements and to actual service provision as possible. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

This Bill involves the repeal of the Kindergarten Union Act and the incorporation of its operations into the new

structure established by the Bill. The Kindergarten Union has rendered great service to the South Australian community, and in its long and distinguished history, has developed pre-school education services for our children which are regarded as among the best in Australia. From a number of locally supported centres, the kindergarten movement has grown into a widely available service, principally funded by Government. This is an excellent foundation on which to build for the future: by drawing together the planning and provision of both pre-school education and child care services, and other associated services, we are seeking to develop the very best range of services for all young children.

The transitional arrangements associated with the repeal of the Kindergarten Union Act will be outlined at this point: the provisions being set out in the First Schedule. The Bill provides for the transfer of all property, rights and liabilities currently vested in or attached to the Kindergarten Union, to the Minister.

The Bill provides that a kindergarten, either a branch or affiliate, registered under the repealed Act shall be deemed to be registered under the new legislation. This means that kindergartens retain their current status, form of management and constitution, and that there is no change with respect to any real or personal property vested in local management committees. Local kindergartens can expect no significant change in their general operations, except that they will look to the Minister and the Children's Services Office for funding, resources and staff, rather than to the Kindergarten Union Board and administration.

With respect to two trust funds administered by the Kindergarten Union Board, the Lillian de Lissa and Jean Denton Trust Funds, which provide for the award of scholarships, a specific arrangement has been considered. It has been proposed to the Kindergarten Union Board that these trusts be transferred by the time of the proclamation of this Act to the administration of the Public Trustee, with the provision for an advisory group to assist in their administration in accordance with bequests.

In relation to the current staff of the Kindergarten Union, all staff will be protected. There will be no retrenchments as a result of the transition, and staff will not be unfairly disadvantaged in the changeover to the new office. The vast majority of the Union's staff will be transferred directly to employment under this new Act, on their current terms and conditions. This will apply to all local level service delivery staff. Some of the more senior positions within the new Children's Services Office have been or will be openly advertised, and this may result in a limited number of people not being able to be placed satisfactorily in the new structure, or being appointed against a substantive position which is nominally at a lower level. In all cases, the Government's income maintenance policy will apply, and in addition, there will be salary maintenance, updated by any national wage increases, for all who opt to transfer to the Children's Services Office. Salary maintenance will also apply for existing staff for whom there is no position in the new organisation for which their qualifications and/or experience are appropriate.

The Children's Services Bill invests the Minister with the overall powers and responsibilities for co-ordination and administration of services. The Bill also invests the Minister with the powers of a body corporate, enabling the acquisition, holding and disposing of property, and incurring of rights and liabilities. The Children's Services Office will comprise the Director of Children's Services and staff employed under this Act, and will provide the administrative arm for effective implementation of the Act.

The objects of the Minister under this Act are to promote and ensure the proper pre-school education, care and development of children; to ensure the development of an accessible range of children's services to meet the needs of all groups in the community; to promote equality of opportunity in the provision of children's services; to ensure that the multicultural and multilingual nature of the community is reflected in the planning and implementation of programmes and services for children and their families; and to promote the involvement of parents and other members of the community in the provision of children's services. The Minister's functions include to provide, and co-ordinate the provision of children's services, having regard to the needs of the community and the need to achieve efficient use of available resources; to monitor and evaluate the nature and quality of children's services, to ensure the highest possible standards; to keep under review the special needs of individual groups of children; and to collaborate and consult with other departments, agencies and organisations involved in children's services.

The Bill, therefore, provides the Minister with responsibility for the overall co-ordination of the provision of children's services. With respect to pre-school education services, the Minister's role will include co-ordination and oversight of those pre-school services provided by the Education Department. The Government has decided that the pre-school services provided by the Education Department—child parent centres in schools—should not be directly incorporated into the new children's services agency at this stage. The Director-General of Education and the Director of Children's Services will be reviewing the arrangements for the provision of support structures for child parent centres and providing further recommendations by the end of 1985. Nevertheless, the planning and resource allocation functions for the Child Parent Centre programme will be handled from the outset through the Children's Services Minister and Office, thus co-ordinating Education Department services with the development and planning of other pre-school and care services.

The Bill does not prevent the Minister of Education providing pre-school education services, as the Minister is empowered to do under the Education Act. This Bill does, however, require the Minister of Education to work within the overall co-ordinating focus of the Minister responsible for children's services. The Bill facilitates collaboration with other agencies involved in the provision or support of children's services, and a close co-operative relationship between the Education area and the new Children's Services structure will be the basis for the development of pre-school education services. The Bill provides for the appointment of a Director of Children's Services under this Act, for a term of up to five years, with eligibility for re-appointment at the expiration of the term. The Minister may delegate functions and powers to the Director or any other person.

The Bill establishes the Children's Services Office as comprising the Director and other staff employed pursuant to this Act. The Minister is empowered to appoint such officers and employees as are necessary for the purposes of the Act, on terms and conditions the Minister may determine. Conditions will include eligibility for State superannuation and long service provisions, as provided under the Public Service Act. The Minister will be able to make use of the services of Public Service officers, and other Government employees. This will enable, on the transition to the new structure, public servants who are employed in functional areas which are incorporated into the Children's Services Office to transfer to the new office, yet retain their Public Service status if they wish. It will also allow future secondments of public servants and other Government employees to the Office for specified periods. Arrangements will also be made to facilitate mobility and interchange for Children's Services Office staff with other areas of public sector employment.

The accrued leave rights and other entitlements are protected by provisions of the Bill for persons who may transfer from Public Service or other prescribed employment to employment under this Act. 'Prescribed employment' is intended to include employment in subsidised child care centres and thus facilitate transfer of such staff who may become employees in the Children's Services Office. Parent and community involvement is a vital component of the operation and development of children's services. The Government fully supports the continuation of this involvement, and is committed to the provision of mechanisms for extensive parent and community consultation at various levels.

The Bill establishes a Children's Services Consultative Committee, which will provide advice to the Minister and the Director on any matter relating to the administration of the Act, and identify and assess community needs and attitudes in relation to children's services, and programmes to meet those needs. The State level Consultative Committee as set out in the Bill, consists of strong parent representation—12 parent representatives nominated by regional advisory committees; representation to cover the principal service areas to be included in the scope of the new structure—the Minister will be seeking nominations from relevant organisations to provide members to represent each of the following service areas: pre-school education, child care, family day care, playgroups, toy libraries, and out of school hours and vacation care; members representative of the interests of groups with special needs in relation to children's services—again the Minister will seek nominations from relevant organisations; three nominees of the United Trades and Labor Council; four members nominated by the Minister—these members will be persons who can bring special expertise to the committee, for example, from other backgrounds relevant to the provision of children's services or in the field of financial management.

The Bill provides for the establishment of regional advisory committees. The composition of the regional committees and the method for election of local representatives to these committees will be prescribed by regulation. It is envisaged that regional committees will consist of a mix of parent, service provider, and 'special needs' representation, as well as appropriate local government or other agency representation. The consultative mechanisms at all levels have been widely discussed, and specific arrangements at regional levels will be finalised by the time the Children's Services Office is established, or as soon as possible after its commencement. Community groups and services are keen to participate in further discussion on regional level arrangements and to contribute to the drawing up of the required regulations. In this way, regional advisory structures which are most appropriate to the needs of each of the regions around the State can be achieved.

The transfer of responsibility for the regulation of the operation of various child care services from the Community Welfare Act, is effected by this Bill. No changes have been made to existing provisions, and the associated regulations will be re-enacted under this Act. A comprehensive review of child care licensing provisions and regulations has been recently initiated, and it is anticipated that amendments will be proceeded with next year. The Director of Children's Services under this Bill will take over the responsibilities with regard to licensing, currently carried out by the Director-General of Community Welfare. In accordance with the current situation in relation to child care licensing, an appeal process is provided. Appeals against decisions of the Director of Children's Services in relation to licensing of child care services may be directed to the Minister. Provision is made for the establishment of appeal boards to provide advice to the Minister on such matters.

The Bill provides for children's services centres to make application for registration under this Act which, if granted, provides corporate status for such centres. Children's services centres include kindergartens, child care centres which are non-profit and publicly funded, or other children's services. This is very similar to the current process for registration of branch kindergartens by the Kindergarten Union. The provisions under this Act will also cover other children's services, as well as kindergartens, which may wish to have or require a direct relationship with the Children's Services Office structure. Local centres must provide an acceptable constitution and be administered by a management committee. In order to accommodate a range of different centres and situations, various forms of provisions in constitution of centres may be approved by the Director. Nevertheless, in the case of kindergartens, it is envisaged that there will be little change in the form or content of constitution applicable to kindergartens. It is also pointed out that, while not specifically set out, affiliate status, as currently available to pre-school bodies under the Kindergarten Union Act, can and will be accommodated within the new legislation, through variation in the form of constitutions.

In the event of the dissolution of a registered children's services centre, the Bill provides for transfer of assets and liabilities to the Minister, unless otherwise provided in the constitution of a centre. In the case of kindergartens, for example, the current practice of requiring all assets to return to the responsible administrative body, henceforth the Minister, will be continued. For some other types of centres, this may not be appropriate where various other bodies or agencies have equity in a centre.

The mechanism for incorporation of children's services centres under this Act will be available to commuity based child care centres. The question of the future relationship of these services to the new Children's Services Office structure is a complex one, and is currently being discussed with the Commonwealth Government. Expansion of the provision of high quality community child care services is a priority for this Government, and we are co-operating with the Commonwealth Government in a planned development programme. The most effective means of providing much needed support to the staff and management groups in the community child care sector will be addressed in these discussions between the two Governments.

The Bill exempts children's services centres registered under this Act from land tax. Existing registered kindergartens are exempt from land tax and local government rates, under the provisions of the Kindergarten Union Act, and these exemptions will be maintained for existing kindergartens under this Act. With respect to the application of local government rates to new children's services centres established under this Act, the Government will pursue this matter in consultation with local government. The Children's Services Bill establishes a new structure for the planning and development of all services for young children in this State. The Government is committed to ensuring that the best range of services is provided for all children. This new structure will provide the basis for that development and for improved services to the community.

Clauses 1 and 2 are formal. Clause 3 provides for the definition of expressions used in the measure. Of significance are the following:

'baby sitting agency' means a person or body that carries on the business of employing people to care for children in their own homes in the temporary absences of their guardians, or of introducing a guardian to persons who are prepared to care for children in those circumstances; 'child' means a person under the age of 18 years; 'child care centre' means any premises in which children under the age of six are, for consideration, cared for on a non-

residential basis; 'children's services' include pre-school education, the provision of non-residential care for children, and any other service by way of assistance in or the provision of facilities for the proper care, guidance and support of children; 'children's services centre' means a kindergarten, a licensed child care centre that does not operate for profit and is Government funded, or any other prescribed establishment; 'family day care agency' means the business of introducing to guardians persons who are prepared to care for children on a non-residential basis in a family environment; 'guardian' means a parent or legal guardian of a child and includes any person with immediate custody and control of a child; 'kindergarten' means an establishment at which pre-school education is provided for children; 'parent' includes step-parent; 'pre-school education' means the provision of courses of training and instruction to children under the age of six.

Clause 4 provides for the repeal of the Kindergarten Union Act, 1974, and the making of consequential amendments to the Community Welfare Act, 1972. Clause 5 provides that the provisions of the first schedule form part of the measure.

Clause 6 provides that the Minister and his successors in office shall be a corporation sole. In that capacity he may sue and be sued; acquire, hold and deal with property; and incur any other rights or liabilities. Clause 7 provides that the Minister's objects are to promote and ensure proper pre-school education for children, and the proper care and development of children; to ensure the development of an accessible range of children's services to meet the need of all community groups; to encourage the provision of children's services without discrimination on the basis of sex, marital status, mental or physical impairment, religion, race or nationality, except so far as is necessary to assist a child to overcome a disadvantage; to ensure that the multicultural and multilingual nature of society is reflected in the implementation of programmes for children and their families; and to promote the involvement of parents and other members of the community in the provision of children's services.

Clause 8 sets out the functions of the Minister. They are to provide and co-ordinate children's services, having regard to the needs of the community and the need to achieve efficient use of resources; to develop, or assist in the development of, policies relating to the provision of children's services and to keep their operation under constant review and evaluation; to monitor and evaluate the nature and quality of children's services; to ensure that the expertise and qualifications of persons who provide children's services are of the highest possible standards; to encourage or assist in the provision of children's services by voluntary groups; to keep the public informed on the availability of children's services; to keep under review the special needs of individual groups of children (including disadvantaged children) and to provide or promote services to meet those needs; to collaborate and consult with Government departments (State and Commonwealth) public authorities, municipal or district councils and non-government organisations that provide children's services; to encourage public discussion of policies effecting the provision of children's services.

Clause 9 enables the Minister to delegate to the Director or any other person any of his powers or functions under the measure. Clause 10 provides that the Director and the other staff of the Minister, under the measure, may be referred to as the Children's Services Office. In addition to his other functions, the Director is responsible for staff management and any other matter relating to the Children's Services Office.

Clause 11 provides that there shall be a Director of Children's Services, to be appointed for a period not exceeding five years. At the expiration of that period, the Director is eligible for reappointment. The Public Service Act, 1967, does not apply to the office of Director. Clause 12 provides that the Minister may appoint such officers and employees as he thinks necessary to assist him to carry out his functions under the measure on such terms and conditions as he determines. The Minister may make use of any officer or facilities of a department with the approval of the Minister administering it.

Clause 13 provides that the Minister may enter into arrangements with the South Australian Superannuation Board with respect to superannuation of any of his officers or employees under the measure. Any officer or employee of the Minister who was, immediately before becoming such an officer or employee a contributor to the South Australian Superannuation Fund, remains a contributor, and any other officer or employee is entitled to become a contributor to that Fund. Clause 14 provides that where a person becomes an officer or employee of the Minister under the measure after ceasing to be employed in the Public Service or prescribed employment, and that employment with the Minister follows immediately on that cessation, his transfer shall be effected without loss of accrued recreation leave, and his existing rights in respect of sick leave, accouchement leave and long service leave continue in effect. Provision is also made for such continuation, subject to modification by the Minister, in the case of such persons where there is a break of less than three months between those two employments.

Clause 15 establishes the Children's Services Consultative Committee. The Governor may appoint a member of the committee to be Chairman and another to be Deputy Chairman. Provision is made for the appointment of suitable persons as deputies of members of the committee. Clause 16 provides for the term of office of members of the committee. A member is appointed for up to three years and is then eligible for reappointment. Standard provisions for removal from office by the Governor and for the occurrence of vacancies are included. Clause 17 provides for allowances and expenses for members of the committee. Clause 18 provides for the conduct of the business of the committee. Clause 19 provides that a decision of the committee is not invalid by reason of a vacancy in the membership of the committee or a defect in the appointment of any member.

Clause 20 provides that the functions of the committee are to advise the Minister on any matter relating to the administration of the Act (other than the employment of staff); to identify and assess community needs in relation to children's services and to advise the Minister and Director in relation to programmes to accommodate those needs and to investigate any matters referred by the Minister for advice. Clause 21 provides that the Minister may designate areas within the State in relation to which regional advisory committees shall be established. Such committees shall be established in each such area. Clause 22 provides that each committee consist of such number of members as may be prescribed, and that members shall be appointed or elected in accordance with the regulations. The members of each committee elect a Chairman of the committee. Clause 23 provides that committee members hold office on prescribed terms and conditions, and receive allowances and expenses determined by the Minister.

Clause 24 provides for the conduct of business of regional advisory committees, and the making of reports to the Director and the committee. Part III deals with children's services. Division I provides for the licensing of child care centres. This division is in substantially the same form as the corresponding provisions of the Community Welfare Act, 1972. The provisions are effectively transferred from that Act to this measure. Clause 25 provides that it is an offence to run a child care centre unless licensed to do so. Provision is made for the granting of licences. Clause 26

provides for the cancellation of licences by the Director if satisfied that proper cause exists. Clause 27 provides that it is an offence to leave a child under six years of age in a child care centre for more than the prescribed number of consecutive hours.

Clause 28 requires licensees to keep a register of particulars with respect to each child cared for by him. Clause 29 provides powers of entry and inspection to the Director with respect to licensed child care centres. Division II provides for the licensing of baby sitting agencies. This Division is in substantially the same form as the corresponding provisions of the Community Welfare Act, 1972. Those provisions are effectively transferred from that Act to this measure.

Clause 30 provides for the licensing of baby sitting agencies. Provision is made for the granting of licences. Clause 31 provides for the cancellation of licences by the Director if satisfied that proper cause exists. Clause 32 provides for the keeping of prescribed records by licensees. Such records must be produced for inspection on demand by the Director. Division III provides for approved family day care and licensed family day care agencies. This Division is in substantially the same form as the corresponding provisions of the Community Welfare Act, 1972. The provisions are effectively transferred from that Act to this measure.

Clause 33 provides for the granting of approvals to persons as family day care providers and of the premises in which they are to operate. Clause 34 provides for the cancellation of approval by the Director if satisfied that cause exists. Clause 35 requires approved persons to keep a register of particulars with respect to each child cared for by him. Clause 36 provides powers of inspection to the Director with respect to approved family day care providers and premises. Clause 37 provides that it is an offence falsely to represent that one is approved, or that one's premises are approved. Clause 38 provides for the licensing of family day care agencies. Clause 39 provides for the cancellation by the Director of a licence if satisfied that proper cause exists.

Clause 40 requires licensees to keep prescribed records. Such records must be produced for inspection on demand by the Director. Division IV provides for the registration of children's services centres. Clause 41 provides for applications for registration of Children's Services Centres. Such applications must be accompanied by a copy of the constitution under which the Children's Services Centre is to operate.

Clause 42 provides for the registration by the Director of Children's Services Centres—upon registration a certificate of incorporation is issued. The Director must not register a Children's Services Centre unless he has approved the constitution under which the Children's Services Centre is to operate. A registered Children's Services Centre is a body corporate with the powers and functions prescribed by its constitution.

Clause 43 provides that the Director may direct a registered children's services centre to amend its constitution. If the Centre fails to comply, the Director may cancel its registration. Any amendment to the constitution of a registered Children's Services Centre has no effect until approved by the Director. Clause 44 provides that a registered Children's Services Centre shall be administered by a management committee constituted in accordance with its constitution. Clause 45 provides, subject to the constitution of a registered Children's Services Centre, that, on its dissolution, all property, rights and liabilities vested in it shall vest in the Minister.

Clause 46 provides for appeals to the Minister against decisions of the Director to refuse a licence or registration or to cancel a licence or registration. The appeal must be constituted within one month from the date of the decision becoming effective, but the Minister may extend that limit. The Minister may establish appeal boards to investigate appeals. Members of such boards require such allowances as the Minister determines. Provision is made for the staying of action to implement a decision under appeal. In determining an appeal, the Miniser may revoke the decision appealed against and substitute any decision that could have been made at first instance.

Clause 47 provides that the Director, or a person authorized by him, may, where the Director suspects on reasonable grounds that a child is being cared for in any place in contravention of this measure, enter that place in contravention of this measure, enter that place and investigate the matter. Clause 48 provides that no person shall by public advertisement represent that he is prepared, for consideration, to care for children under six years of age away from their homes unless he is the holder of a licence under the measure in respect of caring for such children or unless he is an approved family day care provider.

Clause 49 provides for the preparation of an annual report on the administration of the measure and other matters directed by the Minister. The report is to be laid before each House of Parliament. Clause 50 provides that moneys required for the purposes of the measure are to be paid out of moneys appropriated by Parliament for the purpose.

Clause 51 provides that the Minister is empowered to declare an organisation (being registered under the Industrial Conciliation and Arbitration Act, 1972) to be a recognised organisation. Recognised organisations may make representations to the Minister or any matters that are industrial matters within the meaning of that Act.

Clause 52 provides that registered children's services centres are exempt from the payment of land tax. Clause 52 provides for the service of notices. Clause 54 provides for the summary disposal of proceedings for offences. Clause 55 provides that a person who contravenes a provision of the measure is guilty of an offence, and where no penalty is specifically provided, the penalty for offences on one thousand dollars. Clause 56 is an evidentiary provision. clause 57 is a regulation making power.

The first schedule to the measure sets out transitional provisions necessitated by the repeal of the Kindergarten Union Act, 1974 (the repealed Act) and the amendment of the community Welfare Act, 1972 (the amended Act). A kindergarten registered under the repealed Act immediately before the commencement of the measure shall be deemed to be registered under the measure. Such kindergartens continue to be exempt from land tax and council rates. All property, rights and liabilities vested in the Kindergarten Union of South Australia immediately before the commencement of the measure vest in the Minister on that commencement. A licence or approval in force under the amended Act immediately before the commencement of the measure shall continue in force.

Provision is also made with respect to employees of the Kindergarten Union of South Australia immediately before the commencement of the measure. Such employees become employees of the Minister on that commencement. There is a qualification to that principle: the Governor may declare that a salaried former employee becomes a public servant in a specified department, or that any other former employee become an employee of a specified Minister. The rights of former employees in respect of sick leave, accouchement leave and long service leave are not affected by the transfer to the Minister's employment. Such former employees are transferred without loss of accrued recreation leave.

The Hon. MICHAEL Wilson secured the adjournment of the debate.

GOLDEN GROVE (INDENTURE RATIFICATION) BILL

THE HON. D.J. HOPGOOD (Minister for Environment and Planning) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received.

The Hon. D.J. HOPGOOD: I move:

That the report be noted.

The recommendation of the committee is that this Bill be proceeded with without amendment, and I want to commend the proceedings of the Select Committee to the House and to add my strong recommendation to that report. The committee has met on numerous occasions during the period that the House has been in adjournment. As opposed to the degree of sound and fury evidenced about certain aspects of this matter in areas of the press, things appear to have proceeded very smoothly on the Select Committee. The first responsibility of the committee was to solicit evidence from the community in general; and the second, of course, was to go very thoroughly into that evidence so that we could better advise the House as to whether the Bill should proceed and, if so, in which form.

The advertisements that are placed in the press as is normal in these matters brought forward, I think I would have to say, a modest response from the community. Further letters were sent to agencies and individuals inviting a specific response from them and they also brought a modest response. Some of those agencies and individuals sought to appear in the flesh to give oral evidence and also to put a written submission before us, and others decided only to place a written submission before us, despite the invitation that they should appear. Others chose not to appear at all, and in this respect I direct members' attention to appendices A, B and C of the report: first, appendix A, detailing those individuals who appeared directly to give evidence before us; secondly, appendix B, indicating the source of certain documents placed before us; and, thirdly, appendix C, indicating those authorities or individuals who were specifically invited to appear.

By comparing appendix C with appendices A and B, the House can get some idea of the nature of the response. I make the point, for example, in relation to appendix A that Dr Brian Billard, Chairman of Avago Community Youth Support Scheme and a person very well known to and respected by all members of this chamber, sought to appear before us purely in response, as I recall, to the advertisement in the paper, and that Mr Hugh Stretton of the University of Adelaide appeared in a similar capacity.

Most of those other witnesses appeared as a result, as it were, of the direct soliciting of the committee, the General Manager of the South Australian Housing Trust appearing after two letters had been written to the Trust inviting that body to provide direct evidence to us. I also point out for the benefit of honourable members, because they would be aware of the press comments by the Consumers Association of South Australia, that, as will be seen by a comparison of the appendices, the Consumers Association was specifically written to and invited to appear and decided finally to simply place a written submission before us and not actually appear in person.

The Select Committee visited the site of the project very early in its life and had the opportunity of thoroughly inspecting the site. Late in the piece, it also had a meeting in the Tea Tree Gully Council chambers and while there took evidence from the City Manager of Tea Tree Gully. Although various other local community groups had been written to alerting them to the fact that the advertisement had been in the press, they chose not to appear. One can only assume—and this was the committee's assumption, I think—that generally there was a fairly relaxed attitude to the work that the committee was undertaking.

As I have said, the general thrust of the report is that the indenture should be supported. In this respect, the committee took specific evidence from Mr John Roche, the then Chairman of the Urban Land Trust; from Mr Brian Martin, of Delfin; and also from Mr Ted Phipps, who was the Chairman of a special group that I had set up in my capacity as Minister for Environment and Planning to review the negotiations that had taken place up to that point with the joint venture partner. In this respect, the committee also heard evidence from Mr Hugh Stretton, of the University of Adelaide, and also from Mr Paul Edwards, the General Manager of the South Australian Housing Trust. All of that is on record, and the conclusions of the committee and the reasons for those conclusions are also now before members and are therefore a matter of public record.

At this point, while talking about the public record, I think I should parenthetically inject a comment in relation to the Standing Orders of this place, because there was criticism from one of the groups—the group that chose eventually not to appear in person (the Consumers Association of South Australia)—as to the requirement of the Standing Orders that all material placed before the Select Committee should be privileged until such time as it was placed before this House. I suspect that possibly the origin of that criticism was that some people felt that their evidence never would become public knowledge because they simply did not understand the thrust of the Standing Order. I think it is important, however, that the House should maintain that Standing Order. As we all know, in fact, the evidence does become available at the appropriate time when the Bill is being further considered in the light of the Select Committee report and, in addition to that, there could possibly be certain delicate matters of law which could be raised before the Select Committee, or which certain individuals would want to raise before the Select Committee and they would do so without the protection of the privileges of this place if in fact at that particular time that evidence was immediately publicly available.

In other words, I would want to reiterate the wisdom of our forefathers in this place when they drew up that Standing Order, because the effect of it is not to in any way conceal what various individuals would want to say but, rather, to allow them a freer rein to speak—to speak, as it were, as though they were in this place and had the full protection of the Standing Orders of this place, rather than out on the front steps where they could be subject to legal action for anything that they might say.

Two or three specific matters were raised before the committee as potential problems on which I think the Select Committee has satisfied itself and about which I want to comment. It is not my purpose to canvass the whole thrust of our report which, as I say, is now available for members and the whole of the public to read. There has been public comment about the South Australian Housing Trust component of the project: first, as to the appropriateness of the size of that component (the so-called 25 to 30 per cent of all dwellings which will be Housing Trust dwellings); and, secondly, the integration process that will take place: the departure from the traditional tract development (which is a feature of trust developments at places like Christie Downs and Ingle Farm), and a complete integration with the majority private sector construction which will occur.

Assertions were made to the Select Committee that these two objectives were fundamentally contradictory: that the people placing this evidence before us felt that there was a possibility that one could run into a situation whereby one would either have to meet the one or the other of the

objectives but could not meet both. I would refer specifically here to the evidence given by Mr Hugh Stretton, of the University of Adelaide, and also the City Manager of the City of Tea Tree Gully. Mr Stretton's evidence, as it turns out, was based on a misunderstanding. What Mr Stretton said was that he believed that unintentionally the Premier had been misled as to the extent of the Housing Trust involvement; that there was a document available which indicated that, despite 25 to 30 per cent of all dwelling commencements being Housing Trust commencements, nonetheless, only 17 per cent of the blocks of land were to be sold to the Housing Trust; and that the gap between that 17 per cent and the, let us say, 271/2 per cent (as a possible outcome of that 25 to 30 per cent) was simply too great to be accommodated within an integration programme, and there would have to be very significant medium density development or there would have to be some return to tract development if the 25 to 30 per cent was to be obtained out of the 17 per cent of blocks that were to be sold to the Housing Trust.

This matter was fairly quickly disposed of, because evidence was placed before the Select Committee, which it accepted, that the document to which Mr Stretton was referring was a historical document: it referred to a position which had obtained during the negotiations prior to the setting up of what has become known as the Phipps Committee, where something of between 20 and 25 per cent was being seen as appropriate for the Housing Trust component of the total dwelling construction. As a result of further negotiations, that had moved to 25 to 30 per cent and commensurately therefore the percentage of the blocks of land to be sold to the Housing Trust would have to be lifted. So, I believe that the members of the Select Committee felt satisfied that the gap between the actual number of dwellings to be provided by the Housing Trust and the actual number of blocks that would be sold to it would not be such as to create an insuperable barrier.

The second matter was raised by the City Manager of Tea Tree Gully, who believed that he was giving the considered opinion of the council that up to 25 per cent would have been a reasonable figure. No evidence was tendered by the gentleman as to why there should be no base—why Tea Tree Gully was putting forward a suggestion that indeed it would be prepared to countenance something as low as 2½ per cent or 5 per cent, because this would be one possible outcome of rewording the indenture, which provided for up to 25 per cent; but, in effect, the Tea Tree Gully Council was giving the same warning but for a different reason. It believed that there was the possibility of quite significant downturns in the construction programme of the Housing Trust from year to year whereby it may be difficult for the Trust to meet that target.

Evidence was taken from Mr Edwards, of the South Australian Housing Trust, on this point and he was able, it would appear, to satisfy the members of the Select Committee that 25 to 30 per cent was a modest and attainable goal for the South Australian Housing Trust; and, in fact, other things being equal, it could well have taken on board a higher—

The Hon. B.C. Eastick interjecting:

The Hon. D.J. HOPGOOD: No; I thank the honourable member for that. They would have been prepared to countenance an even higher proportion, but Mr Edwards was not envisaging a situation whereby the Housing Trust itself would totally develop the site. In relation to the interests of the Tea Tree Gully council, acting as it does as the custodian of the interests of existing and future residents, the Select Committee, as I have said, took this so seriously as to collect evidence from the council in its own chambers, and we thanked the Mayor very much for his hospitality in making the chambers available. The Select Committee in particular was concerned to be satisfied about four matters. The first was the nature of the planning system and the modest departures from the provisions of the Planning Act that occur in this legislation, and we were able to receive assurance from the City of Tea Tree Gully that indeed it was happy with the system that is being introduced.

Secondly, in relation to the South Australian Housing Trust component, I have already covered that point and it is further covered in the report of the Select Committee. The third matter which was raised by the City Manager was the belief of the City of Tea Tree Gully that indeed grade separation for pedestrians should be provided right along the spine road which, as honourable members will know, is the feature of the site and will be one of the major items of public expenditure. While the Select Committee believed that this was an admirable concept and received evidence from the private enterprise joint venture partner which suggested that it also would be happy to see such a thing occur, we did not think it was something that actually required from us a specific recommendation which in any way would modify the Bill or the indenture that is before us.

The fourth point raised, both here and in other places, related to the approach of the City of Tea Tree Gully to the action the Government has taken in the Tilley triangle both in respect of ensuring that that is one of the earlier of the areas to be developed and in relation to the expansion of the area that was set aside for recreational purposes and, then, secondly, the block size. Honourable members will be aware that indeed the joint venture partner in an informal way had made an approach to the Tea Tree Gully council in which it had set out some of these matters for informal consideration by the council. It was not possible, of course, at that stage for the joint venture as such to do the job because the joint venture has not yet been ratified by this Parliament, and the Government was in no way involved in that matter. We received assurances from the City Manager that indeed the City of Tea Tree Gully was happy with the staging which had been placed before it by Delfin and was also happy with the choice of the block sizes which were seen as appropriate for that area. They were happy with one of those matters that had been initiated by this Government in response to local demand and that was that the recreation area in the Tilley triangle be increased significantly. That is all a matter of record.

The Select Committee specifically recommends on possibilities for employment of unemployed youth as a result of the project and I direct honourable members' attention to that portion of the report. The report also refers to the rather novel concept of the Community Development Fund and the committee which will be set up to administer that fund which, again, we see as one of the very much favourable matters which arise out of this exercise.

In summary, since so much has been said about costs in relation to this matter, the Select Committee noted evidence from all sources that indeed there are cost penalties due to topography and soil profile in developing the Tea Tree Gully and Golden Grove area. This is something that has long been recognised—it was recognised by that Government which was in office when the old Land Commission purchased the site; it was recognised by the previous Liberal Government when it accepted the staging sequence which provided that the north-east should be the next step in the staging of urban development in metropolitan Adelaide and it has been recognised by this Government in the way in which the joint venture for the development of the project has been set up.

Despite that, we believe that this project can be competitive with what is happening elsewhere and can act as some

restraining influence on costs. It will do so in two ways: it will do so in terms of the prices which have been indicated by the joint venture partner for the initial release of blocks both to first home owners and to the South Australian Housing Trust, and it will also do it by the considerable volume of land which is placed on the market as a result of this development using the traditional market forces. The key to that second matter, however, is that the development should proceed so that the blocks of land can be made available as quickly as possible. Without further ado, I commend to the House the report of the Select Committee.

The Hon. D.C. WOTTON secured the adjournment of the debate.

STATE LOTTERIES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 5, lines 33 to 35 (clause 13)—Leave out subclause (3) and insert subclause as follows:

(3) The Minister shall cause a copy of a report furnished to him under subsection (1) to be laid before each House of Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session, but if Parliament is not then in session, within fourteen days of the commencement of the next session of Parliament.

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

That the amendment be agreed to.

This is a machinery amendment which simply inserts in the Act a provision in relation to reporting that the report which the Commission is required to make annually be laid before Parliament. I think in the original Act there is no requirement as to the time by which it is to be laid on. The amendment causes it to be laid before each House of Parliament within fourteen sitting days of the receipt of the report if Parliament is in session or, if it is not in session, within fourteen days of the commencement of the next session. The Government has no objection to that provision and suggests that the amendment be agreed to.

The Hon. E.R. GOLDSWORTHY: Obviously, we support the amendment. It is sensible that we should be putting a report before Parliament. With that general principle we concur, and in this case we think that it is equally desirable.

Motion carried.

EQUAL OPPORTUNITY BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 1825.)

The Hon. H. ALLISON (Mount Gambier): In debating this matter I would like to refer to the sterling work done in another place by the shadow Attorney-General, the Hon. K.T. Griffin, in handling a Bill which I think everyone has acknowledged is far from the easiest subject to come before the House. At Federal level the Federal Equal Opportunities Bill proved to be an extremely contentious issue and it was expected when a similar piece of legislation was introduced into the House of Assembly, or the Legislative Council as it was first of all in South Australia, there would be matters of considerable public concern.

The shadow Attorney-General has handled this Bill with considerable skill, having moved a tremendous number of amendments in the Legislative Council. A few of them were contentious, but the majority of the amendments improved the legislation quite considerably. The Bill before us attempts to cover in one piece of legislation the laws on discrimination regarding grounds of sex, marital status, pregnancy, physical impairment, race, and an entirely new ground of sexuality. Sex has been a matter for discrimination legislation, but not sexuality. By 'sexuality' we are referring to heterosexuality, bisexuality, homosexuality and transsexuality. This legislation largely follows the form of the Sex Discrimination Act of 1975 and the Handicapped Persons Equal Opportunity Act of 1981. But, as I have inferred, there are some quite radical changes in relation to sex and sexual discrimination.

The legislation repeals the Racial Discrimination Act, which I believe most people would acknowledge as being inadequate in so far as it deals with discrimination as a statutory offence and not one to be dealt with as unlawful resulting in awards of damages against a person guilty of racial discrimination.

The inadequacies are attended to in this legislation. Sexuality as opposed to simple sex, that is, either masculinity or femininity, at present is not part of South Australia's law. Discrimination is addressed in the Bill in the areas of employment, provision of goods and services, accommodation and education, and religion is part of the legislation. Former Liberal Premier David Tonkin brought in a private member's Bill in the early to mid 1970s focusing on sex discrimination, and this was subsequently followed by Don Dunstan's Sex Discrimination Act in 1975. The Liberal Government again in 1981 brought in the Handicapped Persons Equal Opportunity Act regarding discrimination on grounds of physical impairment. I would simply point out to those people who have been critical of Liberal Party intentions that in fact we have a very good track record in the field of bringing in legislation dealing with discrimination, and we have demonstrated our concern on a number of occasions ensuring that we have practical equal opportunities legislation in South Australian society.

The present Government appeared to have the best of intentions a couple of years ago when it came to office regarding consultation in relation to bringing in the legislation before us. In fact, it was committed to consulting very broadly. I recall that more than a year ago the Royal South Australian Bowling Association lobbied, I believe all members of the House of Assembly and the Legislative Council. The intimation that this legislation would be introduced was given a couple of years ago. At that stage members of the Royal South Australian Bowling Association canvassed all members of the South Australian Parliament, having been informed that it was intended to introduce legislation dealing with anti discrimination and equal opportunity.

I believe that the Commissioner for Equal Opportunity in South Australia in fact wrote to the Royal South Australian Bowling Association and advised it in November 1983 that copies of amendments and draft copies of the legislation would be submitted to the Association prior to the Bill's being brought into Parliament to enable it to have a good look at the proposed legislation and to make any suggestions for amendment or modification. The Royal South Australian Bowling Club is still awaiting those documents, and I believe that the Attorney-General's Department also made some verbal promises that members of the Association would be provided with the relevant information.

Of course there was a working party that reported back to the Government in late 1983—I think the report was made available late in 1983—but one has to question whether it was widely circulated. The Attorney-General has said that it was available for public comment, and he advised that it was recommended that there should be one Act with one tribunal and one administrative agency to look after the legal and administrative side of the legislation. Whether that document was available in sufficient quantity to enable people to have ready access to it is in some doubt, because it was left to the Liberal Party in South Australia to canvass

very widely the various more contentious points in the legislation and to advise a whole range of organisations and individuals of the details of the Bill. So much for the Attorney-General's commitment to the public of South Australia: his promises do not seem to have been fulfilled. Perhaps he was worried that the legislation might prove to be extremely contentious in this State, and he was trying to soft pedal. The Opposition believes that the consultation period was all too brief for such a very important Bill.

I am pleased that a number of amendments have been made to the original legislation. As I have said, some of them are contentious, and it is regrettable that many of the clauses that were altered in the other place are likely to be amended back to their original form in this House during the course of the debate today. But I would hope that the title will be left alone. I believe that the present short title in the Bill, namely, the Equal Opportunity Act, 1984, is far more appropriate than was the negative and rather aggressive previous short title namely, the Anti Discrimination Act, 1984. Equal opportunity relates to the more positive aspect of the Bill, with emphasis on education of employers and the population of South Australia, and conciliation, which should take place before there is any confrontation. The Opposition believes that, while the title has been changed, nevertheless that is only the beginning of it, and there should be far more negotiation and prevention of acts of discrimination before any legislative action is needed to correct faults that have appeared in the system. The long title has also been amended: it is now 'An Act to promote equality of opportunity between citizens of this State; to prevent certain kinds of discrimination based on sex, sexuality, marital status, pregnancy, race or physical impairment; to facilitate the participation of citizens in the economic and social life of the community; and to deal with other related matters'.

I refer, first, to the question of sexuality and make the passing point that I believe that this Bill should be subordinate to other legislation in South Australia, for example, health legislation and regulations and welfare and safety legislation and regulations. I refer to the current pressing problem of the contagious disease, AIDS, which is rife among homosexual societies in Eastern States of Australia, less so in South Australia. Already, legislation is being introduced elsewhere in Australia to provide that homosexuals should not give blood as donors for blood transfusions. That recommendation has been more widely extended and we now have requests, if not legislation, that males themselves should consider very carefully before they continue to give blood on the basis that the AIDS virus, whatever it is, is carried by the male and not by the female. There is therefore vast encouragement for females to increase their contributions to blood donor organisations for operations.

If we have legislation before us enacted without some provision that it should be subordinate to other pieces of legislation that are relevant to the safety of human life, we will be in trouble. I ask the Minister to consider the importance of the amendment which I propose to move later and to see that it receives a safe passage through the House.

I refer to class actions. This is an unusual concept in Australia. There have been class actions in the United States, where tens of millions of dollars have been involved. I believe that the concept of class actions is unfairly introduced to South Australia in this legislation when one considers that South Australian employers at least would have to carry the burden of the risk of class actions when such legislation has not been introduced in any other of the Australian States. True, the Federal legislation carries the reference to class action, but I believe that, until all the States in Australia have adopted similar legislation, South Australian employers should not have that threat hanging over them. Provision exists in the legislation for repetitive actions, and the Opposition believes that that provision is adequate.

I would like now to refer to a submission which was made to the Attorney-General by employer organisations. Among other very valid comments, the submission states:

> With regard to class actions in the equal opportunity area, it is submitted that this is the wrong area to test this form of action in Australia. Class actions are a relatively new phenomenon in Australia, and overseas they have been primarily used in cases that relate to product liability, externalities and the effect on groups of identified individuals with regard to pollution, etc. Their inclusion in this jurisdiction directly implies that the current legislation is totally ineffective against checking widespread discrimination, and it directly implies that we are experiencing discrimination of such a magnitude that a class action would be the only expedient form in processing the complaints. Our organisations can see no benefit flowing from the inclusion of class actions within this jurisdiction, although we can perceive many difficulties flowing from its inclusion.

Therefore, with that in mind, I state unequivocally that the Liberal Party has opposed and will oppose the concept of class actions.

With regard to trade unions, which also receive some preferential treatment in this legislation, we see absolutely no reason for allowing them to become involved in proceedings. Individuals can already take action and take it at State expense—the taxpayers footing the Bill—if they are supported by the Commissioner for Equal Opportunity. I believe that already in South Australia we have had at least one example of the Commissioner's supporting an individual action and funding the hearing. Certainly, cases brought before the law are not brief ones: they tend to be lengthy and contentious and are conducted at quite considerable expense. It is therefore a tremendous saving at public expense to the individual who chooses to bring this sort of action. We see no reason why trade unions should be involved in initiating actions on behalf of individuals who may complain.

Oddly enough, the Opposition believes that trade unions themselves have no great track record of support for the physically handicapped in industry. There is a tendency for the fit and well to be supported in trade unionism and for the handicapped—the physically impaired—to be amongst the neglected. Unions can support an individual action, but they should not become the complainant: they should not initiate the action. For that reason we oppose the suggestion contained in the initial legislation that unions be permitted to take that superior role.

I refer to the question of sexuality. There are a number of arguments against the inclusion of the definition of 'sexuality', 'transexual' and 'transexuality' within the legislation. Amendments were moved in another place but did not succeed. I give notice that I intend to move similar amendments during the Committee stages of this legislation and hope that this time they will pass through the House of Assembly and be acceptable. The sexuality clauses and definitions of them, as well as subsequent references to sexuality throughout this legislation (there are quite a few of them), are amongst the most controversial and contentious areas of this Bill. I refer to the following definitions in the Bill:

> 'Sexuality' means heterosexuality, homosexuality, bisexuality or transexuality:
>
> 'transexual' means a person of the one sex who assumes characteristics of the other sex:
>
> 'transexuality' means the conditon of being a transexual.

I will refer to those definitions and the implications in a little more detail in a few moments. Under the whole concept of discrimination, the formula for identifying discrimination is similar in each of the references to sex, marital status, pregnancy, race, physical impairment and sexuality. The form established in the 1975 Sex Discrimination Act, the 1981 Handicapped Persons Equal Opportunity Act and the Federal Act is followed. The most controversial area in this

legislation is that simply of sexuality and the definition that I have just read out to the House in the legislation.

For the Liberal Party in another place it was a matter of conscience whether members supported or rejected the inclusion of these definitions within the legislation. It is a compliment to the Liberal Party that we have that ability to allow members to make up their own minds. I notice that no similar permission is granted under this legislation to members of the Australian Labor Party, which has introduced the Bill.

The words 'transexual' and 'transexuality' in particular have caused problems, but the whole field of sexuality and the definitions are causing concern throughout the community. Of criticisms that have been addressed to me through my electorate office and through Parliament, this section is the one that has received most public attention and against which most people have expressed concern.

It has not previously been unlawful if one exercised a personal preference against homosexuals, bisexuals and transexuals in the areas of employment, education (of course, we have religious education embodied within that field), superannuation, accommodation, and the provision of goods and services. Now this Bill raises extremely important questions as to the extent to which Parliament should start to legislate to change personal and social attitudes. I am a strong believer that Parliamentarians should not be the leaders in changing personal and social attitudes unless the issue is of extremely grave importance and of great public concern.

The Hon. Michael Wilson: Otherwise we don't represent, do we?

The Hon. H. ALLISON: We don't represent; we tell people what they need instead of asking them what they want. Not at any stage in my 10 years as a Parliamentarian and the 54 years during which I have been on the face of this earth do I recall any strong representation having been made to me either as a member or as an individual that the legislation is inadequate and that the general public would like it changed in favour of this minority group. So, here we have Parliament leading—trying to change public opinion, public standards and public mores. I do not believe that that is the appropriate thing for Parliament to do. The law should not try to compel people to be nice to each other: it should only set the scene so that people in society generally tend to smile upon their neighbours rather than to frown upon them.

However, for the Government to tell people what they have to do is quite impermissible. In fact, there has been no demonstrated widespread community call for inclusion of this clause within this legislation. Neither the Federal nor the State Attorneys-General have been able to bring up mass submissions asking for its inclusion. The only reference to the reason for its being in this Bill at all is in five lines of the second reading explanation in which the Attorney-General in another place said:

> It has been recommended—

by whom, we do not know—

> that discrimination on the grounds of sexual preference (sexuality) should be made unlawful. There have been requests by individuals and organisations for such an amendment also and the Bill accordingly includes a person's sexuality as one of the grounds of unlawful discrimination.

I suspect that very few individuals and extremely small minority groups of organisations would have made that representation. The Attorney-General does not name his sources. It is always a good idea if one is trying to convince the public at large to at least tell them whence one received these very persuasive arguments, but the Attorney-General has not done that.

One would have expected that, with an extremely substantive enlargement of the anti discrimination laws such as we have before us now, the Government would have tried to provide a far more comprehensive argument for it to be included and to identify those individuals and organisations that sought the incorporation of the clause in the legislation. So, I believe that the Attorney-General has been very remiss in not stating the sources of his requests. Perhaps he was hoping that this legislation would slip through very quietly and that he would be lauded by the few whom he had appeased and would not be criticised too much by the rest of society. However, certainly it seems to be mainly homosexuals, bisexuals and transsexuals who are applauding the Attorney's actions.

There is nothing in the present law that prevents individuals from making a decision based on genuinely held beliefs and on moral convictions against employing homosexuals, transsexuals or bisexuals in the retail trade, education, or in the provision of services, and so on. Some people undoubtedly have no difficulty in employing such persons. They have no strong view against the characteristics of sexual preference. Others will employ on the basis that homosexuality, transexuality or bisexuality are discreetly practised. They are not overt: they are more covert, just as many people in all walks of life have a wide variety of different beliefs but they do not push them down people's throats.

Certainly, within the field of education, I believe that before we were in Government from 1979 to 1982 and since that period the Hon. Don Hopgood, I remember, joined me in saying that he would not condone the proselytising of homosexual practices within South Australian schools. So, at least we both have in mind similar concerns when we say what we will and will not condone. But, of course, this piece of legislation changes that. Whatever past and present Ministers of Education may say, this legislation simply outlaws those expressions of reassurance which we collectively gave to the public of South Australia when matters were raised—when, for example, a Gay Teachers Association was being formed within the South Australian Institute of Teachers and there were fears that proselytisation of the homosexual cause would occur in schools. It is not an issue that parents view lightly, I can assure the Government.

The fact that the provision is in the Bill—and incidentally we are moving to delete the definition of 'sexuality', as I implied a little earlier—may be misconstrued by some for their own personal or political ends. However, the Opposition believes that it has a duty to take that course simply to make it quite clear that aggressive homosexuals and aggressive people with unusual sexual practices will not be encouraged in the proselytisation within the community, particularly among our very young, of their unusual practices.

In a few moments I will enlarge a little more on the responsibilities of the Commissioner under the terms of this legislation, but I am not speaking from complete ignorance. As a student (some 40-odd years ago) and as a member of the armed services back in the late 1940s, I witnessed quite a number of agressive homosexual acts and practices, which I believe should be considered before one passes a blanket piece of legislation condoning those unusual practices. There are a number of arguments against leaving the definition of 'sexuality' in this Bill. First, by this Bill, homosexuality, bisexuality and transexuality are elevated to a status that is equal to that of heterosexuality—the normal practices of marital life—and that elevation endorses in the law a morally unacceptable behaviour.

I still believe—and I am not cynical enough to believe that morals have all gone by the wayside—that we have essentially a very moral community and that the vast majority of people would at least like Governments to set accept-

able standards rather than to initiate unusual ones. I believe that this legislation would offend a substantial proportion of our community. Secondly, the rights and freedoms of individuals should be protected so far as they do not impinge on the rights and freedoms of others. However, they should not be protected to the extent that they do impinge: balance must be achieved.

The rights of the homosexuals, bisexuals and transexuals to choose to display and practise that sexuality is balanced against the rights of other citizens to choose according to strongly held convictions not to work with them and not to employ them. We will refer to that a little later in the debate. Thirdly, as we said before, there is no widespread public call for homosexuality, bisexuality and transexuality to be recognised. There has been no community debate on it. I literally do not know where the Attorney-General received the support for the inclusion of this in the legislation to the extent that he infers that it is strong support.

Fourthly, the Bill does not seem to respect the rights of people who do have strong moral or religious objections to the acceptability of the values that are now given status by their inclusion in this Bill. Those people are not given any rights to act on their personal or moral convictions, and I suggest that a majority of South Australians are being denied their personal freedoms by the inclusion of this definition in the legislation.

Fifthly, if we do include sexuality in the Bill, why does not the Bill also include discrimination on the grounds of intellectual disability, discrimination against the aged, discrimination on the basis of religion, and a variety of other what we would consider to be much more pressing and appropriate areas of concern? Sixthly, the inclusion of sexuality will create major concerns in the educational community on the basis that the law would then regard this behaviour as normal and would require educational authorities to treat it as such, to the detriment of children and certainly to the concern of many parents. I know the furore that was raised when we were in Government two or three years ago, when fears were elicited from parents. There is another question, too, and I said that I would enlarge on this. If we do retain sexuality in the Bill, we have in clause 11(1) the following provision:

> The Commissioner shall foster and encourage amongst members of the public informed and unprejudiced attitudes with a view to eliminating discrimination on the ground of sex, sexuality, marital status, pregnancy, race or physical impairment.

What does that really mean? It places on the Commissioner for Equal Opportunity a responsibility to promote in a positive way bisexuality, homosexuality and transexuality as the norm, as the acceptable choices on the same basis as heterosexuality. There is no other interpretation: that is what the Commissioner has to do, and it says so quite clearly in this legislation. Therefore, the Commissioner, whatever his or her beliefs may be, is placed in the position of having to recommend unusual practices in South Australia, and I do not believe that that is supportable.

We could also refer to clause 50, where both religion and education are referred to, providing exemptions for certain religious orders and educational or other institutions administered by religious orders or bodies. It is a fairly narrow area with which we are dealing, and the shadow Attorney-General in another place who had communicated with the Roman Catholic community felt that that denomination may be able to live with the relatively narrow clause; but even so, in his discussions with members of the Catholic community they indicated that they would have preferred the Commonwealth legislation (sections 37 and 38) rather than the South Australian provisions, and there are some differences between the two, making the Commonwealth provisions somewhat wider. We are quite certain that other denominations will not be comfortable with that clause.

Of course, in the educational areas there are schools established not by religious orders or bodies but by groups of individuals who wish to provide a system or systems of education based on religious or moral principles of belief, and they certainly will not be covered satisfactorily by the existing legislation. We do not believe that those educational institutions that are established by Acts of Parliament or under the Associations Incorporation Act would be satisfactorily covered. I refer to those educational institutions that are still supported by churches.

More importantly, in the education system generally there will be widespread concern in the State system itself, because I am sure that parents are to a large extent worried about the impact that proselytising homosexuals, bisexuals and transexuals would have on their youngsters, and these people could be reassured, their beliefs strengthened and the personal spreading of their beliefs and practices encouraged by this legislation. They would have the protection of the law; they would have recourse to legal action if they were prevented, whatever the good intentions of the Ministers of the day.

Of course, parents of children in State schools do not have the financial resources to remove their children and send them to the independent school system unless they make tremendous personal sacrifices, as indeed many parents already do, to give their youngsters a different education, rather than having a rubber stamp over the whole State's education system. The South Australian Independent Schools Board Incorporated made a submission seeking even wider exemptions than are contained in the Bill, and stated:

> To legislate for preferences, and then to require educational institutions to not discriminate on behalf of that preference when employing, could be seen to interfere with the general education philosophy of a school based on the generally widely accepted mores of school communities in particular and the wider community in general.
>
> As the current State Act—

that should read 'State Bill', because a Bill is before us—

> stands, schools with connections to a church which has well stated beliefs of a universal nature and proclaimed in this way, seem to be reasonably accounted for. The replacement of section 47 by the Commonwealth Act 37, 38 would be even more reasonable. However, there are schools which have a Judaeo-Christian ethos, whose supporting churches do not have such well-stated, widely embracing statements, yet have an educational philosophy or policy encompassing those same truths. It would seem reasonable, therefore, that all schools should be exempted on the basis of their belief or educational policy and philosophy.
>
> As the schools are dependent upon the 'market place' for the students, parents (and students) are able to choose whether to attend the schools because of the particular educational policy and philosophy of that school. It would seem only reasonable to add a clause involving the 'stated educational policy and philosophy' somewhere in the State Act—

that is, the State Bill—

> or if the Commonwealth Act is accepted (which would be our preference), added to the sections stated above.

So, we have a submission that bears out the fears that I earlier stated. There is obviously a need to make some special exemptions in the field of education. However, what about the field of employment? The title of this Division in the original Bill involved more of an antagonistic and a confrontationist approach, rather than one of conciliation and education, as we indicated initially. It was referred to as discrimination by employers, implying that employers are liable to discriminate and that they are that type of person.

The amendment moved in another place which is now before us in this legislation provides for the heading to refer to discrimination in employment, and it is a more accurate description of the import of the Bill. The definition of 'employee' has been widened to include a person who is

the holder of a public or statutory office and in those circumstances, of course, the Crown is the employer. We have included for the first time positions such as Auditor-General, Ombudsman, Valuer-General and judges. Questions were raised in another place which I do not believe were adequately answered. The Minister in charge of the legislation here might, in his response, give some consideration to whether the legislation intended to include judges in the definition of 'employee'. In respect of discrimination by employers the Bill extends to employer-employee relationships and those of principal or commissioned agent, principal or contract workers, and partnerships. In relation to employment, clause 30 provides:

(1) It is unlawful for an employer to discriminate against a person—

(a) in determining, or in the course of determining, who should be offered employment;

or

(b) in the terms or conditions on which he offers employment.

(2) It is unlawful for an employer to discriminate against an employee—

(a) in the terms or conditions on which he employs the employee;

(b) by denying him access, or limiting his access, to opportunities for promotion, transfer or training, or to any other benefits connected with employment;

(c) by dismissing him;

or

(d) by subjecting him to any other detriment.

'Detriment' is defined in the original legislation as including humiliation or denigration. That definition was removed in another place. But the fact is that an employer literally has his hands tied, and if a person who has unusual sexual beliefs and engages in unusual sexual practices comes in to work behaving and dressing in an outrageous, camp fashion attracting attention to the business in what the employer would regard as a most undesirable manner, even though that person is behaving in such a way as to have an adverse effect upon the employer's business, under the terms of this legislation the employer simply cannot discriminate against such people and say, 'Look, clean up your act. Go home and come back dressed more normally so that the business can run in a normal fashion.' Instead, he has to accept this behaviour and live with it. If he is rude to these people and tells them what he really thinks, he is liable, under the terms of this Bill, for unlimited damages. Not only do we have that unreasonable situation but we also expect an employer to be aware of and to be legally liable for another aspect, and that is sexual harassment.

An employer, who may conduct a business with tens or hundreds of employees, is supposed to know precisely what each and every one of them is doing in the field of sexual harassment. It is most unreasonable that an employer should be liable, as was the original intention of the Bill, for unlimited damages for not knowing what was going on in his or her factory, industry, workshop or office. It is an unfair provision and one that we should not condone in this legislation.

We have been criticised by the Commissioner for Equal Opportunity for amending the legislation in another place, but I put it to all reasonable South Australians that surely there must be some defence for an employer who quite unwittingly has someone within his employ who is not only capable but who practises some form of sexual harassment. I believe that once that practice is brought to the attention of the employer, if he or she does not do something about it then, of course, we have a different situation. The Bill can quite happily attend to employer neglect, should the employer be aware of the situation and not take reasonable preventive action and that, of course, is the principle of amendments included in another place. To suggest that an employer should be liable and have no defence at all is quite unreasonable.

I wonder how the proponents of that original clause in the legislation would go if they themselves were suddenly brought before the courts for something of which they had absolutely no knowledge, for which they were simply not liable, and yet they were told, 'There it is; it is in the law. You should have known.' They would, I am sure, come up squealing and say, 'It is quite unreasonable.' There is no employer who can discriminate against a person by initially saying, when he takes that person on for employment, 'Are you liable to go and harass someone sexually?' I am sure that he would receive a very cold shoulder if he raised that sort of issue when he was interviewing. I do not know whether it is the Government's intention to have in offices and factories pamphlets or placards saying, 'Any person found guilty of sexual harassment is liable to be brought before the management and summarily dismissed.' If that is the case, the Minister could have included a much milder recommendation within the legislation than the one that he originally had.

It was suggested by employer groups that a tripartite group be established with the employers, the unions and Government representatives brought together and that a committee comprising representatives of that combination should then advise the Government and the Commissioner on a whole range of issues. Sexual harassment itself is unlawful but it may not in fact be discrimination. One does not have to be discriminatory if one is sexually harassing someone else. At least, I am reassured in the debates in the Upper House that that is the case. The Federal Act upon which this legislation is modelled refers to sexual harassment as being conduct which would disadvantage the other person in any way in connection with the other person's employment or work or possible employment or work.

The employer groups, that is, the Chambers of Commerce and Industry, Retail Traders Association and Metal Trades Industry Association, suggest that because the Federal and State provisions are to be administered by the State Commissioner for Equal Opportunity it would be appropriate to have identical provisions in both the Federal and State Acts and to review the operation in, say, 12 months time. That would have been quite an appropriate attitude to take. However, in this legislation, we have the liability of employers to provide a work place free of sexual harassment. There should not be any difficulty, of course, if the employer himself or herself is the one who is guilty of sexual harassment: he or she simply has to advise himself or herself to stop it. However, where there is an employee who harasses, the onus placed on the employer could be an extremely heavy one; as I said earlier, an extremely unfair one. It is unclear in the terms of this legislation what the Attorney-General's intention is. I would ask the Minister in charge of the Bill to give us some clearer idea of the Government's intention.

There should be a positive obligation on the employer, we agree, to take reasonable and practicable steps to ensure that there is a work place free of sexual harassment. However, we do not agree with imposing a very substantial sanction on the employer for any breach of obligation unless, as I said earlier, the employer knew of and then took no steps to prevent any further example of sexual harassment. So, I would ask the Minister to clarify that point. Many more arguments were propounded in another place than I would have time to canvass here. I believe that the debate there was an extremely extended and prolonged one, and a large range of extremely interesting points were brought forward. In reviewing the legislation, I believe that the present Government is complicating this whole area of equal opportunity by attempting to bring in, in this one composite Bill, leg-

islation to deal with discrimination on the grounds of sex, marital status, pregnancy, sexuality, race or physical impairment.

Each status, each condition or preference, has characteristics that do not allow each of them to be treated identically. There is a tendency in this Bill to draw things together and to give a formula response to problems. The Government's own Bill has in fact had to provide different exemptions in each area, and that alone highlights the problems that confronted the Attorney-General when he was trying to respond to the many different submissions and areas of public concern and of course trying to draw together the previous Acts now to be repealed under this present legislation.

The overlapping of the Commonwealth Sex Discrimination Act with the State Equal Opportunity Bill also creates a further complication because, on the one hand, we have the Government arguing that anything less favourable than the Commonwealth Act in relation to discrimination on the grounds of sex, marital status, or pregnacy will be declared to be invalid and, on the other hand, they say that, if South Australia has legislation which is no less favourable that the Commonwealth legislation, the Federal Government has indicated that it is prepared to stand off with its own legislation to allow the State legislation to stand. But it is not clear as to whether the Federal Labor Government's commitment is unequivocal and, if it is, what will constitute 'no less favourable State legislation'. It is simply not sufficiently clear for us to accept that bald statement.

The grounds of sexuality remain in the Bill and I will be moving an amendment to try to remove the definitions. This complicates some of those blanket provisions I referred to earlier, particularly in relation to independent schools and religion, worship in education, and so on. There were, of course, substantial areas of amendment to the original legislation, and I will refer to some of them for the benefit of honourable members who might not have perused the original Bill and this new legislation. First, the title was amended from Anti Discrimination (a negative title) to Equal Opportunity (a more positive title) and the long title which I have read into *Hansard* was also amended, reflecting that more positive emphasis on equal opportunity.

Secondly, the tribunal is now to be subjected to the oversight of the Senior Judge of the Local and District Criminal Court who will have the responsibility for allocating a particular presiding officer or a deputy presiding officer and members of the panel to tribunals. There is also now less potential for predetermined views to be brought to bear on particular matters. The Government still appoints the persons holding the office of presiding officer and deputy presiding officer and members of the panel. The Commissioner for Equal Opportunity has argued in submissions made recently to the Leader of the Opposition (I would have been a little more complimented had the Commissioner approached the shadow Attorney-General and me, the people handling this legislation, to put her view) that this would be an extra area of bureaucratic regulation and inappropriate legalism. It is correct that there is an additional person involved in the oversight of the work of the tribunal but we doubt whether that criticism is justified; in practice, we do not believe there will be a very large additional involvement, and we doubt whether there will be any higher level of legalism in the proceedings than there is at the present time.

The power of the tribunal to award unlimited damages, surely, we would say to the Commissioner, is reason enough to ensure that it does not start off with any preconceived bias and that there are safeguards to ensure that justice is done. Thirdly, there is discrimination in partnerships. The Bill provided for it to be unlawful for any partnership to discriminate on the basis of sex, marital status, pregnancy and sexuality. The Sex Discrimination Act, 1975, applied that to any partnership of six or more members. That is also the position in the Commonwealth Sex Discrimination Act. The Legislative Council amended the Bill to apply only to partnerships of six or more persons in relation to sex, marital status, pregnancy or sexuality. The Bill also provides for discrimination on the grounds of race or physical impairment to be unlawful in relation to any partnership of two or more persons. I believe the Commissioner has pointed out that there is an anomaly in that amendment by the Opposition in the Legislative Council.

Fourthly, in relation to pregnancy the Bill makes it unlawful to discriminate on the ground of pregnancy. The Legislative Council inserted an amendment which recognised the right of an employer where the woman could not perform adequately and without endangering herself, the unborn child or other person the work genuinely and reasonably required for the employment or position in question or was not able to respond adequately to situations of emergency. In that case, there should be some exemption. I believe that is a fair and proper amendment. An additional amendment moved by the Hon. Anne Levy and supported by the Liberal Party provided that alternative employment should be offered to the woman wherever that was available. The Commissioner for Equal Opportunity advises that she wants to remove all of that amendment and that the Commonwealth provision be inserted.

Fifthly, it will be unlawful to discriminate in relation to provision of accommodation but if that accommodation is provided in a private home then the Bill provided that was the principal occupier and his family. The Commonwealth Act limits that to three and the South Australian Sex Discrimination Act, 1975, limits it to six. The Legislative Council amended it, apart from the principal occupier and his family, to six.

Sixthly, in relation to superannuation, certain amendments were made in relation to superannuation data being available to every person making an application for superannuation and insurance. That was amended to provide for a summary of the data to be made available with the more comprehensive data being made available upon request. I believe the Government accepted that compromise amendment. The principal provision in relation to superannuation indicated that it would not be for at least two years because of investigations at the Commonwealth level by the Commonwealth Government and the Human Rights Commission. The amendments mean that the Government will now have to bring all the detail back to both Houses of Parliament for the Parliament to make the final decision on that issue.

Seventhly, clause 50 in the present Bill (clause 47 in the Legislation Council Bill) relates to religious bodies, and I referred to that earlier. It provides similar sorts of exemptions in relation to discrimination on the grounds of sex, marital status, pregnancy and sexuality as the Commonwealth Act does in relation to sex, marital status and pregnancy. The amendments moved in another place add to the Government's own provision, and I wish to make that quite clear to members of the House. The Opposition amendments simply add to provisions that were already contained in the original legislation. I want to be quite specific about that becuase I have received from the President of the South Australian Institute of Teachers correspondence in which he was critical of the Opposition for the amendments, and I believe that the Institute and its advisers had not carefully perused the original legislation, because the majority of the details to which they have expressed some objection are contained within the original legislation. As I have said, the Opposition's amendments simply added to the Government's Bill; they did not change it substantially.

Eighthly, I refer once again to sexual harassment. The Government's Bill makes sexual harassment *per se* unlawful

and imposes a significant liability upon an employer. The Opposition's amendment introduced the Commonwealth provisions relating to sexual harassment, except in relation to liability of an employer. The Commonwealth provisions introduce a concept of a disadvantage flowing from sexual harassment. That disadvantage is far wider than detriment which is linked to discrimination. 'Detriment' is more specifically definable than a general disadvantage. Arguments were presented to members of the Opposition prior to the Bill's being considered and particularly from employers, because this is a very significant area and it is important that there should be consistency between State and Federal legislation.

While there ought to be a positive obligation upon an employer to try as far as possible to address the issue of sexual harassment at the employee level, the employer should not be held unfairly accountable for the acts of his or her employees—acts of which the employer might be completely unaware. The Government's provisions imposing obligations upon the employer were significant and we believe to some extent uncertain in their scope. There was an ambiguity about them. I would simply say once again that the Commissioner for Equal Opportunity does argue for reinstatement of the Government's clause in the Bill: we have a very basic disagreement on that issue because of the massive implications for employers.

Ninthly, in relation to the time limit for complaints, the Bill provided for a period of 12 months in which to lodge a complaint. The Sex Discrimination Act and the Handicapped Persons Equal Opportunity Act provided for a period of six months. The Commissioner for Equal Opportunity argues that six months is too short. The Opposition argues that 12 months is too long. The compromise amendment in the Bill allows for a course of conduct, if occurring more than six months before the issuing of the complaint, to be taken into consideration so that, in effect the time could be longer than 12 months in many cases where a number of offences, a number of harassings occur over an extended period of time before an employee lodges a complaint against either an employer or a fellow employee. We believe that the six months from the final act of harassment and the lodging of a complaint should be an adequate period of time. It is essentially a value judgment, a matter of opinion as to whether a period of 12 months or six months is the more acceptable. But the other amendment that the Opposition moved was to require a complaint alleging wrongful dismissal to be brought within 21 days, which brings this into line with the Industrial Conciliation and Arbitration Act.

Tenthly, the contentious area of class actions to which I referred earlier has been removed from the Bill. The eleventh point is that the Legislative Council also removed the right of a trade union to formally bring a complaint, although, as I said earlier, there is nothing to stop a union from supporting a complainant in making complaints to the Commissioner for Equal Opportunity. The twelfth point is that the Legislative Council also inserted a provision which requires that details of any complaint are to be made available to the person against whom a complaint is made prior to any conciliation conference. We believe that that is a matter of simple justice; a respondent should know the details of an allegation. Imagine being brought before the courts without knowing why! The Opposition maintains that any employer who has an offender, but who under the legislation is included, should have plenty of knowledge and plenty of warning about the nature of the complaint. As I have said, the Commissioner for Equal Opportunity thinks that that is unduly legalistic, but we do not think that that is so—simply in the interests of fair play and simple justice.

The thirteenth point relates to limitation on damages. The Opposition supported a motion to limit the authority of the tribunal to $40 000. We believe that there should be a limitation on the operation of the authority. The fourteenth point relates to sexuality. An amendment was supported by the Legislative Council when the actual definition of sexuality was not eliminated from the Bill. This amendment allows discrimination on the basis of sexuality where the decision is taken on a person's appearance, dress, manner or behaviour provided that it was reasonable in the circumstances. Once again, the Commissioner for Equal Opportunity believes that that amendment is misconceived. I simply say that, as one looks around at some of the really outrageous behaviour, one can understand some employers feeling concerned at being compelled to employ people with perverted ideas of what is normal, and not only being compelled to employ them but having to accept their behaviour as the norm, even though it may adversely affect the employer's business.

I would also point out once again that the question of the AIDS sickness which is upon our community has to be considered when we are considering sexuality, because this society of ours will simply have to be allowed to discriminate against carriers of AIDS. Of course, carriers of AIDS are masculine: there will be a masculine discrimination in the field of blood donors as a matter of absolute emergency, and this legislation cannot assume the dominant role. It must assume the subordinate role when legislation or regulations are brought in to protect society at large.

A whole range of other amendments to the Bill by the Opposition have not been the subject of major criticism. I have referred to the more contentious amendments, but those other amendments and those to which I have just referred we believe substantially improve the legislation. We believe that the critics of the Opposition's amendments have not fully understood the Bill, its original import and the importance of those subsequent amendments. Obviously, there will be a very substantial degree of debate still to follow during the Committee stage, and, ultimately, who knows what may happen if the amendments are not acceptable to the Government.

I ask the Government to consider very carefully the remarks that I have made today in relation to the amendments which are now part and parcel of the legislation before us and which improved the original Bill and to accept the amendments rather than reject them. As much as a number of people feel pride in seeing South Australia act as a trail blazer, the Opposition does not believe that in every instance of social reform it is appropriate that South Australia should lead the rest of Australia, with detrimental implications not simply for those discriminated against under sexual harassment or whatever, but for the entire community of South Australia which must carry the very substantial additional financial burden which has ensued for example, in the United States of America, where certain parts of this type of legislation have been enacted at great community cost. I refer to financial costs to taxpayers, where minorities are being protected at the vast expense of the general community.

Mr MEIER (Goyder): I wish to speak against the Bill—now called the Equal Opportunity Bill, the name having been changed to make the Bill more acceptable.

The Hon. Jennifer Adamson interjecting:

Mr MEIER: Yes; I suppose it was kind of us to try to amend it to make it sound acceptable. When one looks at the long title of the Bill it is as follows:

An Act to promote equality of opportunity between the citizens of this State; to prevent certain kinds of discrimination based on sex, sexuality, marital status, pregnancy, race or physical impairment; to facilitate the participation of citizens in the economic

and social life of the community; and to deal with other related matters.

That sounds so high and mighty and something about which people would say, 'Great, we are really advancing in the right direction.' It is so typical of the Labor platform and of what the Labor Government and Labor Party are determined to do. It has made sure that aspects of a positive nature—aspects which are necessary to our society—are infiltrated with very negative legislation which will only help to bring down our society in the long run.

It is very disturbing to me and to other citizens in this State to have to see some of the things in this anti discrimination Bill, many of which have been mentioned by the member for Mount Gambier. He enunciated many of the points very well. I will not go into everything into which he went. Probably the main area of contention concerns the aspect of sexuality. The idea is that we will not discriminate and that we should try to get across the idea that we are all the same, yet I remember in earlier studies that the classic thing which we were taught and which is well documented is that each one of us is different.

It does not matter how many laws or regulations we bring in, we will not change the fact that each of us is different. Yet, here it looks as though anyone who treats anyone else differently could be liable to prosecution. The highlight of those differences can be seen in the definitions of 'heterosexuality', 'homosexuality', 'bisexuality', or 'transexuality'. It is not my intention to question the reason for a person's being in any one of those categories. However, I believe that in normal circumstances people are heterosexual.

It would appear, from evidence that I have read and from people who have appeared on such programmes as Willesee that, for whatever reason, be it born in them or whatever, some people seek a change in their sex. Unfortunately, our society does not accommodate them terribly well. It is very hard to know whether they are genuine or whether they have perhaps been led to go this way. The one area we see on homosexuality has come out clearly in the last year. People were trying to say that it is all right and that nothing is really wrong with it. I often wondered why, if it was not wrong, homosexuals have not been a prominent part of society for many years.

Now that we see AIDS being identified—and it has been identified over only some three years or so (it is a recently diagnosed disease)—the answer is blatantly clear. It is an inbuilt mechanism for people who deviate from the normal heterosexual line and leads to a disease so that invariably they cannot live very long. The tragedy of the matter is that, because our society has promoted it and endeavoured to protect these people, the other people in this State and country are also possibly subject to the same dire consequences through blood transfusions.

We have seen one State at least (and I am not sure whether other States have followed) take urgent action to protect the majority of citizens from AIDS, which is a direct result of homosexual activity. If we in this Parliament are going to go out of our way to encourage that type of behaviour, we must seriously question whether our motives are right.

Mr Mathwin: It is not normal behaviour.

Mr MEIER: It is certainly not normal behaviour. This Bill is a devious means of trying to get homosexuality brought into the legislation so that, if anyone discriminates against that a homosexual in employment or in any other way, one may have to go before the Commissioner. I say here and now that, if and when my electorate secretary had to retire and I was faced with a decision to employ someone else and I had homosexuals, bisexuals or transexuals applying for the job, I make it very clear that I would want to be able to discriminate against them. Any law that stopped me from so doing would be a negative law which we should prevent at all costs, because our complete freedom would be going down the drain if we were prevented from discriminating against these people.

With the way in which this legislation is written, it would not be hard for a person such as myself, in hiring someone, to have to go before the tribunal if the homosexual or bisexual person had far superior qualifications for managing an electorate office. I suppose that I would have no counter-evidence to be able to give to the tribunal. My case is perhaps irrelevant. We are well aware that small business in this case and in the whole of Australia is central to our economy. It is the mainstay of our economy. If every small business in Australia could employ one person, unemployment would disappear overnight; that is how many small businesses we have. This type of legislation will discriminate against small business in South Australia as well as against large business. Businesses have the choice as to the State in which they choose to set up. If any person with an ounce of common sense is aware that he will be very restricted in relation to whom he employs in South Australia, that person will not come here, and we cannot blame him for that.

So, I would hope the Government takes stock of the situation. With the AIDS scare a few weeks ago, and innocent people dying, one would have thought that our Minister of Health would take the obvious step and wipe out this Bill or at least say to his Caucus colleagues, 'We have to chop out this Bill before it goes to the House of Assembly.' Perhaps he could not do that because it had already gone through the other place. However, he had the opportunity to go to Caucus and say, 'We can see the damage that is occurring in our society, let us stop it.'

However, I have not heard anything from the Government: I have seen no indication that this will happen. Members have certainly heard from the Opposition's shadow Minister (the member for Mount Gambier) that we will move that this section of the Bill be deleted, and quite rightly so. This Bill is typical of Labor programmes. Before the last State election we heard one or more Ministers say, 'When we come to Government we will consult with people; there will be no more introducing legislation without proper consultation.' What hypocrisy! Of course, it is typical of the way in which this Government has performed the whole time. Do honourable members recall the way in which it came in, saying that there would be no increases in taxes and no new taxes? Do they remember that? What have we got—160 of them? I have not checked it lately.

Mr Mathwin: They've broken every one.

Mr MEIER: Yes, the Government has broken every one, as the member for Glenelg points out. I quote from a couple of relevant paragraphs in a letter from the Chairperson (Wilfred Marlow) of the South Australian Institute on Developmental Disabilities, as follows:

> There are two matters of concern.

By the way, this is in relation to what he terms the Anti Discrimination Bill. He continues:

> Firstly, there seems to have been little or no consultation with any of the member organisations of the Institute, parent or consumer groups.

So, here we have someone coming out clearly. Surely the South Australian Institute on Developmental Disability (the disabled group) would be the first to which the Government would go. However, according to Mr Marlow there seems to have been little or no consultation. So much for the useless promises of this Government when in Opposition about what it would do. We see quite clearly that it is not doing that at all. Mr Marlow further says:

> Secondly, the Bill specifically excludes persons who are intellectually disabled.

He makes quite a few comments then and attaches various documents, details of which I will not go into at this stage. So, we see that at least one group certainly has not been consulted. We could look at other groups that have sent information to members. As with so many that have come forward, it seems obvious to me that no consultation has occurred in those areas, either. Here we are dealing with a supposedly very important piece of legislation that the Government wants to push through in tomorrow's sitting, after which we have other controversial legislation with which to deal. We have a number of matters as well to deal with, and we virtually know that Thursday is supposed to be the last day. We had a week taken off before the election programme so that the Government could go out to Elizabeth campaigning to try to get their candidate to win. That was a fruitless task, so we could have been sitting here after all; but that is bygone days now.

The Government is using the tactic of saying, 'Right; we know that the Opposition will try to stall it. We know it will try to get as much support on its side.' And we have got that support! The Government says, 'We will roll this and other controversial legislation through in three days.'

An honourable member: Steamroller tactics!

Mr MEIER: Yes. The Government could not care less if it kept us here after 10.30, midnight or 2 a.m. It is not good enough. I cannot see why, because the Opposition was quite happy to come back next week to sit, this Government does not wish us to do that; it is determined to bulldoze its way through. That is the way in which the Government has operated for two years, and we have to put up with it for a bit longer.

I saw a magnificent article, headed 'Once upon a time there was a sexist', by Des Colquhoun in the *Advertiser* on 22 October 1984. This article showed to what extent our society could go when the anti discrimination laws go to the nth degree. The report is as follows:

'Once upon a time,' said the teacher, 'there was a beatiful young woman called Cinderella who had three ugly sisters.'

Young Peacroft put up his hand. 'Please, Ms,' he said, 'that is sexist.'

'Sexist?' asked the teacher.

'Highly', said Peacroft. 'And so it seems to me we shouldn't refer to Cinderella as a woman or her relatives as sisters, and we certainly shouldn't judge any of them by the accident of their appearance.'

'What on earth are we supposed to call them then?' asked the teacher.

'Well,' said Peacroft, 'we could refer to Cinderella merely as a young person. And, seeing "sisters" is a fundamentally sexist word, we should call them the three siblings.'

'All right,' sighed the teacher. 'Once upon a time there was a young person called Cinderella who had three siblings and a stepmother.'

'Stepmother,' said Peacroft, 'is sexist. We should refer to her as Cinderella's step-parent.'

'Well,' said the teacher with another sigh, 'the three siblings and their parent were invited to a ball at the king's palace.'

'King,' said Peacroft, 'is sexist. It was the Queen's palace, too, you know.'

And so the article goes on.

Mr Becker: Read the whole story.

Mr MEIER: I have been asked to read the whole story, so I will do so, as follows:

'Well, the royal palace,' said the teacher. 'And they were very excited because they would be able to meet Prince Charming.'

Peacroft's hand shot up. 'Please Ms,' he said, 'Prince is sexist. And in this context the name "Charming" is blatant male chauvinism.'

'Would young royal personage be acceptable, Peacroft?' asked the teacher, gritting her teeth.

'Yes' said Peacroft. 'Do please proceed'.

'Well Cinderella's step-parent and her three siblings went off to the ball in their beautiful ball gowns and left Cinderella to do all the household chores. But as Cinderella wept by the fireplace, her fairy godmother appeared.'

Peacroft was on his feet in a flash.

'Oh, no,' said the teacher. 'Fairy godmother, huh?'

'Yes,' said Peacroft. 'The word "fairy" smacks of sexual prejudice. The word "god" is all right because it's neuter or, if you prefer, non-sexist. But "mother" is intrinsically sexist.'

'What do you suggest?' asked the teacher icily. 'Instead of "fairy" could we use the word "supernatural"?'

'I suppose we could,' said Peacroft, 'but "super" is rather elitist, isn't it? What about "unnatural?" '

The teacher held herself in control. 'Well, while Cinderella was crying by the fireplace her unnatural godparent appeared and—'

'Please Ms,' said Peacroft, 'you referred to Cinderella as "her" when we'd agreed to call her just a young person.'

The teacher threw her hands up in triumph. 'Aha so did you, Peacroft,' she said. 'So you tell the bloody story your way.'

And, believe it or not, Peacroft was struck dumb. And the teacher lived happily ever after.

I think that Mr Colquhoun made a very salient point in that article, namely, that through our legislation we are going to extremes of absurdity. So much of the legislation in this Bill is right on the absurd line. Unfortunately, we will have to live with some of it. I really pity my children and the younger generation. I know that they will change it as soon as they can: it will be a classic case of the children rejecting the values of their parents because the values that we through this legislation hold are becoming nonsensical, idiotic and stupid. They are perhaps positive words to describe this type of legislation. We also see other examples of people who have expressed concern about the Bill. I highlight a few comments of Mr T.D. Koch of Glynde:

The Bill itself is discriminatory. It discriminates in favour of disgusting and reprehensible behaviour.

I think he is right there, when one thinks of an employer not having the right to discriminate on grounds of bisexuality, homosexuality or whatever sort of sexuality. One has to employ the best person, whatever that person might be. That point is well made. Later in his letter Mr Koch states:

It seems that currently there is in train a critical review by Australian Governments of all legislation. Never have there been so many committees of inquiry and questionnaires seeking personal details and relating, it seems, to every law in our Statute Book.

My word, the member for Glenelg would be very interested to read that line, probably because of the questionnaires. In fact, the honourable member brought up a couple of questionnaires that the Minister of Transport put out on various matters. It was amusing, when one looked at the questions involved and the possible answers that could have been given. I do not think that Mr T.D. Koch is referring to the Minister of Transport so much as he is to issues of a moral or social nature. Again, I believe that he is right: we are being over-governed; we are being regulated in every little feature of our lives. I do not have to remind members here that the Liberal Government and the Liberal Party believes in de-emphasising Government and in deregulation.

It is a great shame that the current Labor Government has exactly the opposite viewpoint. Mr Koch makes the point that 'fine-sounding philosophies are used to cloak absolute control of every aspect of people's lives', and I can only agree with him there, especially bearing in mind what I read out at the beginning of my speech: that this was 'an Act to promote equality of opportunity between the citizens of this State,' etc. It sounded terrific, but without a doubt it is a fine-sounding philosophy used to cloak absolute control of every aspect of people's lives. He further states:

The fact that it is so vague and wide ranging in its thrusts is sufficient to make it a dangerous tool in the hands of a Commissioner and Tribunal imbued with zeal to promote an ideology which is in conflict with the principles for life as enunciated in the Bible... The Commissioner himself would have enormously wide powers and can delegate his powers and functions under the Act to any person—

Mr Becker interjecting:

Mr MEIER: I am sorry: did I say 'his'? I suppose that it should read 'the' powers—

holding a particular office in the Public Service of the State. Books, papers and documents can be seized and held for as long as the Commissioner thinks fit.

That type of thing is surely something that we in a free society should be legislating against in any circumstances to ensure that we do not bring in any such legislation, yet it is coming in under this Bill. I see that the Commissioner will be someone who will have great power, and it is perhaps all very well if we have a responsible person who believes in the things that are best for society, but if it is a person with a kinked view of life many people will be affected by it, and very little can be done, because the Bill provides that that person can be in power for some five years at a time with the right of renewal for five years, and that is a long time. Mr Koch further states:

The Tribunal shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms and shall not be bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit—

that paragraph alone is enough to damn the Bill—

If it becomes law an unsuspecting public is in for some rude shocks as the law is applied. The Commissioner would have wider powers than a judge in a court of law. Accused people would not have the automatic right to represented by legal counsel and there is no effective right of appeal against decisions of the tribunal. The whole general approach seems to be for summary justice to be dished out at the whim of the tribunal.

I will be very interested to hear the Minister's comments on that matter, because this should be an area of great concern when commissioners may be above judges. If that is to be the case maybe we need to look at the whole way we are operating in a constitutional sense. Do we want commissioners to be the No. 1 judges in this country, or will we stick with the current legal system that we know? Further, Mr Koch states:

The plain fact is that it is simply impossible to legislate or enforce a code of social behaviour upon a society... Wisely applied incentives and encouragement to behave responsibly can achieve a great deal but Draconian measures to enforce social behaviour in relatively minor areas will be seen by the public as oppressive and will be resisted.

I think that that point is very clear. The plain fact is that it is simply impossible to legislate or enforce a code of social behaviour on a society.

Mr Becker: Don't you believe that this mob will try anything?

Mr MEIER: Unfortunately, we see here a classic example where they are trying anything, and the worrying thing is that they might just get away with it. The Bill is so disguised with certain positive things that we see. It clearly states that the Sex Discrimination Act, 1975, is repealed, so that is gone. We have to take some of those things out, but the Government has thrown so much mud, dirt and rot into this new lot that it will have a completely negative effect on our society and will help to ruin this State much more quickly than was perhaps happening originally. Mr Koch further states:

The Bill places employers, and people who have the responsibility in society to plan and manage industry at a serious disadvantage. Measures provided in the Bill would give disgruntled or mischief making employees a long stick with which to beat and harass their employers.

I thought that the member for Mount Gambier made a classic comment when referring to sex discrimination—because the employers will be held responsible—that if an employer were harassing he or she could simply tell off himself or herself and say, 'No, I must not do that.'

Mr Becker: Self-control.

Mr MEIER: Yes. I wonder how young couples will go about not so much courting but meeting each other in the first place because, if they happen to be in the same work place and the boy happens to wink at a girl, wham: he has had it, and he is out! He is brought before the Commissioner, because that could be regarded as sexual harassment, and winking at a girl could mean the end of his job. Of course, it could happen the other way, too, because from my consitituents I have had complaints where women have harassed men, so I think that the ordinary attraction of girl for boy or boy for girl will easily be misinterpreted.

Mr Becker: It's going to be banned.

Mr MEIER: It may well be banned. In fact, they might have to devise a special session outside of work, perhaps an extra hour after work, when people can meet each other.

Mr Becker interjecting:

Mr MEIER: It would have to be legalised so that people could meet each other. Perhaps we would have to amend this Bill so it would not apply during the social hour or happy hour after work, when any approach by a boy towards a girl, or vice versa, would be all right, but if it is during work—

Mr Evans: A non-harassment hour.

Mr MEIER: Yes, I like that term. Again it concerns me as to the future generation and how young people will go about it if there is a particular attraction in the work force. They obviously will not be able to make any overtones or suggestions during work, and I wish them luck. However, I suspect that the Government might have second thoughts on this and that, for the sake of society and realism, it will not allow this measure to proceed. Mr Koch further states:

The tragedy of it all is that, if this type of trendy impractical and even dangerous (to democracy) legislation is allowed to increase, it will be only a matter of when many Christians, who contribute more than you might realise in trying to mend the patched and torn fabric of our society, will have to refuse to obey laws which are contrary to God's laws.

This person is obviously speaking as a Christian but I can see it applying more widely than that and people will have to disobey laws—people who perhaps in normal circumstances would wish to be able to live within the law and abide by it, and it is a great tragedy for our society when we see our legislation heading in that direction. I wish to re-emphasise the point that the aspect of sexuality has to go. Our society has been built on very firm and solid principles. This Bill will undermine and help destroy those principles. The member for Mount Gambier has brought out many other factors, and I am sure that future speakers will do the same probably in Committee, clearly showing other negative aspects of this Bill. I urge every member of the House to oppose this Bill and certainly to oppose the provisions in regard to sexuality.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr BAKER (Mitcham): It is my intention tonight to dwell briefly on some of the aspects of the Bill, including the amendments being proposed by the Government and the way they will return the situation to that existing under the original Bill introduced in the Legislative Council. One of the things that never ceases to amaze me is the time we spend in this House talking about emotional issues.

Mrs Appleby interjecting:

Mr BAKER: I will come to the member for Brighton shortly. We spend far less time in this House discussing the role of State Government, the future of the State, where we should be headed and what are we going to do about young people's jobs. We spend an inordinate amount of time on particular emotional issues generated by this Government. Many of these issues are in fact devised and designed to break down the standards many people hold very dear. I think on this side of the House members will have received an enormous amount of correspondence and many telephone calls in relation to this Bill.

I wish to look at several aspects of the Bill, where I believe that its provisions are incompetent, where they do not reflect the will of the people and where they form part of the socialist theme in South Australia. They are meant to break down standards, and they do nothing for the future welfare of this State. More than that, in some cases the provisions in question are legally incompetent. I would like to pay a tribute to my colleague, the shadow Attorney-General in the Upper House, for the enormous amount of work he did on this Bill. I do not know how many hours have been spent, but I would have thought that his personal effort probably ran into an excess of 30 or 40 hours. That effort was in response not only to his own diligence but also to the fears that were raised by a large number of bodies. I have a stack of paper with me here tonight which reflects some of the thoughts that have been expressed to me and, I am sure, to other members. Grave concerns have been expressed, because this legislation tests people's moral beliefs; it tests the very basis and foundation upon which they live and operate.

Let us be quite clear about what we are trying to do: with this legislation we should be attempting to reflect community standards. We should be attempting to right any wrongs, if there are wrongs, but we should not do it in a way that will tip the balance to such an extent that the wrongs that we right generate a whole stream of inequalities in the system. I think there are some difficulties with that. I would also like to be philosophical on a particular point. So often we attempt to put things into legislation which are better left out and, if we are going to put them into legislation, let us not make them hard and fast rules in black and white, because all that does is provide lawyers with a living. Very few of the laws that we consider in Parliament do a great deal of good. They are there at the request of particular people and groups, and we know that the legislation brought forward by the ALP and by this Government is aimed to do two things: one is to bring about the destruction of standards; and the other is to bring down the business community.

I believe that this Bill tips the balance and places the onus on employers in a way which I believe is quite unfair. If people wish to argue about it they should go back to the fundamental provision in the Bill, which relates to equality of opportunity, or anti discrimination. I do not really mind which one of those two descriptions is used, although I believe that equality of opportunity is much more positive than the anti discrimination aspect. I think we can again thank our shadow Attorney-General for dealing with that.

Let it be remembered that, whilst we may make laws with the best intentions, we also know that when it comes to determinations it is the written word that is going to be the thing which is tested. As I said, we can pass laws with the best of intentions believing that they will be justly administered, but there is no guarantee of that, because if the black and white or written word is not correct, which is the case in this Bill, people suffer great detriment.

I will now point to the areas in this Bill which cause me concern. We all know that recently in the Industrial Court, in the Carr Fasteners case, involving the determination by the employer in relation to the marital status of the lady concerned, her marital status did not have to be the most important reason for dismissal: it only had to be a reason, because in fact, as members know, there are other reasons involved. In that case there was a whole range of reasons why the employer had to terminate this lady's employment. He did not wish to terminate the employment of anyone: that was quite clear.

It was also quite clear that he made a decision believing it to be in the best interests of his employees, yet he was penalised, having mentioned as one of the reasons that, because she was married, it was fairer for her to be dismissed than for others to be. I am not going to comment on whether a person is married, single, pregnant or disabled, etc., because personally I do not believe that that is relevant. Depending on the economic circumstances, that person should have been retained or dismissed purely on the basis of her own ability. If the decision had to be made that someone was to be lost from the firm, ability and other such things as loyalty and time with the firm should be the most prevailing influences, and I understand they were.

I have been given information from a very reliable source that those matters were the prevailing influences on that decision and yet the employer told the lady that, because she was married, she could probably survive better than some of the other employees. What the law has proved is that he was foolish.

I am not going to condone the employer's saying what he said, although I think that probably he was wrong in saying it, but to penalise him for being honest is amazing, and that is why I go back to this one fundamental point: whatever we write in this legislation is the point that will be tested in the courts, and if we do not get it right a lot of people are going to be hurt, because we cannot depend on the courts to determine equity and we cannot depend on the courts to make a determination on the basis of goodwill. We can only expect the courts to make a determination based on what is written in the legislation. I have said enough on that matter and will now go on to deal with the particular aspects that concern me.

One of the much debated topics concerns sexual harassment. I make clear to this House that I am not satisfied with the original Bill, with the proposal that will be discussed in Committee or with our own proposal on this matter, because it misses the point on a number of aspects. I will read what I had prepared in response to a letter from the South Australian Institute of Teachers which sets down four areas of concern. My response clearly explains the law, and sets out my position so that no-one can misunderstand it. Under the heading 'Sexual harassment', it states:

> How do you differentiate between:
> (i) the person who, without the knowledge of his or her employer, pays unwanted attention to a fellow employee or member of staff, and
> (ii) the person who behaves in a similar fashion whilst at a dance, or in a hotel or in another circumstance?
>
> The principle in law is quite simple. Should unwanted acts take place with the knowledge of the employer, the employer has failed to exercise his or her responsibility to protect the welfare of an employee—culpability is clear.
>
> If an employer takes reasonable steps to penalise an unwanted act or prevent the recurrence of unwanted advances or actions, how can he or she be deemed to be culpably negligent?

This Bill, as it was introduced, clearly made the employer culpably negligent, in fact, liable. Where is the justice in that circumstance? In a legal situation the tribunal or court will require that positive steps be taken by the employer to prevent harassment: it is not just a *carte blanche*. It simply says, if the employer had taken reasonable steps. I do not think anyone would argue about that. My letter continues:

> Your comments on the definition of sexual harassment reveal a misunderstanding of the thrust of the new Bill. We are all agreed that sexual harassment is obnoxious and penalties should be prescribed irrespective of where it happens or by which sex it happens.

The letter continues:

> The law does provide various remedies where the harassment is overt: it is a little less certain where it is covert. The new Bill deals with discrimination and equality of opportunity. In other words, if a particular act detracts from the attainment of equality of opportunity, it is outlawed under the provisions.

If, however, damage is not suffered in respect of employment, education, etc., it is clear that it is a case with which the criminal law must deal. My letter continues:

Sexual harassment is not of itself an act of discrimination. It contains varying ingredients of lust, aggression and exercise of power. To deem it so would overturn many of the fundamental ground rules on which the law is built: would not the law appear to be a gigantic ass if when a jilted lover vigorously pursued his or her former partner he or she was charged with discrimination?

That is the sort of argument that the Government has been putting forward. It believes that sexual harassment should be a case of discrimination, because that is what the Bill deals with, and that is something that so many people in this House cannot understand or come to grips with. If there is sexual harassment, then there is relevant provision under the Police Offences Act and the Criminal Law Consolidation Act: all members are aware of that. If that needs strengthening, then so be it, but we are not here redefining the offence of sexual harassment; we are talking about sexual harassment as it relates to the Equal Opportunity Bill. Let us not try and encode the criminal law or the police offences law into the Equal Opportunity Bill. I have said, as a parallel example, that, if a person punches another person, it is an act of assault—the law is quite clear on that. The principle does not change even if the victim is Aboriginal, homosexual, female, of ethnic origin, disabled, pregnant, married, or whatever. That is the Act. That is what the law currently prescribes, yet the Government wants to overturn that principle in this legislation and fiddle with the law. It loves fiddling with the law

Mr Mathwin: To their own advantage.

Mr BAKER: To its own advantage. When we talk about detriment, we can all agree on this side of the House that sexual harassment is a detriment; it does involve humiliation and denigration. We have no difficulty with that proposition but we are dealing with the Equal Opportunity Bill and to provide no protection for employers, as the Government seeks to do, is an absolute disgrace. I deal now with class actions and trade unions. I said in this correspondence for the Institute of Teachers:

Not being a lawyer I am unsure of the actual position of class actions in South Australia but I have a feeling that they cannot be entered under existing provisions.

I have since confirmed that it is not possible to engage in class actions in any of the courts in South Australia, although the Federal Act does make this provision. I also said:

In any event, they are inappropriate to the procedures laid down in the Bill, which prescribes complaints being lodged with the tribunal (as distinct from a court of law). There is naturally the question of how discriminatory action involving more than one person can be treated in a class situation.

If honourable members on the other side have the intelligence to understand that proposition, they will know the impact on various individuals is very different, depending on the feelings that have been hurt and how buoyant people are in the process.

When I was concerned about what could be done in a positive fashion about sexual harassment, I spoke to a number of females whom I have known for a number of years. I asked whether they had ever been sexually harassed; fortunately none of them had. I think the number extended to about 15, so that was a very poor sample because the result was zero per cent but they could give examples of other women who had been harassed, so there is no doubt that it is widespread and of great concern. One said that there was a gentleman at the factory where she had worked who used to 'try the ladies on', as she put it. Some were obviously far more affected than others. I understand that one employee left the factory because of the circumstance involved. Now, that action is reprehensible; it should never be allowed to happen, but unfortunately, it does happen. In this circumstance, we had the wide spectrum of feeling: the person who left the firm and the person who had been subjected to the same sort of advances but on whom it had no impact whatsoever. People may like to argue that it did have an impact, but some people have seen a little more of the world. The trade unions have an appalling record in respect of discrimination. The trade union movement is the most discriminatory organisation that Australia has, yet here it will be the purveyors of all good, the people who will stand up—

The Hon. Jennifer Adamson: The Stock Exchange Club—

Mr BAKER: I did not quite catch the interjection.

The DEPUTY SPEAKER: Order! Interjections are out of order.

Mr BAKER: The record of the trade unions as far as discrimination is concerned is absolutely appalling in this country, but let us leave their record to one side—

Mr Meier: They discriminate against anyone who is not a member of the union.

Mr BAKER: They take it a lot further; they will take away people's right for a job. They will cause physical injury, as we have seen in the miners' debacle in England. They have no respect for other people's rights. For many years they prevented women gaining certain positions. They wanted equal pay only because they thought that by getting equal pay more men would be employed. So let us not talk about the history of trade unions. According to this Bill we will suddenly see them in a new world, as an example of the upholders of justice.

Mr Mathwin: Lily white!

Mr BAKER: Yes. Setting this aside, I see no reason why a trade union should not be totally supportive of an aggrieved member in protection of that person's rights, but why should a trade union be a principal before a discrimination commission? If a person is emotionally upset, I am sure that a trade union person can say that that person will be assisted in whatever way possible, that the person will be assisted in appearing before the tribunal. However, why should the trade union be the principal? That is what the Government is suggesting. The due course of law is taken out; all the time there is an attempt to subvert the whole basis of justice in this country through the trade union movement. We have seen it through the Government's industrial laws.

Mr Mathwin: They always come from South Terrace.

Mr BAKER: Some people suggest that they come from—

The DEPUTY SPEAKER: Order! If the honourable member from Glenelg wants to carry on a conversation I suggest that he leave the Chamber.

Mr BAKER: Some people suggest that they come from the northern hemisphere, but I would not say that. I shall refer to a few pertinent matters. In relation to the proposition in the Bill about having a judge heading the tribunal and making the determinations, in the original concept of the Bill he was a person who was going to be admitted on the wish and the whim of the Minister of the day. One sense of relief is that this Government will not be in power for much longer and so we will not have to put up with some of the rubbishy appointments that it tends to make. But the fact remains that the person appointed will stand the test of three years, and that is far too long. The Opposition believes that politics should be taken out of the tribunal, and who better than the Judiciary to be the mainspring, to make the determination on the composition of the tribunals without being affected by all the pressures that can naturally pertain to particular cases?

We will probably hear a number of emotive statements about the vexed question of sexuality. I have some letters in my office that I did not bother to bring in today. These refer to this matter and are obviously from people who feel very deeply about the subject. I do not feel very deeply about this subject at all. I believe that a person's sexual

preference is irrelevant. I believe that it is important that everyone be protected under the laws that are made, but of course the Government always goes a little too far. It believes that under any circumstances, no matter what action is undertaken, people should be protected.

I referred earlier to the Carr Fastener case, and it is important to reflect on that case and then to reflect on what can happen under the provisions of this Bill. It has happened with the Equal Opportunity Commission. I am sure that the Commissioner would understand that some cases have been brought forward with a great lack of evidence: these have been made on the premise that because one is female, Aboriginal, or of ethnic origin some undesirable thing has occurred.

In the Bill presently before the House the provisions go far further than in relation to any of the categories to which I referred. Originally the Bill provided that the same opportunity would be made available for homosexuals, heterosexuals, transsexuals and bisexuals. We are fiddling with people's inner feelings; people may class them as inner prejudices. Some of them have been rooted in their soul since the day they were born. Let me assure honourable members opposite that a great deal of ill feeling that exists is not helped by a Government that presses for laws that are totally unacceptable. I make no secret of the fact I support the amendments made in the Upper House that provide a fair and reasonable course of action in this instance. I did not believe originally that the sexuality provisions should be taken out, but I now do, and for reasons that will be debated in Committee. We cannot accept the orginal proposition. I can only support the Bill as amended in the Upper House. There are a number of other anomalies in the Bill. A $40 000 upper limit was placed in the provisions in the Upper House. The original Bill specified no damages.

The Hon. Jennifer Adamson: No limit to damages.

Mr BAKER: Yes, no limit to damages. I would like honourable members to reflect for a few minutes on the 'no limit' situation. For example, how does one compare this situation with that where one loses a wife, a husband, a daughter, a son or a close relative due to a criminal offence? As I understand the law today the maximum that can be provided for criminal injuries under the Criminal Injuries Compensation Act is of the order of $20 000. That means that, in relation to some of the most heinous acts that man can dream up, the maximum provision payable under the Criminal Injuries Compensation Act is $20 000. Yet, on the other side of the coin the Government maintains that $40 000 in this instance is not enough. One wonders where its priorities lie. I know where they lie; that has been clearly demonstrated with this Bill.

The last point that I wish to make relates to the culpability of employers. As I said earlier, the original Bill tipped the scales. It provided no protection. It can provide the vehicle for people with an intense dislike of an employer to take action that ultimately will bankrupt the firm, or whatever. I believe that the stance adopted in the Upper House on almost all of these provisions is sensible. It has provided a balance that we need. I go back to the point where I started: if I was introducing legislation for the first time in this area I would not do any of the things that have been done over the past nine years—I would approach the matter in a completely different fashion. I would set up the principles upon which it is believed that action can be taken if people break the rules of common decency. I believe that going along the path now being followed we will continue to make laws for every minority group; in itself, that is a very divisive mechanism.

I have calculated that by the time we add the young and the old to the existing provisions in the Bill which deal with sex, sexual preference, ethnic origin, pregnancy, and marital status, no percentage of the population is left, because everyone falls into one of those categories, and so the whole population has been encompassed. I think we should encompass the whole population beforehand, and set down the principles upon which we believe the people of South Australia should conduct themselves. This should not be done in the way currently proposed, where particular groups have been identified and isolated for attention. I think we should have a set of rules that clearly show that the Parliament and the people are opposed to discrimination of all forms. We do not necessarily need to spell out each form of discrimination.

The rule of equality and the rule of common law provide us with some remedies. On that note, I can only say that I approve of most of the amendments which have been made in the Upper House and which have provided a vast improvement to what I believe was a very deficient Bill. I commend the revised Bill to this House.

The Hon. D.C. BROWN (Davenport): I wish to speak briefly about some of the principles contained in the Bill and to deal specifically with one aspect as it affects schools in this State. I assure honourable members that I will not speak long, as the Bill has attracted considerable debate in the Legislative Council, and I do not think it is appropriate for this House to spend a great deal of time going over that debate again.

From the outset, I state that our making sure that we do not discriminate against people on certain bases is a very fundamental issue to which this Parliament should certainly turn its attention. Therefore, I support the basic principles of the Bill before us as they are principles that Liberals would uphold throughout the world, namely, that there should be no discrimination on the basis of race, sex, colour, ability or whatever. Certainly there should be no discrimination against those with physical disability.

However, I certainly support the principle, in turning that around and saying that there should be no discrimination and that there should be equal opportunity for all people. That is a far more fundamental issue to which this Parliament should turn its attention. If the Parliament looks at the whole issue in terms of equal opportunity, some of the hang ups that have come through in the Bill before us—certainly in the Bill that was originally presented to the Legislative Council—will disappear fairly quickly. The biggest single discrimination that we have in our society today is I believe the discrimination between those who can get a job and those who cannot do so. The greatest inequality that we have (and we do have an inequality) is that something like 10 per cent of the people who would like and want a job cannot get one.

The Hon. Jennifer Adamson: And most of them are women.

The Hon. D.C. BROWN: Yes, many of them are women. That leads to further discrimination in other areas, such as in the standard of living, their opportunities, the chance that they have for advancement and their whole status and standing within the community. This Bill completely ignores that problem and, if anything, in some areas could worsen the problem of discrimination based on the chance of getting a job. I frankly think that the energy and effort of the Bannon Government and of this Parliament would be far better placed if it turned to overcoming the discrimination against those who cannot get a job and to overcoming their lack of opportunity rather than concentrating on some of the very fine detail that has been picked up in the legislation—fine detail that I personally cannot support if for no other reason than on moral grounds alone.

There is no doubt that Governments throughout Australia and, in fact, throughout the world have found that, by

pursuing legislation which lays down the most rigid code in terms of employing people and imposing on employers, either men or women, strict penalties for failure or possible failure of upholding principles of equal opportunity or allowing any chance of discrimination, it has led to a lack of employment opportunities. One needs merely to look at those countries that have been the most advanced in this area to find that they are losing employment jobs more quickly than are other countries. Those countries which now have the highest level of unemployment are, by pursuing to the nth degree every fine possibility of anti discrimination, creating new and more important discriminations by reducing job opportunities and producing an enormous gap between those who have wealth and a job and those who do not.

My fear with this legislation is that this is another fatal step or two for South Australia in discouraging or dissuading employers to maintain or establish their operations in South Australia. I do not say that lightly because, for three years as Minister of Industrial Affairs, I saw the inconvenience, the financial loss and other problems caused by nothing but trivial complaints against some employers. I am not saying that all complaints are trivial, but a certain number are and a certain number of people know that they can take an employer to court on grounds of discrimination and, by sheer blackmail alone in terms of making life easier for the employer, can encourage him to settle out of court for an amount of $2 000 to $4 000. Such persons, having claimed that they had been sacked on grounds of discrimination, can walk away with a lump sum payment when it was never deserved.

I am not lumping in cases of gross discrimination on the grounds of sex, disability, race or whatever. No doubt exists that gross cases of discrimination have occurred and should be stamped out, and I would be the first to support that. However, this Bill goes too far in establishing those principles or in carrying them into hard legislation and imposing penalties as a consequence. The legislation we have before us ignores one very important piece of discrimination that certainly in my experience has caused far more anxiety than have other forms of discrimination, namely, discrimination on the basis of trade union membership.

It is interesting that this Government should say that all other forms of discrimination should be outlawed, whilst one of the most prevalent forms of discrimination available is supported by this Government with the sort of contracts and conditions which it lays down that people must belong to a trade union before they can get a job in certain industries. That is discrimination of the worst kind. I find it very difficult to comprehend how members opposite can support the sort of legislation that we have before us whilst allowing, and in fact encouraging and enhancing, such discrimination to continue. The community at large judges them poorly as a result of such discrimination continuing.

I support the amendments that were introduced in the other place as I believe that they improve the legislation as it comes to this House. One area about which I am particularly concerned is that of discrimination on the grounds of sexuality. I agree that it is wrong to discriminate on grounds of sexuality, but I point out that, if that person's unusual characteristics and mannerisms start to cost his employer dearly and have an adverse effect on other employees in that place, a justifiable case exists for the employer to take action that may discriminate against that individual.

As the amended Bill comes to us, we find that that has been partly or largely overcome in another place. A person does not discriminate against another on the grounds of sexuality if he treats that person less favourably on the basis of his appearance or dress or the manner in which that person behaves and it is reasonable to do so. At least in the case I have quoted that is a reasonable defence for the employer.

Another area to which I would like specifically to draw members' attention is clause 37, which allows discrimination and which highlights that:

It is unlawful for an educational authority to discriminate against a person—

(a) by refusing or failing to accept his application for admission as a student;

or

(b) in the terms or conditions on which it offers to admit him as a student.

(2) It is unlawful for an educational authority to discriminate against a student—

(a) in the terms or conditions on which it provides the student with training or education;

(b) by denying him access, or limiting his access, to any benefit provided by the authority;

(c) by expelling him;

or

(d) by subjecting him to any other detriment.

(3) This section does not apply to discrimination on the ground of sex in respect of—

(a) admission to a school, college, university or institution established wholly or mainly for students of the one sex;

(b) the admission of a person to a school, college or institution (not being a tertiary level school, college or institution) where the level of education or training sought by the person is provided only for students of the one sex;

or

(c) the provision at a school, college, university or institution of boarding facilities for students of the one sex.

After receiving representations from one of the schools in my district, I have given the matter due consideration and I believe that clause 37 (3) should allow discrimination, but not only in one sex schools. In fact, it is highly relevant to allow discrimination on the grounds of sex where there are both girls and boys at the one school. It is important to do that in order to maintain a balance between the two sexes within the school.

The Hon. Jennifer Adamson: Or for affirmative action.

The Hon. D.C. BROWN: Or for affirmative action, yes. I am glad that the honourable member mentioned that. Take the case of one school of which I know where there is a smaller percentage of girls than boys. That school would like to build up the number of girls so that there is a balance. I know another school in my electorate where there is a very small number of boys and an overwhelming number of girls. I think that the ratio would be something like 98 per cent to 2 per cent. If that school wished to build up the number of boys, it would take discrimination to do so. Therefore, I believe that discrimination on the grounds of sex should be allowed to occur in any school, regardless of whether it is a two sex or one sex school, and I intend to move to that effect. In other words, the same provisions should apply in co-educational schools as currently would apply under this Bill in single sex schools.

Secondly, it is important, as I said a moment ago, to allow a balance to be reached between the sexes and for that balance to be maintained. The broader issue is the selection of panels. Clause 19, as the Bill comes from the Upper House, allows a very broad selection of people on panels. The Bill amended the original legislation introduced into the Upper House, where four very specific conditions had to be laid down as criteria from which to select people. I will read the four original provisions, as follows:

In selecting nominees for appointment to the panel, the Minister shall ensure that each nominee has expertise that would be of value to the tribunal in dealing with the various classes of discrimination to which this Act applies and shall have regard to—

(a) the experience;

(b) the knowledge;

(c) the sensitivity;

or

(d) the enthusiasm and personal commitment,
of those who come under consideration.

I believe that a panel that sits down and passes judgment in an area such as this should be broad based and should reflect the views of the community. The last thing we want in making judgments as to whether or not there is discrimination within our community is to pick a group of fanatics that already have a preconceived idea as to what sort of discrimination should not take place. I point out that discrimination, and certain other matters dealt with in this Bill, certainly in terms of equal opportunity, is largely a value judgment of the person sitting in judgment on the panel. I see that the Minister has tabled some amendments in which he proposes to reintroduce that clause which was removed in the Upper House.

The Hon. Jennifer Adamson: In an amended form.

The Hon. D.C. BROWN: I was about to come to that. He is proposing to reintroduce it but in an amended form and to delete the words 'enthusiasm and personal commitment'. In other words, people for the panel should be selected on the basis of their experience, knowledge and sensitivity. I should have thought that most Ministers would do that in selecting people for a panel and that it is not necessary to spell that out. However, I do not believe that it is still appropriate for those words to be included because in some cases at least it may lead to a panel which is biased in its view and which does not represent the broad interests of our community. So, I intend to oppose that. It is a very dangerous precedent for any Government to set up any committee or panel to have a judicial role in which it could possibly impose such a biased point of view in any judgment that it hands down.

Those are the three specific areas about which I am concerned: the education area, the panel area and certainly allowing a balance between the sexes in our schools. I shall take appropriate steps in Committee when considering the clauses of the Bill to ensure that some action is taken to allow the House to correct those deficiencies in the Bill.

The Hon. JENNIFER ADAMSON (Coles): I support the Bill, which is a piece of generic legislation designed to incorporate under the one Act the provisions which presently operate under the Sex Discrimination Act, 1975, the Racial Discrimination Act, 1976, and the Handicapped Persons Equal Opportunity Act, 1981. I should make clear at the outset that, whilst I support some of the technical amendments which were made in another place, I do not support the majority of the philosophical amendments that were made there, and I will support any moves in the House of Assembly to restore to the Bill those essential ingredients which I regard as fundamental to any legislation that aims to outlaw discrimination.

I commence by paying a tribute to the three originators of the Acts which, if we proceed to finality in the debate tonight, will become a single Act. I particularly pay a tribute to my former colleague, Leader and Premier, David Tonkin, for his work in introducing as a private member's Bill the Sex Discrimination Act, which was first read in the House of Assembly in 1973 and which subsequently went to a Select Committee and was adopted by the Dunstan Government as a Government Bill.

I would also like to pay a tribute to Don Dunstan for his work in the development of the Racial Discrimination Act. I would like to pay a tribute to my colleague, Trevor Griffin, for all that he did for handicapped persons in South Australia through the Bright Committee, which reported on the law and persons with handicaps and for introducting a most enlightened piece of legislation as a result of the recommendations of Sir Charles Bright and his committee.

The summary of the recommendations that appear at page 262 of the report entitled 'The law and persons with handicap' acknowledges that persons with physical handicaps face discrimination in the sense of being denied equal opportunities to participate fully in the community. The summary continues:

> Law and policy should assist this integration as a matter of justice. We interpret the United Nations' Declaration as to Rights of Disabled Persons to seek this also. It is arguable that this assistance can also be justified in economic terms.
>
> The fundamental law reform necessary to bring South Australian legislation into line with the United Nations Declaration is a central Act which protects persons with physical handicaps against discrimination in a number of areas.

It is interesting to reflect that each of those men was, I believe, prompted in terms of their support for these respective laws by their childhood and life experiences.

In David Tonkin's case, it was by the fact that he saw his widowed mother battle to support him and achieve some kind of equality of opportunity; by Don Dunstan's personal experiences as a child in a multi-racial community that was not well integrated; and by Trevor Griffin's insight and compassion for people who have been in the past and who still are to a significant extent denied equality of opportunity. So, to those three this House and this community owe a debt of gratitude. I would also like to pay tribute to the three Commissioners for Equal Opportunity who have served this State with great distinction. I refer to the first Commissioner, Mary Beasley; the second Commissioner, Joan Colley; and the third and present Commissioner, Josephine Tiddy, each of whom has pursued the purposes of the Sex Discrimination Act with great resolve, diplomacy, tact and wisdom. I think that their personal qualities have in large measure contributed to the very successful administration of this Act in South Australia.

Unfortunately, I believe that several of the amendments moved in the Legislative Council weaken the Tonkin philosophy of sex discrimination. I refer particularly to the amendments in relation to the definition of 'sexual harassment', the vicarious liability of employers and the weakening of that liability, and the maintenance of the limitation of clause 6 in terms of partnerships that shall be exempted under the new legislation. In each of those cases I think that the amendments have weakened the intent of the law. I do not believe that they can be sustained in today's more enlightened society, and I believe that the Bill as it was originally introduced should be passed in that form.

This Bill differs in terms of blending all three Acts into one Act by making several significant changes. One is the inclusion of sexual harassment, the second is a method to deal with discrimination by clubs, the third is the inclusion of sexuality (an inclusion that I do not support), the fourth is the fact that small businesses are no longer exempt, and the fifth is the inclusion of superannuation in the Bill. It is a sign of the times that each of these issues is being dealt with in 1984 in a way that would probably have been premature in 1973 or 1975 when the first Sex Discrimination Bill was introduced. At that time it was considered reasonable to exempt small business from the provisions of the legislation.

I do not believe that it is any longer considered reasonable, and I am pleased to see that the Bill reflects that. At that time in the early 1970s I believe that the question of sexual harassment was not well understood. It may have been well understood by women, but their understanding was unspoken, and their fears and suffering had received little or no publicity. The question of superannuation was viewed in quite a different light, and women in the early 1970s were seen to have lesser responsibilities and were therefore seen to have lesser needs. This Bill redresses those changed cir-

cumstances. As I have said, I believe that there is a need to restore many of the original provisions of the Bill.

First, I refer to the definition clause, namely, clause 5, which omits a definition that was in the original Bill, namely, that 'detriment' includes humiliation or denigration. From what I will say about sexual harassment, I hope that it will be made clear to the House that I believe that that definition is an essential part of the Bill and that without it the provisions relating to sexual harassment seriously fall down. I believe that clause 82 of the original Bill should be reinserted in its original form, because it outlaws sexual harassment in employment. That clause now appears as clause 87 in the Bill before us.

I must differ with some of my colleagues in respect of their attitudes to sexual harassment. The Bill sets down in clear terms that sexual harassment can take a number of forms. It can take the form of a single unsolicited and intentional act of physical intimacy; it can take the form of a demand or a request for sexual favours; or it can take the form of remarks of a sexual nature that relate to a particular person. I commend to all members an excellent brochure prepared by the Administrative and Clerical Officers Association which covers the clerical staff in the Australian public sector.

That booklet defines 'sexual harassment' as covering a range of verbal and physical behaviour of a sexual nature which a worker experiences in relation to the job and which is unwelcome, unsolicited and non-reciprocal. ACOA recognises that sexual harassment is a form of sex discrimination, and I fully support that contention. The contention is further supported throughout this booklet, and there are various statements such as the fact that a precedent was set in establishing sexual harassment as illegal under the Ontario Human Rights Acts in 1980.

It recognises that, for such a socially pervasive problem as sexual harassment, social and legal (not personal) responses are required. It is very difficult for those who have not experienced this form of utterly revolting behaviour to possibly perceive the effect that it can have on a woman or a girl. No-one who has not experienced sexual harassment could possibly comprehend the vile humiliation, the sickening surges of rage and disgust, the disbelief, and the sense of violation and outrage that are felt by the female victim of sexual harassment.

The reactions of girls and women to this form of behaviour are so intense that despite the fact that nature generally is kind, in that time normally heals wounded feelings, it is common for women to suffer for years as a result of incidents of sexual harassment: 10, 20 or 30 years after the incident many women can recall with vivid clarity their sense of defilement after they have been sexually harassed. For anyone to suggest that such acts are not discriminatory is to deny reality and humanity. I cannot countenance anything that will water down the provisions in the original Bill in relation to sexual harassment, and I urge members on both sides of the House to recognise that the original Bill contained humane provisions to deal with a problem which of itself is not of a criminal nature and which therefore is not ideally dealt with under the criminal law: it must be dealt with in terms not only of a conciliatory function but also of an educative function. That, of course, is what the original Bill tried to do. Clause 82 of the original Bill provided (in subclause (6)):

> It is unlawful for an employer to fail to take such steps as may be reasonably necessary to ensure as far as practicable that none of his employees or voluntary workers subjects a fellow employee or voluntary worker or a person seeking employment or voluntary work to sexual harassment.

The clause went on to make the same requirements of educational authorities and of persons who offer goods or provide services. The clause had a very important and very responsible statement to make in so far as it required something of the complainant. It ensured that there could be no trivial or vexatious complaints that would succeed. Subclause (9) provided:

> For the purposes of this section, a person subjects another to sexual harassment if he does any of the following things in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated:
>
> *(a)* he subjects the other person to an unsolicited and intentional act of physical intimacy;
>
> *(b)* he demands or requests (directly or by implication) sexual favours from the other person;
>
> *(c)* on more than one occasion, he makes a remark pertaining to the other person, being a remark that has sexual connotations,
>
> and it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

That qualification, namely, that it is reasonable in all the circumstances, is a qualification that provides the counter to the likelihood of trivial, vexatious or malicious complaints succeeding, and that is why I state most firmly that the original clause should be reinserted in the Bill and should receive the support of the House. The clause relating to damages, with which one of my colleagues has dealt, is one that I feel was possibly a conscientious effort by members of the Australian Democrats to assist employers. However, legislation of this nature is as much educative as it is legislative, and I believe that that limit on damages cannot and should not be sustained.

In speaking of the educative nature of the law, I must refer to the fact that, even if the Bill were to be passed in its original form, there would still be significant numbers of women who would not be protected by it in respect of sexual harassment. I refer particularly to those women who provide services to clients and customers and who are very often the most vulnerable people in the community when it comes to sexual harassment. The groups that come readily to mind are waitresses, nurses and receptionists. They are the ones who are likely to be subjected to this form of conduct.

This Bill, as it stands now and as it stood when it was introduced, cannot protect them because it only protects employees in respect of their employers and their fellow workers. However, if an employer, say a restaurateur, is required by law to protect his staff in respect of their co-workers, he or she will be all the more sensitive to the need to protect them from members of the public and will be more likely, I believe, to say (if a customer or client oversteps the mark of common courtesy and decency), 'That kind of behaviour is unacceptable in my establishment.' It is the educative function of this vicarious liability by the employer which is so important if we are going to develop a just and humane society in which the conduct that has such a devastating effect upon women is to be eliminated.

Another aspect which gives me great concern is the amendment in another place to permit discrimination in relation to partnerships. The original Bill provided for it to be unlawful for any partnership to discriminate on the basis of sex, marital status, pregnancy and sexuality. The Sex Discrimination Act of 1975 applied that to any partnership of six or more members. Again, I say that, just as it was seen as reasonable in the mid 1970s to exempt small businesses, it was seen as reasonable then to exempt partnerships. I do not believe that it is any longer reasonable to permit the practice of discrimination in those terms. Whilst this Bill before us now provides for discrimination on the grounds of race or physical impairment to be unlawful in relation to any partnership of two or more persons, it does not provide for it to be unlawful to discriminate on the grounds of sex.

Ms Lenehan: What clause is that?

The Hon. JENNIFER ADAMSON: Clause 33. In my opinion the original clause 31 should stand. I think it is absolutely unconscionable that anyone in South Australia who is, let us say, Chinese, Negro, Aboriginal or paraplegic has a remedy against discrimination in partnership, but a woman has none. It is quite outrageous that that kind of discrimination should be permitted, especially in a State where the majority of professional partnerships are of six or fewer members. I believe that the original clause 31 of the Bill should stand, because discrimination on the basis of sex or marital status is as harmful and as offensive as discrimination on racial grounds or physical impairment. There should not be any categories of discrimination.

Having said that, I must make the qualification and repeat my objection to the inclusion of sexuality in this Bill. I do not believe that there is any inconsistency in what I have already said and in my objections to the inclusion of sexuality. I did discuss this matter at great length with very many people before I made up my mind on the question. I was intrigued to find that among Labor supporters there was very strong conflict and a difference of view. Many Labor supporters thought that it was quite unacceptable for such a clause to be in this legislation. I discussed it with my own Liberal supporters and found somewhat to my surprise, although perhaps that should not have been the case, an equal divergence of view. There were some who felt that everyone should be equal under the law and, applying that maxim to this legislation, they felt that it was quite acceptable to include sexuality.

When challenged as to whether intellectual disability and age should also be included, they retreated somewhat and qualified their position. I was also intrigued to find that, not only between the denominations of the Christian churches but also within the denominations of the Christian churches, there was solid disagreement as to whether sexuality should be included in the Bill. On that basis I believe it is wrong for this Parliament to proceed to impose its will on a community that is divided on this issue. When I had to make my final decision on the matter, I made it on the basis that the church I belong to has always believed that homosexuality, bisexuality and transvestism are morally unacceptable, while at the same time not condemning people who have such orientation. Debate is continuing on these issues in the churches which, I think it is fair to note, have not made up their mind on this question and, in view of the Christian teaching, I believe that I cannot endorse the proposal which gives these orientations equal status with normal heterosexuality.

A further concern that I have is the question of the time in which a complainant can lodge a complaint under clause 93 which was clause 88 of the original Bill. The Commissioner for Equal Opportunity points out that the original Bill proposed that an extension to the existing time limit for complaints to the Commissioner for Equal Opportunity be given from six to 12 months from the last act of discrimination. She did that because it was in line with the experiences of all Commissioners, raised in successive annual reports, that six months was too short a time for many people to come forward with complaints. Many people do not immediately come forward when they have been subjected to unfair and discriminatory treatment, and in particular cases such as sexual harassment it is common for the individual to feel extremely humiliated and ashamed. Some people even feel guilt on their own part for the acts of another in respect of their person. So, in this context, six months is a very short time. If the person is dismissed from work or steadily passed over for office promotion, it can take time for that person to work out in his or her own mind what is the real reason, and whether he or she can make out a just case for discrimination. So, I would support moves to restore the 12 month time limit.

Several community groups have expressed opinions about this legislation. There have been numerous petitions to the Parliament urging the removal of sexuality from the Bill which, as I said, I support. Most of those petitions have also urged the removal of sex, pregnancy and marital status, which I could not support. The Women's Electoral Lobby has written to all members of Parliament—at least to members of the House of Assembly—putting the position in what I consider to be very restrained and responsible terms. The South Australian Institute of Teachers has also expressed its view and opposed the exemption for religious bodies again on the grounds that everyone should be equal under the law. Whilst I respect the view of SAIT in this regard, I believe that the very nature of religious schools sets them apart from the Government system and, therefore, they should be treated differently under the law. I therefore support the exemptions which are provided in the Bill and which I believe are just and reasonable, given the nature of our community.

Debate on this issue has been interesting in terms of the fact that one listens and feels quite often that Parliament and the community are taking two steps forward and one step back when it comes to discrimination. I hope that tonight the step back that I believe was taken in another place will turn into a step forward in terms of the restoration of the essential philosophical provisions of the Bill which outlaw discrimination. I commend, as I say, those whose work we are tonight in effect celebrating. That work was done in the early 1970s by David Tonkin and Don Dunstan and in 1981 by the Hon. Trevor Griffin. I think that we should acknowledge that that work has made this State a far better place to live in. It has led to much more enlightened attitudes and I think that, if we can come to agreement on those essentially philosophical provisions, we will have good law.

I conclude by saying that I regard it as a very great pity indeed that this Bill of all Bills should be framed in terms that use the male pronoun exclusively. I feel very strongly that on a matter of principle the Government should have directed that this Bill be couched in what is commonly and possibly unattractively known as non-sexist language. I fully support moves by the Commonwealth in the direction of altering the language of the law. I can no longer accept the argument that the Statutes interpretation Acts put that the male pronoun embraces the female, in terms of the law. If anything is designed to establish attitude, the law is designed for that purpose.

The Hon. Michael Wilson: In this case it is ludicrous.

The Hon. JENNIFER ADAMSON: As the member for Torrens points out, it is quite ludicrous in this particular situation to have a Bill use the male pronoun exclusively. The law is an educator and the law should be changed to ensure that due regard is paid to the very existence of both sexes on this earth. We should no longer be tolerating language that denies that existence for whatever convenient means are advocated in terms of its proponents. So, I support the Bill but with the reservations that I believe it will be much improved by amendments which restore its original philosophical basis.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank all honourable members who have contributed to this debate. It has been quite wide ranging, with a wide range of differences of opinion expressed by members opposite. This matter, as has been acknowledged, was very fully debated in another place. Prior to that there has been now for several years very constructive consultation and discussion carried out within the community and within all of

the appropriate forums so that this Bill could take the form that it does in this piece of legislation.

I know that this matter has been given a great deal of attention within Party rooms. I know the very constructive assistance that has been given by the members for Mawson and Brighton in our Party room and their deep interest in this measure, as I would expect did the member for Coles, who made an outstanding contribution I believe to this debate and who has obviously throughout her political career expressed the sentiments that she did this evening.

The member for Mount Gambier made a very detailed assessment of this legislation and for the assistance of this House translated the nature of the Bill as it came before this House and the details of the amendments that were effected in another place. I have taken the opportunity to explain to the honourable member during the dinner recess some anomalies or concerns that were raised by him. If there are other concerns, I will try to find that information. I have little to add to the other matters that he raised, other than that which the Attorney provided to the House in another place. I say to honourable members who saw this legislation as attempting to enforce or establish a moral code that that is not its purpose; rather it is to give effect to the rights and dignity of every person. This legislation gives each and every person a basis on which they can live their life in dignity and in equality and with the respect that is due to every single person in the community.

That is what this legislation is about. It brings together all the separate pieces of legislation that now provide for anti discrimination rights and it brings into a package the administration of this type of legislation.

The member for Coles paid a tribute to the founders of the various aspects of this legislation in this State. For the sake of completeness I would bring to the attention of the House that it was the former member for Elizabeth, Mr Duncan, who in fact established the Bright Committee, although the Bright Committee reported to the Tonkin Administration. The Hon. Mr Griffin's outstanding work in the area of rights for the disabled brought into legislative effect the work of the Bright Committee. It was certainly a highly regarded report and its recommendations reverberated right around this country, particularly during the International Year of the Disabled Person.

I also want to echo comments made by the member for Coles about the changing nature of community attitudes with respect to the matters that we are currently considering. The legislation before us and the amendments that I have circulated on behalf of the Government are not controversial; they reflect the prevailing attitudes and desires of the overwhelming majority of people in our community. The consultation, the committees, and all the other work that has been carried out by Government in preparation of this Bill I think brings together crisply those prevailing community attitudes and encompasses them in this piece of legislation.

Once again, I thank honourable members who have contributed to the debate. I know that many members on this side of the House would also like to contribute, but they believe that they would be repeating what has been debated in another place and the points that were raised for and against by the Opposition. Nonetheless, their interest remains very much in the passage of the legislation as it is now proposed to be amended by the Government. I seek the support of all honourable members for the amendments that I shall move during the Committee stage of the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

GOLDEN GROVE (INDENTURE RATIFICATION) BILL

Debate on motion resumed.

The Hon. D.C. WOTTON (Murray): At the outset I indicate that I support the report. The Select Committee was most interesting. When it was first suggested that it would be necessary for the Select Committee to report to the House by today I was quite certain that that would not be possible. I felt that we would be rushing it too much to have the report completed in that time and that it would not be possible to provide adequate opportunity for those people who wanted to give evidence to do so in such a short time. However, the evidence was forthcoming, in haste, and I believe that we were in a position to hear the views of those who wanted to provide oral evidence and as well other evidence to which I will refer later.

In supporting the report, I point out that some of the ramifications that have resulted from the Golden Grove indenture Bill have been very unfortunate. At the outset I want to express my concern (and I shall not go into this matter at length) at the resignation of the Chairman of the South Australian Urban Land Trust, Mr John Roche. Mr Roche is recognised throughout Australia in the development field. He has served both as State and Federal President of the Urban Development Institute of Australia. In fact, I think that the high regard that the Urban Development Institute of Australia has for Mr Roche is illustrated by the fact that he is one of only two life members of that organisation.

I have known Mr Roche for some time. I recognise that he was associated with one of the few developments in Australia that can rival Golden Grove in relation to size, and I refer to the development that occurred in Western Australia, a project with which he has been associated for some 15 or 16 years. As Minister, I appointed John Roche as Chairman of the Urban Land Trust. I appointed him as Chairman at a time when the Trust (which until that time had been the Land Commission) was a financial disaster. I will not suggest that all the credit should go to Mr Roche or to the Trust, because circumstances have changed to some extent, but I would suggest that, as Chairman, Mr Roche was able to reverse that situation and the South Australian Urban Land Trust is now a very successful operation. All or most of the land which has been developed and which is ready for sale as building blocks has been sold. The previous Government and Mr Roche, as Chairman of the Trust, had a lot to do with the State's being able to repay its debt to the Federal Government, and I would suggest that the South Australian Urban Land Trust story is a success story if ever there was one.

In Government we certainly strove to make it work as a new structure. It is working well, and I would suggest that the Trust is one of the most successfully run Government instrumentalities in South Australia today. A lot of credit for that situation must go to the past Chairman of the Trust, Mr John Roche. I believe that much of the success of the Trust has resulted from our having had at the top a person with the vast experience that Mr Roche has. He knows land development like the back of his hand. Prior to his involvement there was no-one holding the reins who had anywhere near the same amount of experience as Mr Roche had.

Of course, that is why he was appointed to that position and that is why I was pleased when he accepted the position of Chairman of the Urban Land Trust with the expertise and experience that he was able to bring to that position. The effects are well recognised. I believe that John Roche, as Chairman of the Urban Land Trust, was in an invidious

position in regard to the situation in which he found himself on the Golden Grove development. He was Chairman of the Trust, which had 50 per cent responsibility in the future of Golden Grove. Apart from that, Golden Grove is a very large slice of the Urban Land Trust's assets. It seems only sensible that a senior person from that organisation should be given the opportunity to serve on the Golden Grove Joint Venture Committee in order to keep the trustees *au fait* with what is happening, to have a close involvement and to be able to continue an involvement as the project progresses.

It would have been appropriate for the Chairman of the South Australian Urban Land Trust—a person who has had much experience in the development arena—or somebody directly under him to have been one of the three persons appointed by the Government to that committee. I do not believe that it is good enough for the Minister to say that the Trust nominees should be in a position where they just reported to the Chairman of the Urban Land Trust and to the Minister himself. I believe that it was necessary to have a much closer involvement than that. I recognise that Mr Roche was in an invidious situation and the only way in which he could express his concern about this matter was to resign. I realise that Mr Lewis has now been appointed to the Trust to fill the vacancy caused by the resignation of Mr Edwards and that, as the Minister has indicated publicly, this will enable the Urban Land Trust to be represented directly on the Joint Venture Committee.

I have the greatest respect for Mr Lewis as a senior public servant in this State. I have had the opportunity and pleasure to work very closely with him. It is very unfair to expect Mr Lewis, who has had no experience with the Urban Land Trust and no involvement in that organisation, to have in a project as large as this, the responsibility of representing the Urban Land Trust. An enormous and onerous task has been placed on Mr Lewis if the Government is genuine in its desire for there to be a close working relationship with the Urban Land Trust.

We are here tonight, having had the report brought before the House only today, and are anxious that the indenture should be ratified by Parliament so that work can commence as quickly as possible. There has been too much delay already. It is necessary and recognised by both sides of the House that there is an urgency in having work started as quickly as possible. The development will need to proceed swiftly. I can imagine a large number of meetings being held over a short period to steer the project and work out a number of matters that need to be determined at an early stage.

I have some concern, in recognising Mr Lewis's current work load, about how he will be able to continue to carry out that task as well. That decision has been made, and I am sure that Mr Lewis will do his very best in that regard. I do not know very well the other two representatives that the Minister has appointed. I have known Mr Cox in his capacity as Director-General of Community Welfare. I have some concern about and can understand there being a closer interest with the Housing Trust. Before leaving this subject and getting on to the report itself, I express concern about the circumstances that brought about the resignation of Mr Roche and the lack of experience that we now have. I am not talking about the private developer because it is well experienced and will be able to handle the situation and its responsibilities on that committee without any problems at all. I have no concern about that, but I am concerned about the lack of experience in relation to the Government.

The other resignation that caused headines was that of the Chairman of the Housing Trust, who found it necessary to resign from the South Australian Urban Land Trust. Considerable reference was made through the media to the reasons that Mr Edwards put forward for his resignation. It is not my intention to go into that matter in great detail, but some of the depth of feeling expressed in the letter of resignation would suggest very clearly his attitude to the situation. Mr Edwards stated that in his view the public interest had not been appropriately protected in the Golden Grove arrangements. He suggested the following in his letter of resignation to the Minister:

> The aggregate effect of the terms and conditions of the joint venture will, in my view, be increasingly adverse on metropolitan land markets; on South Australia's traditional advantages in relatively low land and house prices; on access to home ownership by low income households; and on the State Budget.
>
> I am also of the view that the process of negotiations for the joint venture fell well below appropriate standards of public administration. Members of the Urban Land Trust, although responsible for the Golden Grove land, were not consulted on issues of principle before commitments were made to the joint venture company; were not kept fully informed nor informed on a timely basis; and did not see key documents until they were finalised, when there was neither time nor opportunity to exercise any influence over the terms and conditions.

We had the opportunity during the evidence and time for questioning to delve further into some of the concerns expressed by the General Manager. The submission presented by the General Manager on behalf of the Chairman of the Housing Trust expressed a number of concerns about the substance of the proposed arrangements. I know that my colleague, the member for Light, when he has an opportunity to speak, will refer in some detail to some of the financial matters. It is not my intention to delve into that area.

We need to recognise that the General Manager was presenting the report on behalf of the Chairman. He indicated that he was appointed as member of the board of the Urban Land Trust early in 1984 and that the Housing Trust Board had no right, according to the Chairman of the Housing Trust, to expect the General Manager to disclose to it information that he had acquired as a SAULT member. He went on to say that he could not expect that any more than the Trades and Labor Council or the Master Builders Association, for example, have a right to expect their members who are on the Housing Trust Board to disclose to them information that they had acquired as Housing Trust members. He further said that, in view of comments made on the occasion of his resignation from the Urban Land Trust the General Manager has, however, made available in confidence various documents relating to his activities as a member of the Urban Land Trust.

During the opportunity that we had to question the General Manager, a number of issues were brought forward. One concerned the General Manager's reference to the fact that in South Australia (and he indicated that he was not sure whether it happens anywhere else) there is a public housing authority which is committed, by legislation, to buy back a proportion of allotments from any particular development.

Those are the factors, according to the General Manager, that make this a less risky investment than simply buying the land and taking pot luck, as has happened with most of the development in Tea Tree Gully. He went on to say that he was somewhat confused by what was intended by the Government with the figures in the feasibility study, and which he did not see until late afternoon the day before the indenture was signed by the Premier; the figures indicated that the Trust would receive 17.5 per cent of the allotments, although the indenture stated that there would be some 25 per cent to 30 per cent of dwelling units. He indicated that he found himself in some confusion as to what was intended.

He further said that he felt that it would have been preferable if the Trust had had a free hand to take up to the 30 per cent if it wished, but the General Manager understood that in negotiations it was not possible to have

it all one's own way; that therefore some commitments by the public housing authority were reasonable; and that 17.5 per cent to 30 per cent seemed to be reasonable if there were benefits to the Trust that the State Government received in exchange.

On further questioning, as the Minister indicated this afternoon, it was found that the General Manager (I was going to say 'misinformed', but I do not think he misinformed), on gaining more information, was able to clarify that situation. That was certainly clarified during the Select Committee. He went into some detail about the lack of consultation, and it was quite obvious that he felt very strongly that in his role as General Manager of the Housing Trust and as a member of the South Australian Urban Land Trust he had not received as much information as he would have liked.

A certain amount of publicity was given to the submission presented by the Consumer Association and also to some statements that were made by its members. In answer to a question about how the General Manager of the Housing Trust felt about the concerns that had been expressed by that group, Mr Edwards indicated that he did not have a greatly different view from the views that the Consumers Association had expressed. He said that he really did not know who the people were or anything about the organisation, but he indicated that it was one of the areas about which the Trust had expressed concern in the past and that clearly there was a need to produce more land in the market place and to lengthen the process of deliberation; major changes in an agreement could almost certainly be achieved only with some prejudice to the availability of land in 1985-86. Therefore, he indicated that that aspect did cause him some concern.

I was able to question the General Manager about some of the confusion in regard to the dates of the information that had been provided to him and we were able to clarify those matters. Having spent quite an amount of time while in Government with the council in the very earliest stages of planning, I was particularly interested to learn of the feelings and attitudes of the Tea Tree Gully council in regard to the Golden Grove project. The committee was again able to question the council, which was generally concerned about negotiations and discussions between it and the joint venture partners on matters affecting local government operations, activities and objectives in respect of a major urban development for which council would progressively and ultimately assume total responsibility and been successful. They were very pleased about that, but the council considered that the proportion of the total dwelling units to be secured or provided by the South Australian Housing Trust should be amended to 'up to 25 per cent' in lieu of 'for a total of between 25 and 30 per cent'. That point was made very clearly when the opportunity was provided for the City Manager to present evidence before the committee.

A person known to this House, Dr Brian Billard, was also able to give evidence regarding employment in the Tea Tree Gully area. He was obviously concerned about the high unemployment level in that area, as we all are, and he wanted to make sure that every opportunity was provided for unemployed young people particularly to be able to gain from the development.

The time factor and the length of time taken to get as far as we have with this development was referred to on a number of occasions. An opportunity was provided for Mr Martin of Delfin Management to indicate very clearly when that company had become first involved in November 1983 with the Government negotiating group at which time Delfin envisaged that it would like to move into a joint venture on probably a basis of a 70/30 arrangement—70 per cent Delfin and 30 per cent the Government. It was suggested to us that it should be noted that after detailed discussions with Government Delfin accepted a 50/50 position, which of course is the situation that we have at present. He went on to indicate very clearly the timetable from that first stage in November 1983 to the present.

Mr Roche, to whom I referred earlier, as the then Chairman of the Urban Land Trust, indicated that he had been in a position to advise the present Government and the previous Government on the future of Golden Grove. He indicated that his initial advice had been that it should be subdivided into what he called 'super blocks'. He explained that by that he meant that one puts a spine road in position and a number of allotments of various sizes are created. Judging by comments in the paper this morning attributed to Mr Hickinbotham, that is what he, too, perhaps would have liked to see happen, although I suggest that he left his run a little late, because I am not aware of any evidence in this respect coming forward during the opportunity provided in sittings of the Select Committee.

In my opinion, one of the most interesting and probably most controversial submissions that was made came from Mr Hugh Stretton, Reader in the Department of History at the University of Adelaide, who emphasised that he attended as a professional reader and researcher into land prices rather than as a representative of the Housing Trust Board. Mr Stretton wanted to put two reasons for anxiety about this development: he indicated that it mostly amounted to saying that something had gone wrong with the internal structure of government that generated conflicts and problems in a business such as Golden Grove.

Mr Stretton indicated that he saw problems with both parties and that his ultimate purpose in giving evidence was to suggest that the machinery of government and the liaison in it wanted a lot of attention. He suggested that the Golden Grove enterprise really represented a serious reversal of a long-standing policy of using public enterprise to restrain land prices in this metropolis, and I am sure that there are many who will find his submission interesting. I certainly did not agree with all of it, but I look forward to having the opportunity on other occasions to comment in more detail on some of the statements that were made. However, he certainly expressed his concern in that he saw that the Golden Grove development as a quarter of the next decade's northern development and more than 10 per cent of all metropolitan development.

Mr Stretton indicated that raising its market price well above the metropolitan average will have a large direct effect and must be expected to have some indirect marked effect on prices elsewhere in metropolitan Adelaide. Again, there were opportunities to ask questions, and he also had something to say about the lack of negotiation as he saw it. I also had the opportunity to ask questions because I thought that Mr Stretton was trying to say in talking about the system that he saw the need to have the Urban Land Trust as the land bank and the Housing Trust as the developer. I asked Mr Stretton whether he considered it important that the Housing Trust be given the development rights over the Urban Land Trust, and I felt that that is probably what he was looking to achieve. However, he made quite clear that he did not want that to happen and he did not think that anyone in the Trust would want it to happen. However, the opportunity will exist for us to answer a number of matters that Mr Stretton raised on that occasion.

Of course, he took the opportunity to delve into what he saw as the advantages in the Land Commission, and the committee received a submission from the Urban Development Institute of Australia which I believe put to rest a number of views that were expressed in regard to the formation of the Land Commission in 1973. However, I will

have the opportunity to speak about that in my second reading speech. Again, I indicate that I believe that it was a good Select Committee. There was good discussion and plenty of open discussion, and I believe that some of the problems that were first raised were able to be clarified.

I certainly support the report, and I look forward to development taking place as quickly as possible on the ground at Golden Grove. I only regret that the programme could not have proceeded a lot earlier than it has. In fact, Mr Stretton said that there was no reason why the development could not have proceeded at least six months ago and I support that. I look forward to seeing the development progress, and I am sure that it will be a very great asset in relation to development in this State.

The Hon. B.C. EASTICK (Light): The whole concept of Golden Grove is an exciting one. I do not think that anyone could argue with that at all. One could be critical of the fact that it was announced to the public on many occasions and that it has taken so long to be put forward by way of an indenture in this House: so be it. It has been a complex issue, and the Select Committee has received in evidence all information that was available. I have no knowledge at all of the committee being denied the right of access to any factual evidence, whether it be from the Minister, the various departments that were questioned, or representatives of Delfin who were witnesses and participants in the inspection of the site and were present at all the open meetings of the committee.

Regrettably, a great deal of public comment has generated speculation of scandal and of the Government having sold out its principles: it has also been said that the people of South Australia, particularly those who are to be associated in the future with public housing, will be disadvantaged, yet in my opinion no satisfactory evidence has been presented to the committee which would allow the committee to make findings on the speculative matters that have been put forward.

There is no argument that the cost of the finished block will be far greater than was expected only a few months ago. It is a fact of life that there has been a rapid increase in the cost of land right across the metropolitan area of Adelaide. Indeed, it goes beyond the metropolitan area of Adelaide and it is now evident in many larger country towns because there is this clamour by a large number of people to arrive at what is the ultimate point, namely, the possession of one's own home. The actions of Federal and State Governments of all political persuasions across Australia have assisted home buyers by the various schemes. The HOME scheme here, the Commonwealth assistance that was provided by the former Fraser Government, and the update of that scheme that has been made available by the present Hawke Government have all generated an increase in activity in house or block procurement which has had the effect of making demands on a diminishing product.

I indicate now that those who were fortunate enough to attend the Indicative Council seminar in Adelaide some 10 days ago would have learnt quite a deal from the speakers of the very great demand for blocks at a time when the availability of blocks has been decreasing, with the inevitable result of increasing land prices. Whether the Government can be held totally responsible for the dearth of blocks coming on to the market is a matter that will be debated for a long time.

It is not my intention to intrude it any further into this debate, other than to say that the length of time that the present Government took to get this matter before the House will be used against it by a number of organisations and individuals as having been a contributory factor in the marked increase in the cost of blocks. Indeed, that will be reflected in the cost of blocks associated with Golden Grove. However, (and it is important that this be fully understood), the evidence clearly showed that with the projected schedule of block development that will be undertaken by the group the artificial prices that are evident in the Tea Tree Gully area at present—by 'artificial prices' I mean $31 000 to $32 000 for a block of land—will fall quite dramatically.

Another issue which I think is quite important to mention here is the belief that the size of the development in Golden Grove is likely to force a reduction in the demand for other building blocks in the northern sector of metropolitan Adelaide. That notion was debunked by the evidence and in actual fact the Golden Grove development, even if it reaches (and one would trust that the developers will do so) the 650 blocks per annum, will still represent only 40 per cent of the total land allotments required each year in the northern metropolitan zone in the foreseeable future. It was very clearly pointed out that the land currently available in Salisbury, that which is available at Craigmore and will spread over shortly to Munno Para East and eventually (but a long way down the track) involve the possible development of an area around Evanston, will all play a part in providing that total block demand for the area north of Adelaide of which Golden Grove will never, in the present schedule of events, exceed 40 per cent of the total.

I indicated that there had been a lot of speculation and unfortunate comment. Those who made such statements—and made them most recently—did not appear before the committee to provide the evidence which they believed would support their view. I am not suggesting that they do not have a point to make, but I do indicate that there was ample opportunity (canvassed by advertisements in the press), for those people, had they had evidence that they wanted to bring to the attention of the committee, to bring it forward. Certainly there was considerable questioning by members of the committee of the expert witnesses who appeared before them to seek to determine the reality of the prices asssociated with the Golden Grove development. Mr Taeuber, the former Director of Lands, who is recognised as an expert in the field of valuation, was a member of the Minister's special committee that assessed the programme that the Government was entering into with the joint venturer. Mr Taeuber, in his evidence, at pages 66 and 67 of the transcript, very clearly laid out the valuation method which has been applied to the land at Golden Grove. I will read what he said in its entirety, because I think it gives weight to the matter we have been discussing. He said:

> There has been considerable confusion about this question—

the question being in relation to valuation—

> of what is the value of the land. It is useful to establish a principle and to explain the various valuations that are available on this land. A valuer in imposing a valuation must observe the principle that he must assume a hypothetical sale of that parcel of land between a willing but not anxious seller and a willing but not anxious buyer and on the basis of that assessment assess the value. A very significant factor in that is the size of the parcel of land that is being considered. It is almost axiomatic that the smaller the parcel the higher the pro rata value of the land.

At the auction which took place in the Morphett Vale East area today, the Urban Land Trust made available parcels of land of approximately four hectares, and it might be claimed that the raw price of the individual allotment would be $6 500; that is, the amount spent by the successful purchaser was on the basis of buying four hectares for an expected development of 64 allotments on that four hectares, the price working out at $6 500 raw land cost. However, in that case, whilst the developer has the responsibility of providing roadways and other facilities in that area, it is not necessary to provide all of the land associated with the demands of the Education Department; it is not necessary to provide all the excess of land, so to speak, which will go into community development, making provision for com-

munity activities, including picnic facilities, etc., adjacent to the creek systems in the area. In other words, the $6 500 is being paid for an area concerning which additional development costs will not be imposed for the community benefit contained within the Golden Grove proposal, where all of these other community developments have to be worked into the raw cost of $2 000 per block referred to previously. Mr Taeuber went on to say:

So, we have at the moment three valuations which have been made by the Valuer-General of the current market value of this land. The first is the valuation that the review group requested from him and that was the value of the land as one parcel, and that is the $12 million to which Mr Phipps has made reference. Further, he has also been required by the Urban Land Trust for their end-of-year accounting purposes to assess the current market value of the land on the basis of the various parcels in which it was acquired by the Urban Land Trust over time—

referring, of course, to the fact that it was initially the Land Commission before it became the Urban Land Trust. Mr Taeuber went on to say:

That value has been assessed on the basis or assuming a hypothetical sale of each of those parcels, quite separate from all the other parcels, and aggregating the result of that assessment, and the value he has assessed for that purpose is $21.7 million. He has also made another assessment of the value of the saleable parcel into which the land is at present capable of being sold. There is a large number of individual titles, individual sections and individual part sections comprising the whole of the land. He has assessed the value of each of those individually and aggregated them at $25 million. So, it is desirable that the point be clarified so that when we talk of the value of the land, we know upon which set of assessments we are talking about a particular value. For the purposes of the review committee, we accepted that the transaction between the Urban Land Trust and the joint venturer (Delfin) was one transaction relating to the sale of the land as one parcel and, for that purpose, we accepted the Valuer-General's valuation of $12 million on that basis.

Notwithstanding that it has been assessed and determined at $12 million, the actual figure escalated during the discussions which took place so that the cost of the land is going to be $20 million.

We were also able to obtain, without any difficulty whatsoever, a summation of the book values of the land at various times since it was first purchased in 1973-74 and updated to 1983-84. This is statistical material that is pertinent to the total scheme. I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Golden Grove

Year	Book Value	Market Value	Council	Rates Paid Water and Sewer	Total
	$	$	$	$	$
1973-74	2 596 469	N/A	—	—	—
1974-75	7 366 124	N/A	4 416	1 054	5 470
1975-76	8 422 734	N/A	10 818	2 206	13 024
1976-77	10 473 825	9 169 100	41 436	8 289	49 725
1977-78	12 376 693	N/A	61 516	14 810	76 326
1978-79	13 906 950	14 312 000	72 250	18 833	91 083
1979-80	15 368 428	14 170 000	76 920	19 960	96 880
1980-81	16 839 113	14 753 000	87 399	20 485	107 884
1981-82	*10 384 251	15 293 000	51 459	7 862	59 321
1982-83	10 342 090	15 318 000	57 364	7 506	64 870
1983-84	10 125 635	21 402 500	62 922	8 772	71 694
			526 500	109 777	**636 277

* The substantial reduction in book value this year is a result of the write-back of capitalised interest following re-negotiated financial arrangements between the State and Commonwealth Governments.
** This amount has largely been recovered through leasing revenue.

The Hon. B.C. EASTICK: In relation to the cost factors directly associated with the development and the possible profit that will accrue equally to the Urban Land Trust and to Delfin, one should recognise that over a period of time the development will undoubtedly have its ups and its downs, that being the nature of land development and land sales. During periods when there might be some minor pick-up or reduction in the rate of sale or, for various other reasons, the land has to be held for longer than would normally be expected—for example, if there is a long wet winter, which means that the development is delayed for a longer period than would otherwise be the case—the cost of servicing the money going into that development and which is being provided equally between Delfin and the Government would have to be serviced for a longer period and, therefore, the eventual profit on that parcel of development could be expected to be lower.

There will be or there could be—and I prefer the 'could be' rather than the 'will be'—some periods when there are likely to be losses on particular developments. So, the joint developers will be taking those losses along with the profits which will accrue on other occasions. The whole project has to be recognised over the full length of its development, not on the advantage of any one small parcel of the total. We find from the material that was made available that the cash flow is quite tight when looked at in respect of normal development processes. I read to the Committee from the appropriate page, which states:

The joint venturers' agreement will be based on the financial parameters outlined below. The estimated total investment in housing, land and facilities during the life of the project, escalated, is $1 360 million. The total sales income, escalated, is $340 million. This is based on initial allotment prices ranging between $21 000 and $25 000 in 1985-86 and a total allotment yield of 8 200 dwelling yield, or 10 000 after allowing for medium density housing. The total expenditure, escalated, will be $286 million. This is including general scheme costs of $33 million; land cost component of $20 million; subdivision costs of $182 million, all at escalated value. The profit before tax, escalated, is anticipated to be $54 million. Present value is $21 million. The return on investment is 32 per cent before tax and it should be noted that, given the nature of such a long term project, a commercial rate of return before tax to cover profit and risks of 35 per cent would normally be considered appropriate, therefore, initial cost-sharing arrangements and cost controls are of significant importance. Initial capital injected over two years of $6 million, with partners contributing necessary funds to avoid more costly joint venture borrowings.

Let me relate here that this form of development, different to other forms of development, never puts the title of the property into the hands of Delfin. The property title remains with the Urban Lands Trust throughout and then transfers from that organisation directly to the purchaser of the land in a normal commercial relationship. The quotation continues:

Because of the extent of initial expenditure, losses will be experienced in years one and two. Escalation of costs and sale

value has been provided for at 8 per cent per annum, The profit and losses to be shared equally between the partners to the joint venture.

That is a summation of the longer term cash flow position, one which was questioned by members of the Select Committee and one which was referred to by Mr Phipps and his group in the provision of evidence. There has been no contra evidence from any party during the discussions that took place to upset that balance of figures.

One recognises, when looking 15 years down the track, that it might be possible to come back at a later stage and say, 'That figure was wrong' or 'This figure is much higher' or 'That figure is much lower'. Even in a 15-day or 15-week period it is difficult enough to be spot on, but over 15 years one would have to accept that that would be a distinct impossibility.

I refer now to certain aspects of the report that is before members. Appendix C, referred to by the Minister, is not actually referred to in the body of the report presented to the House but should be read by anyone following this debate at point 2. Appendix C is a listing of those persons or groups that were approached by the Select Committee after an assessment of the areas or the groups that might have an interest in this project. If one looks at appendices B and A, those who appeared and those who provided written submissions, one will find that a number of the names appearing on appendix C did not respond. However, the opportunity was made available to them.

Much has been said about the area of land that is to be made available for public housing. My colleague, as did the Minister, mentioned that fact. Clause 9 *(c)* (iii) of the report refers to a commitment by all parties involved of 25 to 30 per cent of the estimated total of dwelling or residential units being for the provision of public housing; that is, the Housing Trust. Whilst there was this argument and a misunderstanding of how 17.5 per cent of the allotments related to 25 to 30 per cent of the dwellings, mention has been made of medium density and of the fact that design and construction, with purchase subsequently by the Housing Trust, will allow that figure to be reached. Mr Edwards, on behalf of the South Australian Housing Trust, was able to tell the committee that he could foresee no difficulty, subject only to the continued provision of funds for Housing Trust building programmes in the public building sector being able to make use of that area. The Minister and I have made mention of medium density. It was provided in evidence that the initial housing within the area would probably not need any degree of medium density housing, if one looks at medium density housing in the public area as being mainly, in the initial stages, the provision of pensioner type cottages or pensioner type accommodation.

It was suggested that that development will occur later. It may well be that the joint venturers will have to lay aside parcels of land in the early developments so that that medium density housing can be provided at a later stage when it is required to meet demands, whether it be three, five or 10 years down the track. There is no clear indication that in any forward programme by the Housing Trust, for example, it would consider provision of medium density housing in the early stages of development on such a site as that of the new Golden Grove development. It may well be that at some time in the future members of this House and elsewhere will need to look at the provision of vacant land in areas of expected total development. The encumbrance system which applies requires people to build within a specified period after purchase, which means that there can be no speculation as has occurred in other places. It may be that there will have to be a joint acknowledgement of the need to set aside some of those parcels of land for medium development at a later stage so that the eventual 25 per cent to 30 per cent mix of public housing will be a reality at a later stage rather than at the primary stage. That is a matter of planning and discussion which I believe can be taken up as necessary. I point out that a particularly valuable statement is made in paragraph 14 of the report, which states:

> During the course of the hearing it became apparent that in fact a significant advantage of this development project is that it secures important social objectives which could not be achieved through the normal process of urban development.

That social advantage, which is a significant and important social objective, is certainly highlighted in the Primary Objectives that are part and parcel of the Bill. It is to integrate public housing into a mix of total housing. It is a new perspective, and I hope it is something that can be achieved because I believe that it will be of benefit to the whole community. I do not want it to be suggested that I am injecting a class distinction argument into the debate, but we do not want to see ghettos of one type of building all in one place. That does nothing for a community and has adverse effects in relation to ghetto-type living which can be quite disastrous in a social context. In the limited time I have available I refer to a statement that appears in paragraph 19, namely:

> The competing Government objectives of maximising its returns on its broadacre land transactions and minimising the price of developed allotments available to the consumer requires a balanced judgment to be made. Your committee—

I point out that this was unanimous on the part of the committee—

> believes that the financial arrangements underlying the indenture achieve this balance.

Again, at a later stage, at paragraph 27 the following statement is made:

> However, the significant factor is that public housing is to be integrated with private housing in a manner and on a scale that has not been attempted before. This important social objective has an associated cost. Normally the Housing Trust is able to undertake the bulk of its housing programme on its own large estates on cheaper flat land on the metropolitan fringe. At Golden Grove however Housing Trust requirements must mesh with the requirements of other market sectors, and some compromise is involved. An extra marketing effort, and hence, cost, is also involved in positively meeting the challenge of selling the integration concept.

I would have to say that one could argue and conjecture as to whether the important social objective encompassing a significant cost is really cost effective. It might be held that, because of a better balanced community and a reduction in the demands for community welfare and for other subsidised services, it is.

The ACTING SPEAKER (Mr Whitten): Order! The honourable member's time has expired.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr ASHENDEN (Todd): In addressing myself to the Golden Grove indenture Bill tonight I am representing the residents within my present electorate and in the electorate for which I have been officially endorsed as the Liberal candidate. I point out to the House that all is not sweetness and light as far as a number of residents and organisations are concerned in areas adjacent to the Golden Grove development. Criticisms of the Government have been made by local residents, some local organisations, and by a number of elected members (both aldermen and councillors) of the Corporation of the City of Tea Tree Gully. They have

contacted me prior to, during and subsequent to the Select Committee hearings.

Some members may ask why it is that these people have spoken to me but not appeared before the Select Committee. I in fact asked some of them why that was the case. For example, some Surrey Downs residents are extremely concerned about some aspects of stage 1 of the Golden Grove development, particularly matters outlined by the Premier. However, they have informed me that they could not see much benefit in appearing before a Select Committee dominated by Government members, because criticisms that they had put forward in relation to attempts by the South Australian Housing Trust to establish houses in Surrey Downs had been completely wiped out by the Minister. Residents in that area indicated to me considerable concern and disquiet about some of the Premier's statements, and they thought that it would be a waste of time to appear before the Select Committee due to previous occurrences in relation to discussions held with the Minister in relation to the attempt by the present Government to force a Housing Trust development at Surrey Downs on an area on which local residents expected a school to be erected.

There is another group associated with the organisations that utilise the Tilley Park area. I have previously questioned the Minister about this area and have indicated to him that a number of organisations in the area feel that it is absolutely essential that additional land be granted to Tilley Park to ensure that the area is able to meet the demands not only of residents already living in the area but also of residents who will be living in the newly developed area. The Government agreed to provide some additional land to Tilley Park. However, as the Minister would be well aware the amount of land that is being granted is less than half the area that was requested, and some members of the organisations that utilise Tilley Park have pointed out to me that, although the land that has been granted will be of some assistance, it will certainly not meet all of the demands that various organisations will be placing on Tilley Park in the future.

The Government has claimed credit for providing additional land but has not acknowledged that it has not provided the amount of land that was sought. Therefore residents involved in local organisations that utilise Tilley Park are not happy that the Government has not provided the total amount of land that they were seeking, thus ensuring that Tilley Park would be suitable for all sporting and recreational demands in future.

I have also indicated that I have been approached by some, in fact a number of, elected representatives of the council of the City of Tea Tree Gully who have indicated to me that they still have concerns about the way in which the final indenture has been brought before the House. I will refer to those concerns subsequently. At this moment I make clear that I have absolutely no criticism of the involvement of the Delfin company in this project. In fact, if I had had my way and if the present Government continued with what the previous Liberal Government had intended, private enterprise would have been involved 100 per cent. I make quite clear that I have no criticism of Delfin. I appreciate very much indeed the open and frank way in which various representatives of that company have kept me fully informed of their company's proposals and the way in which it would like to see the Golden Grove development go ahead.

I also make the point very clearly that all residents, representatives of local organisations and elected members of council who have contacted me have stated that their criticisms have been levelled at the Government and not at the private developer. I make that clear and place it firmly on the record. The criticisms voiced to me and the points that I am making tonight are criticisms of Government involvement, or lack of it (as the case may be), in the Golden Grove project. In some areas there is criticism of the Government because of the way in which it has interfered, particularly by the Tilley Park people who want an extra area. The Government did not ensure as it could have ensured that those people were provided with the full amount of land that they would like to have had. This could have been done by the Government's agreeing to a reduction in the open space area required in the remainder of the Golden Grove development. That is fairly and squarely in the Government's court.

I have also had concern expressed to me by parents who had hoped that a private school would have been developed in what is known as either the Tilley triangle or the Golden Grove triangle. No doubt exists that the parents and certainly some members involved with the school organisation would have preferred to have the school in the Tilley triangle. However, Delfin has put forward very cogent reasons why it believes that the school should be centred elsewhere. However, this evening I am pointing out to the House that a number of people still have a feeling of disquiet about some aspects of the Golden Grove development.

One of my greatest concerns is the involvement of the South Australian Housing Trust in the Golden Grove development. I make clear why this is so. I have long held the belief that housing provided for those in greatest need by way of subsidy or assistance should be supplied in areas close to areas where work is available. Already the City of Tea Tree Gully has one of the highest rates of unemployment of any area within the metropolitan region. The City of Tea Tree Gully contains a lot of young people who cannot get employment. According to the Australian Bureau of Statistics figures, the number of young unemployed people in the City of Tea Tree Gully is one of the highest anywhere in South Australia and we could extend that countrywide to the whole of Australia.

If we look at Elizabeth, which is predominantly made up of Housing Trust accommodation, we find that the situation there is even worse than that in Tea Tree Gully, despite the fact that in Elizabeth a large number of employment opportunities exist that are simply not available in Tea Tree Gully. There is General Motors-Holden's and suppliers to that company, as well as many other industries which can employ residents in Elizabeth. The idea of setting up the satellite city with its subsequent employment opportunities was a good one at the time. However, it is not a good idea to now place people, who are at the lower end of the income scale, in an area from which it will either cost them a lot to run a car or a lot in public transport fares to get to and from work.

This is not a matter that I have simply raised tonight. If members go back through speeches that I have made in the five years that I have been here, they will note that I have always held the view that housing for the disadvantaged is being placed in the wrong areas. I can cite an example of where the Housing Trust has provided a development which meets the criteria at which it should be looking: the redevelopment at Kent Town. An attractive Housing Trust development has been established at Kent Town, and the people who live there are close to the city of Adelaide, which means that their employment opportunities are greater. If they have to travel away from the city of Adelaide it is easier for them to get public transport to their work.

People will go to Golden Grove and be placed there by the Housing Trust, as the demand for such housing is very great indeed. I have had constituents come to me and say that the Housing Trust has offered them a home. One constituent was desperately looking for a home and had one offered to him in an area north of Elizabeth, virtually

on the northernmost extremity of the Housing Trust development at, I believe, Smithfield Plains. He pointed out that he had a job in Tea Tree Gully and that the only way that he could get to and from home and work was by bus to Elizabeth, train from Elizabeth to the city and a bus out to Tea Tree Gully. When this was pointed out to the Housing Trust it said, 'If you do not take this home, we cannot guarantee when you will have another home offered to you.' Pressure is put on these people to live in areas a long way from their employment. I can see pressure being applied when the Housing Trust development goes ahead in Golden Grove and people will be put there although they could be working a long way from there.

The employment opportunities in Tea Tree Gully are very few indeed. There is virtually no manufacturing industry. There are some, but only a small amount and some in the retail industry. Certainly, the employment opportunities in that area are not great enough for the residents currently living there, let alone for those who will come there subsequently. It genuinely worries me that the desperately needed housing for these people who are not as fortunate as the rest of us will not be placed in an area that will be of any help to them in relation to getting to and from any employment opportunities that might come their way.

I do not believe that Golden Grove is the right place for a housing development that will cater for this form of 'welfare' accommodation. It is not the place to put these people, as it will merely exacerbate their problems. Sure, it will give them their own homes, but it would be much better if that home were provided in an area much closer to the main centres of employment within the Adelaide metropolitan area.

I feel very strongly about that. I know that the City of Tea Tree Gully and many of its residents also feel strongly about it. I cannot help but feel that this Government has changed the intention of the previous Government for political reasons. Let us be quite open about this: the previous Government was going to have a Golden Grove development that would have been 100 per cent private enterprise—and I still believe that that is the way this should have gone.

The Hon. D.J. Hopgood: Are you sure about that?

Mr ASHENDEN: Yes. I also point out to the Minister, now that he has raised it, that the Premier himself has acknowledged that his Government changed the intentions of the previous Liberal Government. I quote from a statement made by the Premier to the House on 30 October in which he said:

> Yes, I readily perceive that if the Opposition had had its way blocks would have been on the market earlier. There is no doubt about that.

There the Premier was referring to the fact that the previous Liberal Government did have plans for the Golden Grove area and that when this Government came to power it held back the work that had been set in motion by the previous Government. Had it not done that, had it proceeded along the track of the previous Government, in the Premier's own words this land would have been available earlier than it will be now.

I make the point that this Government for its own reasons (and I can only put this down to its dogma) has decided that it wants there to be a change in the way in which the previous Government was going to tackle the development in the Golden Grove area. As I said, I still believe quite firmly that this is not the place to provide housing for those most in need. I believe that the South Australian Housing Trust would spend its money much better if it were to enter into major inner city or inner suburban redevelopment. There are certainly areas in which this could be done. Just look at the change that the Housing Trust has brought to Kent Town—a change which is very markedly for the better and which provides close accommodation for those who seek employment or who are employed in areas in which greatest employment is available.

I now want to look at the report of the Select Committee and dwell on some of the points made by it. First, the report states:

> There has been longstanding support for a comprehensive development approach at Golden Grove.

I certainly agree with that: I do not question it for one minute. However, I do make the point that in the Premier's own admission this Government has delayed the development and that this has had a major effect in causing an increase in the cost of land. Had the land been sold two years ago, it would have gone for about half the price that will now be required to be paid for it.

The Hon. D.J. Hopgood interjecting:

Mr ASHENDEN: If the Minister believes that land at $15 000 a block is giving it away, he can make a gift to me at any time he likes. The Premier himself has said that some land will cost $30 000. If the Minister doubts that, again it is on the record that the Premier stated on 30 October:

> Thirdly, in relation to block prices, the average block price in that area in the September quarter figures was about $31 000.

I queried the Premier on that figure and he told me that the Minister would bring back a considered reply. However, that still has not come, despite the fact that I asked whether or not that figure was accurate some weeks ago. The Premier further said:

> In relation to the Housing Trust component of this development, blocks will be provided in the initial release to the Housing Trust at between $19 000 and $21 000 and to first home buyers at a price between $20 000 and $22 000 . . . that is some $10 000 less than what one might call a market price in this area.

Two years ago the market price in this area was approximate half that figure, so I make the point that, as the Government has delayed the introduction of this indenture, the home buyer will suffer because he or she will have to pay considerably more because of the delay brought about for the Government's own reasons, which I certainly cannot understand. The Government could have had this indenture before this House long before now.

I certainly agree very much indeed with the statement in the report that, in relation to Delfin, it has chosen an organisation which will be able to pursue the objectives which have been set and which has a proven land development record. I have no doubt at all that, provided that there is not too much Government interference, Delfin will provide a development that will be a very welcome addition to the City of Tea Tree Gully. I also note the following point made in the report:

> Thirdly, recent substantial increases in the price of land in the Tea Tree Gully area have occurred principally because of a shortage of allotments for purchase.

I agree with that statement wholeheartedly and again make the point that, had this land been released earlier, these very high prices would not be required.

The report also mentions the Housing Trust, and I will not dwell on that again. I have very strong feelings about that, and I only wish that the Housing Trust would look at inner urban development and redevelopment because of the reasons to which I alluded earlier this evening. The report states:

> Your committee notes from the council's—

and they are referring to the City of Tea Tree Gully—

> submission that negotiations have been most successful and amicable.

Again, having read that, I made contact with some of the elected members who had previously made a point of telephoning me or calling to see me personally to express

their concern. They indicated to me tonight that they are still concerned that, although they acknowledge that the Government did talk to them in the early stages, there is still a feeling of resentment that a promise that was given to them that the final indenture Bill would be provided for their consideration before it came to Parliament was not met.

The first time that the elected council and council officers saw the indenture Bill was after it had been presented to Parliament. The elected members have indicated to me that, had the Bill been provided to them as promised, they would have pointed out to the Minister and/or the Government that there are still areas of concern to them. I note from the Minister's speech earlier today that he acknowledges that the City of Tea Tree Gully still holds four concerns in relation to this Bill. I use the words 'still holds' because again I checked with some of the elected members this evening whether they felt that the Government had alleviated the concerns they felt. I was told, 'No': that they still have concerns about the four areas that were enumerated by the Minister earlier today. If time permits, I will go into that matter in more detail shortly. The report then states:

> While there is a view that the project could have proceeded earlier, given the scale and complexity of the project and given the arrangements associated with joint ventures of this type, your Committee does consider that this process of decision making and negotiation has taken place within an appropriate time frame.

I do not accept that; many residents in the north eastern suburbs do not accept that; and the Premier has stated that, had the Opposition had its way, there is no doubt that this development would have proceeded much more quickly. So, I cannot accept the point that is made in the report now before the House. The report further states:

> It is clear to your committee that social objectives cannot realistically be divorced from those of the normal operation of commercial enterprise, and the two can and must coexist.

I look forward hopefully to seeing that this aim will be met. I, like many others, feel that there could be very real problems because, as admirable as it is to provide welfare type housing and blocks at a lower price to first home buyers, I raise the point that both groups, that is, the person living in low cost rental accommodation and the first home buyer, are the two groups of people who have least money available to them. They are the persons who will find it hardest to meet the bills of driving or travelling on public transport to and from work.

I am genuinely worried that the social aims expressed by the committee will not be met for reasons on which I will not dwell now, because I dwelt on them in detail earlier this evening. However, it genuinely worries me that the social problems that exist (for example in Elizabeth) will also exist in Golden Grove. I acknowledge that the Housing Trust will only have a 25 per cent to 30 per cent involvement in the development, but even so that is a lot of people who will have the problems to which I referred earlier, and I am genuinely fearful that, even though it will not be a 'ghetto' as was mentioned by the member for Light, social problems will still exist for these people. Again, I believe that if encouragement is to be given to first home buyers perhaps it would have been better if this encouragement had been given in areas situated closer to centres of employment.

I also cite the statements made to this House by the Premier when he said that the initial development will be the area in which the South Australian Housing Trust will be most involved and also where the blocks will be made available to first home buyers. Of course, I make the point that the first stage of the Golden Grove development is in the Golden Grove triangle—the Tilley triangle or whatever one wants to call it. As we are all only too well aware, that section of the development is the only section that is in the new seat of Newland, and I wonder why that section has been singled out for this type of housing development and why the development in that area will not be similar to the rest of the development where there will be a mix of 75/25, or 70/30.

However, be that as it may, I understand that it is the intention of the Government and Delfin that private versus public housing, if one wants to put it that way, will be in that ratio except in the triangle. If I have misread the Premier's statement, I am only too happy for the Minister to correct me, but my understanding of the way the Premier put it when he specifically referred to the Housing Trust and first home buyers was that they would be provided with land in the first stage of development, which, as I said, is the triangle to which I referred.

Unfortunately, time does not permit me to expand on the concerns of the elected members of council. However, the Minister himself has acknowledged that there are four areas. My most recent discussions indicate that there are four areas about which the council still has concern. I believe that what I have done this evening is to indicate to the House that there are residents, organisations and representatives in the City of Tea Tree Gully who do not see this as the ideal development.

The ACTING SPEAKER: Order! The honourable member's time has expired. If the Minister speaks, he closes the debate.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): First, I would like to thank members for the consideration they have given to this portion of the consideration of the total measure, which is the noting of the report of the Select Committee. In addressing myself to the Select Committee, I was somewhat selective because I was well aware that at least two other members of the Select Committee would be addressing themselves at some length to aspects of the report, and I thought that there was every chance that the three speeches would complement each other, which they appear to have done so far as I am aware without any collusion on behalf of any of us except to the extent that we have spent a good deal of time together on the Select Committee. If one reads the speeches that have been delivered by the shadow Ministers opposite and my own speech, I think that practically every aspect of the report of the Select Committee has been covered.

I would commend what we collectively have said to the people of South Australia, particularly to anyone who may have lingering doubts about what is being proposed here. Among those individuals to whom I commend those remarks is the honourable member who has just resumed his seat: the member for—one almost trembles even to mention the name of the electorate, given the Premier's mistake this afternoon—Todd. I approach the task that I have before me with some sadness, because I want to assure the House that it is not my intention that I should take up any of these matters in any spirit of malice or rancor at all.

The honourable member has steered a fairly careful course this evening between what one could perhaps call the scylla of departing company completely with his colleagues and the charybolis of tipping the bucket on the whole thing and doing that which a very small number of people outside the House are expecting of him. In some cases it is not altogether clear whether he is making common cause with those people who he announces have further expressed their disquiet with him or whether he is merely being an honest broker on their part and merely regarding those concerns without underlining them in any way. What I have to say sadly again and without malice or rancor is that where there are continuing concerns in the honourable member's elec-

torate I think that it has to be admitted by reasonable people that he has sedulously fostered those concerns.

I do not have it in front of me but I particularly refer to an article appearing in the local paper in the north-east not so long ago which looked in particular at the matter of the development of the Tilley triangle both in terms of its development as one of the earlier areas and also the nature of the development (block sizes and that sort of thing) and which also looked at the matter of how much open space would be provided. As I recall, it stated something like that the decisions that had been taken in all these matters in effect had already ruined the development.

Maybe my memory plays me a little false there: I have to be scrupulously honest and say that I do not have the exact memory in my mind of the words that the honourable member used on that occasion. However, he went perilously close to saying that the decisions that had already been taken in relation to that area had already seriously flawed the total project. The honourable member in part is misinformed and in part I believe intentionally misrepresents what some people have said or what the facts of the matter are. For example, twice in his speech he said that I had admitted that there were four areas of continuing concern of the council as admitted in evidence.

In fact, I have my notes before me on the speech that I made when I introduced this motion, and I said no such thing. What I said was that there were four areas which one would imagine would be of concern to the council. I did not suggest that there were serious misgivings in those areas of concern, although my remarks went on to imply that the committee, by underwriting the indenture, in fact parted company with the City of Tea Tree Gully as evidenced by what was told to us by its Manager in relation to one of those four things, and that was the size of the South Australian Housing Trust component, because Mr Hunter in evidence said that their preferred position was up to 25 per cent South Australian Housing Trust involvement, whereas what we are proposing to the Parliament here is that it should be between 25 and 30 per cent.

Mr Ashenden: What about grade separation? You said there were four concerns.

The Hon. D.J. HOPGOOD: What the honourable member was implying was that there are continuing misgivings in four areas in relation to this matter. Perhaps he would allow me to develop the argument in my own way. I am saying that clearly there is a difference between the preferred position of the City of Tea Tree Gully in relation to the Housing Trust component and what is contained in the indenture, although Mr Hunter in evidence said that Tea Tree Gully would be prepared to countenance, as part of that preferred position, up to 25 per cent, and the indenture provides for between 25 and 30 per cent. The difference between the lower level provided in the indenture and the upper level provided in Mr Hunter's preferred position is zilch, so indeed it is not beyond the bounds of possibility that, if in fact the Housing Trust performance is at the lower end of that range required of it, there will be very little difference in practice, but I admit, yes, there is a difference between what the Tea Tree Gully Council put before us and what is being recommended here. However, in relation to the other three matters, so far as the evidence that was placed before us by Mr Hunter is concerned, there are no serious misgivings.

One of the matters that I raised was the planning system, and Mr Hunter gave evidence to the effect that the City of Tea Tree Gully was happy with the planning system provided. I am not going to go further in relation to that, because I understand that the honourable member's colleagues may raise certain matters in relation to that in Committee, so perhaps we can come back to that point. The third matter related to grade separations along the spine road, and we were able to satisfy the council that indeed that may well happen and it does not need to be addressed in the legislation. There is a feeling on the part of the members of the Select Committee that this is a reasonable treatment of pedestrian traffic within the whole area.

The fourth matter was the whole area of the Tilley triangle and block sizes. Again, I said to this House that indeed Mr Hunter, in his evidence on behalf of the whole council, indicated that they were happy with what had happened there. Let us remember that what has been proposed to this stage in relation to the staging and the nature of the development has been solely at the instance of the private enterprise joint venture party. The honourable member is at pains to tell us that criticisms that have been placed before him have been criticisms of Government performance here and not criticisms of Delfin, but again I have to make the point, and it is in evidence, that indeed the decision for the Tilley triangle would be part of the first development stage and the decision on the block sizes has at this stage been taken by Delfin.

Mr Ashenden: I didn't refer to it.

The Hon. D.J. HOPGOOD: It is one of the four things the honourable member was saying were still matters of serious misgiving on the part of the people to whom he has been talking. I make the point that in relation to No. 4, first, Tea Tree Gully is now quite satisfied, and, secondly, in any event, it is something that originated with Delfin and not with the Government, because at that stage the Government had no operating role. Formally it still has none, because we are waiting for this legislation to be carried through. I think, at the risk of delaying the House just a little longer, I should quote the evidence that was put before the committee, because the honourable member should know that, in asking these two questions, I had in mind the specific article of which I complained earlier in my remarks this evening. I direct the honourable member's and the House's attention to question No. 304 in the evidence of the Select Committee at page 163. I, as the Chairman of the committee, addressed this question to Mr Hunter:

> There has been reference to the triangle. The joint venture partner, with the full knowledge of Government, with a laudable desire to move the business on, has already made informal application to council in respect of the earlier areas to be subdivided. So, council has had an opportunity to review the private enterprise partners ideas of the way in which the joint venture should be putting the early subdivisions up to council. As a result of that examination, has council any misgivings as to the nature of the proposal or what is intended in the earlier subdivisions?

Mr Hunter's reply was:

> Council, in looking at the draft initial development, has accepted the principles involved with some qualifications regarding fairly minor planning aspects, but it has adopted the designs, in principle.

There may be one or two individuals elected as members on the Tea Tree Gully council who were outvoted on that occasion, if indeed a vote was taken. I assume that Mr Hunter, in giving evidence, is doing so with the full knowledge and support of his council. His Mayor was sitting in the gallery at the time, and one or two other council members were also there with him. I do not suppose that in the real world one will ever get 100 per cent agreement on anything from any group of people, but the Select Committee was able to confirm on that matter, which had been subject to a good deal of comment in this House, a good deal of innuendo from the honourable member and continuing innuendo in light of the remarks he has made to us this evening, that the council was satisfied. Let me go to question No. 305, because this is another matter that has been raised. This again is myself asking a question of Mr Hunter:

> There has been a great deal of negotiation and public comment on the necessity for the recreation area of the Tilley triangle to be expanded. There is now agreement on a 50 per cent expansion.

Does council's general feeling of ease about the nature of the joint venture proposals suggest that that 50 per cent expansion has probably resolved the problem which existed about the future use of the recreation component?

Mr Hunter replied:

As you are probably aware as Minister for Environment and Planning, your offer in relation to the 50 per cent increase in the area of Tilley Recreation Park was accepted gladly by council and, at the meeting at which council formally accepted the extended area, it was advised that the Tilly Recreation Park Management Committee, on behalf of council, was happy with the proposed extension. That helped council in formally accepting the extension as proposed.

Mr Ashenden: What about the users of Tilley Park; what did they say? They wanted more land.

The Hon. D.J. HOPGOOD: Who are the users of Tilley Park? Who does Tilley Park Recreation Management Committee represent? Perhaps the honourable member could tell me that.

Mr Ashenden: Would you like to tell me whether they said that they got all they wanted? The answer is 'No'; they wanted twice as much.

The Hon. D.J. HOPGOOD: We never get all we want, but I will quote again what Mr Hunter said:

... the Tilly Recreation Park Management Committee, on behalf of council, was happy with the proposed extension. That helped council in formally accepting the extension as proposed.

The honourable member has to accept that it will not be possible to get 100 per cent acceptance of all individuals in relation to these matters. I have a great deal of respect for the Tea Tree Gully council, and it is clear that the stable majority on that council belongs very much in the twentieth century and accepts the sort of conditions which have been negotiated in relation to this project, but all local government authorities attract their more exotic characters. I was interested to read, for example, not so very long ago in that very same paper that, in relation to an interesting project which was to help, I think, the very unemployed youth for whom the honourable member expresses a great deal of (I am sure, sincere) concern, a member of the Tea Tree Gully council said, 'You can't do that; that's communism.' Now, I am sure that the honourable member read that.

Mr Ashenden: I'm sorry, I didn't.

The Hon. D.J. HOPGOOD: I am amazed that that missed his eagle eye. I would be only too happy to provide chapter and verse in relation to that matter. That was reported as coming from a Tea Tree Gully council meeting. I am sure that there was not one other member of that council who accepted the viewpoint that was put. I will not name the individual. I have forgotten the name anyhow; it does not concern me very much. I simply make the point that one can get to a reasonable level of agreement in these sorts of things. In any event, Mr Hunter was able to come before us with a strong majority position on his council in relation to these matters.

The honourable member also raised the matter that, had the previous Government been in a position to proceed with this project, it would have done so as a 100 per cent private enterprise concern. I do not quite understand what that means. It could have two meanings. It could mean that the subdivisional process would have been carried out completely by private enterprise. I do not know whether that is true or not; it may or may not be. Quoting the Premier on this involved the honourable member in a complete *non-sequitur*, because the Premier is not in a position of knowing exactly what the previous Government had in mind. I can find, although I have not looked very far as I do not believe in carrying on archaeology into the Public Service files, no indication that there was any settled policy which had been arrived at by the honourable member's colleague in relation to this matter. Perhaps he had not got around to it, and I do not say that by way of criticism. In any event, I am not sure how the honourable member can be as confident as he seems to be.

That is one possible construction that one could put on it. The other was that there was to be no Housing Trust involvement at all, irrespective of the nature of the subdivisional process. I am not too sure that is the case either. The Housing Trust generally, as a proposition, has been spreading its land holdings. It has been more and more interested in inner suburban development. However, unless the relative costs of inner suburban sites as opposed to green field sites have changed considerably from the days when I was Minister of Housing, I have to let the House know that medium density development in older suburbs which may have to involve even demolition and that sort of thing is per capita significantly more expensive than going out to a green field site.

Mr Ashenden: What about the long-term social cost? That has to be built into it.

The Hon. D.J. HOPGOOD: The long-term social cost is something we have very much in mind in relation to this matter. I do not want to delay honourable members in a long debate on the various matters raised by the honourable member about the negative aspects of placing significant numbers of people who are public tenants in an area such as Tea Tree Gully. All I would say and perhaps I am being a little old and cynical here is that these are in line with the sorts of criticisms that people down the years have levelled at any proposal to place blacks or Vietnamese or—and I am afraid I have to say this because there are some people who go that far—even homes for the disabled in particular areas. Perhaps I am too cynical in making that point but the history of public housing, of busing in the United States, all of those sorts of things have been a lamentable record of people being able to find high minded, so it would appear, and ingenious reasons why it should not happen in their neighbourhood. Unfortunately, too often, our fellow human beings are being treated in the same league as an unwanted gasometer. I commend the motion to the House.

Mr Ashenden interjecting:

The DEPUTY SPEAKER: Order!

Motion carried.

In Committee.

Clauses 1 to 7 passed.

Schedule.

The Hon. D.C. WOTTON: I seek clarification from the Minister in relation to Division 4 of the schedule dealing with planning, the division of land and environmental impact statements. A considerable amount of discussion during the Select Committee revolved around the Planning Act in a modified manner. I expressed concern on a number of occasions and received answers from various witnesses in regard to the procedure which is to replace the procedure for public submissions and public hearings set out in section 41 (5) of the Planning Act. The same thing would apply in Part C in relation to environmental impact statements where a draft impact statement relating to a development proposed by the joint venturers is not to be subject to public advertisement and public submissions under section 49 (2) to (4).

I understand how this has come about. I understand that it is an agreement that has been reached. However, I am concerned because I believe there needs to be more effort on the part of Government and those responsible for supplementary development plans and for environmental impact assessments, etcetera, etcetera, to make the community more aware of its involvement in such procedures. Under general circumstances that is a very important part of the preparation of supplementary development plans and of the preparation of environmental impact assessments—to provide the opportunity for the community to have its say and to have

its say at an early stage rather than to get a certain way down the track and then feel that it has been left out in the cold and then try to do something about it which may in fact hold up development.

Is there any intention of notifying people that the circumstances that they will be in in regard to the Golden Grove development will differ from other circumstances outside of that development? I know that we have talked about this and argued about it in the Select Committee, but there are people out there now who will be concerned about not having an involvement, because as time goes by and as Golden Grove develops and more people become involved, there will be occasions when people will wonder why they are being treated differently from people outside of that development. Has the Minister given any thought to that matter and is there any way we can ensure that the people realise why the Act is modified in regard to these matters, as well as giving any other information that he may have in regard to this matter?

The Hon. D.J. HOPGOOD: The honourable member, of course, was concerned about this matter on the Select Committee. Without reading them, but for the benefit of those who will be reading *Hansard* at some time in future, I refer to paragraphs 299 and 300 of the evidence that was placed before the Select Committee, where the shadow Minister questioned Mr Hunter in relation to these matters. The provision is not a drastic departure from the mechanism which is in the Planning Act. For a variety of reasons it was felt appropriate that we should go this way. First, of course, the Planning Act was set up basically to control private development, and this is not a private development in the normal sense of the word. Secondly, and arising out of that matter, the Crown is in a peculiar way involved as a joint venture partner. Perhaps I should not use that word in the technical sense, but in any event, the honourable member and the House know exactly what I mean in relation to this matter. Thirdly, at this stage the area in effect has no population.

The Hon. D.C. Wotton: We can worry about that matter later.

The Hon. D.J. HOPGOOD: Yes. The honourable member sort of asked for an exposition of philosophy on this, and again I suppose I am largely reiterating or paraphrasing what is in the evidence. Until such time as the population builds up it seems appropriate that the council, as the custodian, as it were, of the interests of those future residents should in effect have charge of the public process, that its consideration should be regarded as being equivalent to the public process that normally occurs in control of private development.

I think the other point that ought to be made is that the whole thing is reasonably predictable, subject only to the vagaries of the land market itself. That is to say, the joint venturers are not suddenly going to jump three or four valleys and develop a particular area out of whim, and we are not going to get the sort of typical pattern that occurs in normal private development where an area, in terms of the real objectives of Government, may be developed prematurely because one of the landowners was ready to subdivide while another owner, say, closer to the developing urban fringe was not ready to subdivide. We know in advance the sequence within the total Tea Tree Gully and Golden Grove site. For all of those reasons it seemed more appropriate to adopt the mechanism that is here. As we go down the track (and I come to the nub of the honourable member's question) and when we have a significant population living on the site, I would expect that a public process would apply.

The difference is that it would not be subject to the formalities that exist at present. In other words, I would hope that any proposition that the joint venturers put before the council would be public knowledge and that efforts would be made to ensure that those matters were made known to the public. However, I have to say that should there be any move to go beyond that and to incorporate in the overall system the conventional system of development control that exists in the Planning Act, that would require further amendment to the documents before us and would have to come back here. But I think this is probably a wait and see position, and in the meantime, as the honourable member knows, the Select Committee was sufficiently satisfied by what was placed before it to endorse this, together with all the other provisions of the indenture in the Bill.

The Hon. B.C. EASTICK: I refer quickly to the third schedule, which is on page 25 of the Bill before us, and to the paramount objectives. I point out that under close questioning, reflected in the minutes of the Select Committee proceedings, the Crown Law officers indicated that as near as practicable the paramount objectives are expressed in legal terms in the indenture. Members of the committee very quickly came to understand that the paramount objectives were those that have been put down initially by the former Government as to a concept. They were taken up and expanded in some small degree by the present Government with the end result being the same major objective, mainly, to have a mix of housing and also a development that was rational and to be undertaken as far as the Government's involvement was concerned on a cost benefit basis, that is, that a number of facilities were not to be put in six different developments at the one time, all at considerable cost to the instrumentalities involved. I believe that these matters have been adequately dealt with. Any person who has a doubt as to the real purpose associated with the whole of the proceedings ought to look at the third schedule, where the paramount objectives are noted, and one should also take heed of the information to which I referred in the minutes pointing out that so far as the Crown Law Office is concerned those matters are adequately addressed in the documents that have been before the Select Committee.

Schedule and title passed.

Bill read a third time and passed.

FAMILY RELATIONSHIPS ACT AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments Nos. 1 to 5 and had made the following alternative amendments to the House of Assembly's amendment No. 2:

No. 1. Page 2, line 38 (clause 6)—Leave out 'the first day of July, 1986' and insert in lieu thereof 'the thirty-first day of December, 1986'.

No. 2. Page 2, lines 40 to 42 (clause 6)—Leave out all words in these lines.

Consideration in Committee.

Amendments Nos 1, 3, 4 and 5:

The Hon. G.J. CRAFTER: I move:

That the amendments disagreed to by the Legislative Council not be insisted on.

I note that the Select Committee appointed by the Legislative Council will be taking these matters into account when it deliberates on this matter.

Motion carried.

Amendment No. 2:

The Hon. G.J. CRAFTER: I move:

That the alternative amendments made by the Legislative Council in lieu of amendment No. 2 be agreed to.

These relate to the extension of the sunset clause to the thirty-first day of December 1986.

Motion carried.

EQUAL OPPORTUNITY BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2079.)

Clause 2—'Commencement.'

The Hon. G.J. CRAFTER: I move:

Page 1—

Lines 24 and 25—Leave out 'a resolution passed by both Houses of Parliament' and insert 'proclamation'.

Line 26—Leave out 'resolution' and insert 'proclamation'.

Lines 30 and 31—Leave out 'a resolution passed by both Houses of Parliament' and insert 'proclamation'.

Line 32—Leave out 'resolution' and insert 'proclamation'.

Page 2, lines 4 to 10—Leave out subclause (4).

These consequential amendments relate to the coming into operation of the legislation. The amendment moved in another place required that this matter be done by resolution of both Houses, and that amendment is unacceptable to the Government. We believe that that is a most inappropriate way to deal with this matter and to effect the wishes of the Parliament. There should be no difference between this legislation and almost all other legislation.

The Hon. H. ALLISON: The Minister said that he regards the amendments as being a most inappropriate means of dealing with this matter. However, I point out that the amendments that were carried in another place refer to section 42 and the date upon which that will be either proclaimed or come into operation on a day fixed by resolution and passed by both Houses of Parliament. The reasons for the original amendments were simply that section 42 will be examined in detail by the Federal Human Rights Commission and, subsequently, when the findings of the Commission are to hand, it will be far more appropriate for both Houses of Parliament to look at those findings and possibly to introduce further amendments.

There is no guarantee that amendments will not be needed, and we therefore regard the issue as one that should be decided by the Houses of Parliament and not simply be a decision of the Government through the Governor in Executive Council. The amendments are extremely relevant and are the most appropriate way of dealing with the subject. We oppose the amendments.

Amendments carried; clause as amended passed.

Clauses 3 and 4 passed.

Clause 5—'Interpretation.'

The Hon. G.J. CRAFTER: I move:

Page 2, after line 22—Insert definition as follows:

'detriment' includes humiliation or denigration:

This amendment relates to the interpretation of 'detriment'. The original interpreation of 'detriment' included humiliation or denigration intended to cover people who experienced discrimination. In the Commissioner's experience, it is common for a person discriminated against on the basis of his or her physical impairment or race to suffer extreme forms of humiliation or denigration. Moreover, people who are sexually harassed often suffer such detriment. In law relating to discrimination, it is important to recognise not only the material effects of detriment but also the often devastating injury people suffer to their feelings.

The implications of the amendments moved in another place were to remove the interpretation section relating to 'detriment' which defines detriment to material and concrete forms of detriment. It narrows the potential for remedy and fails to recognise the emotional stress, often severe distress, which accompanies all forms of discrimination. It is therefore the Government's wish that the original definition to this clause be now reinserted.

The Hon. JENNIFER ADAMSON: I support the amendments. Further to the remarks I made in the second reading debate, I endorse what the Minister has said. Reference to the ACOA booklet *Sexual Harassment in the Workplace* highlights the fact that discrimination occurs as a result of sexual harassment because the detriment suffered by the victim includes humiliation and feelings of degradation. This is well sustained and documented by research. The booklet states on page 43:

> But understanding and learning of the effects of sexual harassment are difficult, because many women's responses are veiled, internalised and played down.

On page 44 it further states:

> Long term emotional effects were apparent—

as shown in the study conducted by the Guild Women's Department of the University of Western Australia—

> 'and all surveyed took extra security measures and restricted their movements and friendships... In the spring of 1980, *Redbook* magazine and *Havard Business Review* conducted a joint survey on the issue of sexual harassment in the workplace. The survey revealed feelings of helplessness, degradation, having been demeaned, and insulted.

On page 45 further data states:

> Some women's efficiency may be so impaired as to place their jobs at risk. A constant state of emotional agitation and frustration is not conducive to job efficiency.

Those random references should be sufficient to convince the Committee that it is not necessary to suffer material disadvantage, that the emotional and social disadvantage of sexual harassment and indeed of discrimination of any kind is so strong that detriment must go beyond the material and must relate to the feelings of humiliation or denigration as expressed in this definition.

Mr BAKER: I have thumbed through the legislation in order to find where the word 'detriment' is used. I have obviously missed the point, and am not sure whether 'detriment' is mentioned in the Act. Will the Minister identify the use of it for my edification?

The Hon. G.J. CRAFTER: I refer the honourable member to clause 67 (2) *(d)*, which is a reference thereby subjecting him to any other detriment.

The Hon. H. Allison interjecting:

The CHAIRMAN: The Chair points out that it understands that this is a definition clause. I wonder whether the honourable member should raise that matter later in another clause. The Chair will allow the member to carry on in this vein, but it points out that he may be jumping quite a number of clauses. However, if he wants to pursue the matter, the Chair will allow it at present.

Mr BAKER: I could not see the word 'detriment' used in the sexual harassment clause. The detriment we are talking about is discrimination in employment. I agree with my colleague, the member for Coles, that humiliation is a detriment and that it can be a detriment in relation to unwanted sexual activity. However, I cannot see it in the appropriate section. Whether using the definition of detriment in the earlier sections takes away from the provision of detriment in the Act, I do not know; it seems to be in the wrong spot.

The Hon. G.J. CRAFTER: I suggest the honourable member refers to the Act and to what is intended by this current amendment: we are inserting after line 22 the words 'detriment includes humiliation or denigration'.

Mr BAKER: It appears that the definition of 'denigration' is related to discrimination in employment. My colleague, the member for Coles, was talking about sexual harassment, and it does not appear in sexual harassment as I read it. I have probably missed the word. It appears that the definition is inappropriate to the Act, but I will not argue the point.

Amendment carried.

The Hon. G.J. CRAFTER: I move:

Page 3, lines 30 to 33—Leave out definition of 'Senior Judge'.

This amendment relates to definition of 'Senior Judge', which is also dealt with in subsequent amendments. For reasons explained by the member for Mount Gambier, it is seen as inappropriate that we should involve the Senior Judge, and indeed that jurisdiction, in the administration of this legislation in this way.

The Hon. H. ALLISON: I simply point out that the attention of the shadow Attorney-General in introducing this clause lay in the fact that the work of the Senior Judge would be relevant to the Equal Opportunities Tribunal and the Anti Discrimination Tribunal, both of which are referred to later in the Bill. It is something of a consequential clause. It was intended that the Senior Judge would have oversight of those but not necessarily the ability to appoint the senior officers who would work under him: that would be the prerogative of Executive Council.

Also, during the term of office of the previous Liberal Government I believe that the then Attorney-General (Hon. K.T. Griffin) did appoint a senior judge over tribunals, including the Planning Tribunal and the motor fuels distribution and appeals tribunals, so the relevance of past actions was carried out in his intentions in this Bill. It is not a matter that we will press and divide on, but that is the relevance of the shadow Attorney's action.

Mr BAKER: Obviously, the Minister of Community Welfare will not respond. I know that the hour is getting late, but I think that in this area it is important that we have complete impartiality. I am not commenting on the operations of the existing Act or the people who fill the positions, but we know that there are some conflicts and gross differences and that they do cause concern on odd occasions.

I believe that impartiality should be the keynote in this legislation in relation to the person who controls the operations and who determines the most appropriate people to serve on a particular tribunal from the expertise available. It is a very difficult job that should be divorced from the normal human frailties that we get when people are appointed to certain positions. We can have a situation of a person being appointed to a particular position because of political allegiance or whatever. I would hate to see that happen. If the Act is to work properly it must, like justice, be seen to be done; it has to be fair. This amendment should not be proceeded with because those amendments that have passed the Legislative Council have the desired effect.

Amendment carried.

The Hon. H. ALLISON: I move:

Page 4—

Lines 6 and 7—Leave out definition of 'sexuality'.

Lines 9 to 11—Leave out definitions of 'transexual' and 'transexuality'.

As we pointed out in the earlier debate (I do not intend to canvass the argument at great length again), Opposition members do not believe that it is the duty of Parliament to instruct people how they should behave and react towards any groups of individuals. We are here to represent, not to lead public opinion to the extent to which it is being led in this, as I believe someone in the Upper House said, trail blazing legislation—as if that were a great credit to this House. I do not believe it is in this instance.

I point out that the Act upon which our legislation is modelled is the Commonwealth Sex Discrimination Act, 1984, which is entitled 'An Act relating to discrimination on the grounds of sex, marital status or pregnancy or involving sexual harassment'. There is no mention of sexuality, as opposed to sex, masculinity or femininity. We have gone well beyond the measured mile in introducing this aspect into Australian legislation.

I referred to six specific reasons why I believe that sexuality should be omitted from the present legislation. I do not propose to repeat them: they are in *Hansard* for people to examine at their leisure later. The issues have not changed. I believe that a large proportion of people in South Australia are very strongly opposed to this legislation, as they were when the Federal Government first indicated its intention to include something along those lines. It is not included in Federal legislation. Representations have been made to members of the Opposition and I am sure to members of the Government benches from the Catholic system, the Protestant education system, employer organisations and a wide number of people among the general public of South Australia.

If the Government insists on retaining the definitions of 'sexuality', 'transsexual' and 'transsexuality', I feel that it is doing something extremely unusual in Australian legislation, and it would certainly have to be reconsidered again in another place.

The Hon. JENNIFER ADAMSON: I support the amendment to exclude sexuality from the Bill. In my second reading speech I outlined the basic reasons why I believed sexuality should be excluded. I would like to elaborate on those reasons and refer particularly to a justification for removing from the Bill the reference to sexuality in clause 11. That clause requires the Commissioner to foster and encourage amongst members of the public informed and unprejudiced attitudes with a view to eliminating discrimination on the ground of sex, sexuality, marital status, pregnancy, race or physical impairment. I have no argument with the correctness of imposing that responsibility on the Commissioner when it comes to such matters, but I believe that the Commissioner is being placed in an impossible position when she or he is required to foster and encourage amongst members of the public informed and unprejudiced attitudes in relation to sexuality. These are matters of extreme delicacy.

The moral attitudes felt by many members of the community are strongly held. There would be, and I believe will be, a sense of strong outrage among many significant sections of the community if the Commissioner proceeds to fulfil those obligations in respect of sexuality. There is a fear, and I believe a well founded fear, that proselytising will take place if this Act is passed with sexuality contained in it. If that occurs I believe that there are significant dangers to children and indeed the fabric of society. I hope and believe that I am not a prejudiced person in respect of the sexual proclivities of other people. They are their own affair, but this law breaks new ground. For the first time in this country it gives homosexuals, transsexuals and bisexuals the same legal status as heterosexuals.

That has never occurred before. It will have far reaching consequences that I do not believe can be foreseen at this stage. In the second reading debate this reference was made to the AIDS problem and already in one State and possibly in others legislation has been and will be enacted which would effectively exempt homosexuals from the operation of this law in respect of blood transfusions. I hope and expect that this law as it applies to homosexuals and bisexuals will not allow them to have access to the *in vitro* fertilisation programme. Neither of those two exemptions, which I believe would be supported by majorities on both sides of this House, could possibly have been foreseen five or 10 years ago. AIDS was unheard of then, and *in vitro* fertilisation was just a dream in the mind of some scientist. How do we know what other exemptions will be required as future events unfold?

When one starts to have a law that requires so many exemptions, one simply starts to make an absolute mockery

of the law itself, and for those reasons I believe that it is most unwise at this stage to proceed to include sexuality in an anti discrimination law and to provide remedies under that law for people who believe that they have been discriminated against. I think that it could fairly be said that the media has failed and has been negligent in its job of informing the community about a major proposed change in the law, despite the number of petitions that we have had. I do not believe that the majority of South Australians have any notion of what is being proposed by the Government in respect of this law. I do not think that a lot of the Government's supporters have any notion of what is being proposed, and I suggest that a significant number of them would not approve of it.

The member for Mount Gambier in his second reading speech referred to the Minister's second reading explanation, which stated that representations had been made by individuals and organisations. I believe that the Committee is entitled to know not the names of the individuals but certainly the names of the organisations. I cannot think of any organisations which would carry such weight with the Government but which would not also carry some considerable weight with the community, but they have been completely silent. I have heard no public call for this change in the law. I can see no record in the Parliamentary Library of any call in South Australia for a change in the law. I am bemused at how such a proposition got through the Labor Caucus.

As I said, in all my consultation, which has been quite extensive because it took me a long time to resolve my own view on this in accordance with my conscience, which was permitted by my Party, I have found deep conflict throughout all strata of society. That being the case, I believe that it is quite wrong to proceed at this hour and in this state of lack of knowledge by the community as to what is being proposed, and for that reason I solidly support the amendment proposed by the member for Mount Gambier.

Mr BAKER: I do not feel as strongly about this issue as my colleagues feel. I believe that certain people with sexual preferences other than my own suffer a great deal of anxiety and prejudice when it is found that they are of that sexual preference. We have covered almost everyone else in the Bill. Why not—

The Hon. Jennifer Adamson: We haven't covered the aged and the intellectually disabled.

Mr BAKER: They will be in there shortly—the aged and the young. We will cover everyone eventually. If we are making laws there is no doubt in my mind that rightly or wrongly homosexuals, bisexuals and transsexuals—that group of people with a sexual preference other than my own—suffer a great deal of prejudice. They also suffer a great deal of inequality and harassment for a wide variety of reasons.

Because the Minister is insisting on a group of further amendments later in the clause to which I cannot subscribe, I believe that if he had left the sexuality provision as amended by the Legislative Council there would be some provision in the legislation for a reasonable deal, if one likes, or a reasonable stance for compromise with regard to people's view on homosexuals, bisexuals and transsexuals. He has now left no room for manoeuvring. The Minister insisted on the amendment that was to put the Act back where it was when it was first introduced. I believe that we as a community should not be promoting homosexuality, bisexuality or transsexuality, and one of the things inherent in this Bill is that we are supposed to be positive towards the particular groups that have been outlined.

We all know that if we want females to have equal status with males we as a Parliament and a community have to wave that flag in a very positive fashion, and I cannot believe that we would want to wave a very positive flag as far as these particular people are concerned. However, the question must relate to the detriment that these people suffer, and the Minister by insisting on this amendment has now taken away whatever support I would have given. Therefore, with some regret, I will support the amendment moved by my colleague the member for Mount Gambier.

Mr MEIER: I certainly will be supporting this amendment. I think that I made my reasons clear in my second reading speech. They have been reiterated particularly by the member for Coles, and I certainly hope that the Government has had second thoughts on this matter and will support the amendments moved by the Opposition.

The Hon G.J. CRAFTER: I appreciate the sentiments expressed by the member for Mitcham in the early part of his remarks. However, I think members are reading into discrimination on the basis of sexuality far more than this legislation intends to provide. First of all, I should explain that the reason why the Commonwealth Act does not have similar provisions in it involves its lack of power in this area. It does not have a head of power under which it can enact such legislation, because its powers are related to the international convention which this legislation ratifies, so it was the will of the Commonwealth to act in this area but it did not have the power.

The provision here is the same as the provisions with respect to race or disability or the other areas of discrimination that are of concern in the community. When we bring down legislation to eliminate, wherever possible, discrimination on racial grounds, we do not say that discrimination is promoting a particular racial group in the community, and nor should it be seen that this legislation is in some way promoting a particular form of sexual preference, but I think we all agree that each person in our community is entitled to have a dignified existence and to certain fundamental rights, and this legislation purports to allow those rights to be enjoyed by those persons who do have another sexual preference.

I would suggest it is a question which is left to private morality, and the section it represents is a commitment to fair dealing. Obviously, members have strong feelings on this matter. I suppose it is one of the matters where there are fundamental philosophical differences as to what should be achieved in legislation of this nature; therefore, I suppose it is one of those matters where the different viewpoints will have to agree to differ, but it is a fundamental issue to the Government, and it is for that reason obviously that it received support in another place and that the Government rejects the amendments that have been proposed to this section by the member for Mount Gambier.

The Hon. H. ALLISON: I would have to say that the Minister has not convinced me one jot in what he says. I would point out that, whatever he says in a second reading explanation and whatever he says in response to the Committee, it is what is written in the legislation which is what the courts will work on. The courts do not generally refer to *Hansard* and second reading speaches when arriving at decisions. Whatever the Minister's intentions, let me remind him, as I said in the second reading speech and as the member for Coles stated just a few moments ago, that the Government's work horse in this area, the Commissioner for Equal Opportunity, is instructed under her terms of reference to set about promoting the people involved in these descriptions of sexuality, transexual, and transexuality. It is part and parcel of the Commissioner's stock in trade. We went into that at length. We have also explained that the public generally has expressed its strong opposition by petition, by protest to the Government in letter and by representations and submissions.

Whatever the Minister says by way of gentle reassurance quite platitudinously across the floor of the Chamber, it is built into the legislation. Courts can act, and the people involved in the definitions can take quite legitimate action. As the member for Coles has said, it has elevated the status of these individuals giving them normality so far as the Commissioner for Equal Opportunity is concerned. That is the area about which parents of young children are particularly afraid. There might be quite legitimate proselytising by certain groups of people referred to in this legislation. If the Minister says the Government intends a soft approach then why has he not built that soft approach into the legislation? Why does he not accede to our requests, expunge these words from the definitions and come up with something softer and more in line with his and his Government's claimed intentions? Until this is represented in the legislation, I do not believe him.

Mr BAKER: The Minister did not adequately answer the question when he said that it is not the role of the Commission to promote racial groups. I am surprised at this. I think that in many of our actions we try to be positive in the way we present things, whether we are talking about Aborigines and the need for Aboriginal culture to become known to Australians through the school system or whether we are talking about the granting of land rights as a recognition of their particular role and needs. One can talk about affirmative action in the case of the fairer sex. There is a whole range of things that we do as a society when we believe that there is an anomaly in the system. To say that we do not promote when the word 'promote' appears in the Bill—and there is a fairly positive approach taken in it—is untrue. The Minister knows that we have to use a variety of vehicles to change some of these underlying tensions and prejudices.

My other comment relates to a later clause. We know that a case went before the Industrial Court which ruled that the mere existance of a particular thing did not have to be the main reason for dismissal—it only had to be a reason. We are going to create a problem with this clause. There are problems in other areas that I think we can handle better than we can handle this particular circumstance. If a person with certain sexual tendencies behaves poorly in an employment situation the grounds for discrimination taken to the Commissioner will be those of sexual preference. What we were trying to do with the amendments in the Upper House was have the Bill altered to reflect the rights of all individuals, while recognising the difficulties that these people have. I reiterate that I do not think the Minister has answered the question. He has not tackled the issue properly. In fact, he wishes to reinstate the original provision. Therefore, I support the amendment.

The Committee divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Rodda, Wilson, and Wotton.

Noes (19)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Peterson, Plunkett, Trainer, and Whitten.

Pairs—Ayes—Messrs Chapman, Olsen, and Oswald. Noes—Messrs Abbott, Slater, and Wright.

The CHAIRMAN: There are 19 Ayes and 19 Noes. There being an equality of votes I give my vote in favour of the Noes. The question therefore passes in the negative.

Amendment thus negatived; clause as amended passed.

Clause 6 passed.

New clause 6a—'Conflict between this Act and other Acts.'

The Hon. H. ALLISON: I move:

Page 4, after clause 6—Insert new clause as follows:

6a. In the case of conflict between the provisions of this Act and those of any other Act, the provisions of that other Act shall prevail.

One of the simple reasons for moving this amendment lies in the fact that it is already the case that in other States legislation has been commenced to provide for discrimination against homosexuals in the case of the Acquired Immune Deficiency Syndrome disease where homosexuals are being banned in Queensland from donating blood to hospitals.

It is also possible that men will be discriminated against in favour of women since most of the health systems across Australia are now encouraging women to become blood donors and discouraging men generally from being blood donors, because the AIDS disease is in fact carried by males and not by females. There are doubtless a number of other instances where discrimination may be necessary under health, industrial welfare and safety legislation or regulation. I hope that the Minister will accept the new clause.

The Hon. G.J. CRAFTER: The Government cannot accept this new clause: it simply defeats the whole purpose of this Bill. This legislation and the rights that it confers upon the citizens of South Australia should prevail, otherwise the various exceptions and rights that this legislation contains would vitiate the regime that we are establishing under this legislation. The problems to which the honourable member refers are not reasons why the whole of this legislation should be placed as subordinate to all other legislation; that would simply be a method of rendering this legislation ineffective.

The Committee divided on the new clause:

Ayes (18)—Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Rodda, Wilson, and Wotton.

Noes (21)—Mesdames Adamson and Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Trainer, and Whitten.

Pairs—Ayes—Messrs Chapman, Olsen, and Oswald. Noes—Messrs Abbott, Slater, and Wright.

Majority of 3 for the Noes.

New clause thus negatived.

Clauses 7 to 10 passed.

Clause 11—'Functions of the Commissioner.'

The Hon. G.J. CRAFTER: I move:

Page 5, lines 17 and 18—Leave out subclause (3).

This amendment leaves out subclause (3) which is incidental as it repeats what is already in clause 12 (1).

Amendment carried; clause as amended passed.

Clause 12—'Advice, assistance and research to be furnished or carried out by the Commissioner.'

Mr BECKER: Why is this clause written as it is? Subclause (2) uses the male gender and provides:

The Commissioner shall—

(a) if requested to do so by a handicapped person—

(i) inform and advise him of the benefits, assistance or support that may be available to him in respect of his physical impairment; . . .

Why could not that clause have captured in its wording the true meaning and spirit of this legislation by substituting the word 'person' for the word 'him'? If we are genuine in relation to this legislation, I think we ought to amend it accordingly.

The Hon. G.J. CRAFTER: The point made by the member for Hanson is the same as a point made earlier this evening by the member for Coles. As I understand it, the Acts Interpretation Act provides that where matters refer to the

masculine gender they also refer to the female gender. That is a matter that is common knowledge, and, therefore, with the aid of the Acts Interpretation Act it is argued that sexist language is not involved. All of the Acts of this State are written in that way. This matter is one that is raised not infrequently in the community, and I would suggest that when the time comes when in fact the appropriate amendments are made to the Acts Interpretation Act and to the Statute amendments legislation and the work that is being done by those persons who are now amending our Statutes methodically as a matter of course then the whole of our law should be so amended.

Mr BECKER: I am not satisfied with that explanation. I believe it is wrong to bring in legislation that does not mean what it says. It is a classic example of not correcting a wrong previously brought in. Surely the Government of the day and the Parliament can get their act together right from the beginning, rather than leaving the matter until someone else comes along and reviews the legislation, the Acts Interpretation Act, or whatever it may be. I think that an appropriate amendment should be made to substitute for the words 'him', 'he', or 'his' the word 'person'. In view of that, and to allow the Minister to have his officers draft up appropriate amendments, I move:

That progress be reported.

Motion negatived.

Clause passed.

Clauses 13 to 17 passed.

Clause 18—'Presiding Officer and Deputy Presiding Officers.'

The Hon. G.J. CRAFTER: I move:

Page 7—

Lines 13 to 21—Leave out paragraph *(a)* and insert paragraph as follows:

(a) he shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of that term, shall be eligible for reappointment;.

Lines 29 to 37—Leave out paragraph *(a)* and insert paragraph as follows:

(a) he shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of that term, shall be eligible for reappointment;.

The draft Bill that was introduced into another place and subsequently amended provided that there should be a single tribunal to determine issues which cannot be resolved by conciliation. As originally framed, a panel of up to 12 persons could be nominated by the Minister from which the tribunal of three would be selected. It was a requirement that members of the panel should have experience, knowledge and sensitivity in the area of discrimination. A presiding officer of the tribunal was to be a person holding judicial office under the Local and District Criminal Courts Act. The tribunal would act according to equity, good conscience and substantial merits of the case, without regard to legal forms and technicalities. The amendments that were proposed by the Legislative Council changed the essential character of the tribunal. Under the proposed amendments a senior judge would be appointed to oversee the operations of the tribunal, to choose the presiding officers and members of the panel in each case, and he or she would be responsible for the rules of conducting all proceedings before the tribunal, the effect of which would be to create an extra bureaucratic layer in the administration of the tribunal's functions. It also suggests a legalism which is inappropriate in these instances.

The whole aim of the legislation is to resolve complaints efficiently and effectively without delays or obfuscation. Excessive formality and legislation would interfere with the workings of the tribunal. Past experience has shown that where excessive legalism has been applied the merits of the case have not been considered because the case has fallen on one point of law or another. Discrimination is not a subject that lends itself to law and regulations. Predominantly, it is the sort of problem that requires freedon to make careful decisions on the basis of wide knowledge, an area calling for great skills and experience, and I am sure that all honourable members would agree that a tribunal should not be confined in its outlook or removed from everyday experiences. Therefore, the Government recommends that its amendments be supported by the Committee.

[*Midnight*]

Mr BAKER: I am pleased that the new paragraphs to be inserted are a little different from the provision originally in the Bill. I am not being nasty in any way, but under the original provision the only persons who would have qualified would have been those persons leading the various movements—and we all know what they are, so I do not have to elaborate on that. I find it a little strange that suddenly one sees for the first time reference to one needing experience, knowledge and sensitivity. The new subclause (1a) provides that these requirements are necessary. One does not have to be strong proponent of a particular cause, but one needs knowledge, experience and sensitivity. This is a little better than the original provision, but I am not certain whether perhaps we are tying the person making the decisions (who hopefully will be a judge, although under the previous provisions it was not to be), and creating a requirement that will be hard to meet in the circumstances. I wonder whether those three components are necessarily the best ones.

The Minister, and obviously the person who makes the decisions on the tribunal, will have to determine what they believe is the best product mix in the system. Throughout the 2 000 Acts or whatever, as well as the enormous number of statutory bodies and committees etc., never before has this stipulation been made. Sometimes a stipulation concerning representation from certain bodies is made, but reference has never been made to these intangible ingredients. This surprises me, because it is not in keeping with the thrust of the Bill. I was debating the point earlier about the black and white nature of the Bill, and we are now getting into an area of intangibles. I will not get wildly excited about this, although I think it is totally inconsistent. I will leave it at that.

Amendments carried; clause as amended passed.

Clause 19—'Panel.'

The Hon. G.J. CRAFTER: I move:

Page 8—

After line 13—Insert new subclause as follows:

(a) In selecting nominees for appointment to the panel, the Minister shall ensure that each nominee has expertise that would be of value to the Tribunal in dealing with the various classes of discrimination to which this Act applies and shall have regard to—

(a) the experience;

(b) the knowledge;

and

(c) the sensitivity,

of those who come under consideration.

Lines 14 to 21—Leave out subclause (2) and insert subclause as follows:

(2) A member of the panel shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and upon the expiration of that term, shall be eligible for reappointment.

The member for Mitcham has commented on the first part of that amendment. I presume he is not arguing that those persons who form the tribunal should not have the required experience, knowledge and sensitivity.

Mr Lewis: What clot-headed Minister would—

The CHAIRMAN: Order!

The Hon. G.J. CRAFTER: The honourable member is suggesting that that is superfluous. This is the type of legislation where special attention should be paid to the experience, knowledge and sensitivity of persons to the administration of the laws we are currently writing.

The Hon. H. ALLISON: I endorse much of what the member for Mitcham said about clause 18 insofar as it applies to clause 19. We were equally convinced that the original intention of the Bill to include not only experience, knowledge and sensitivity, with a degree of enthusiasm for the subject in hand, gave an unnecessary weighting to the panel in favour of the complainants. While the reintroduction of these three items of experience, knowledge and sensitivity is a compromise (we have left out the enthusiastic section of the recommendation), nevertheless, we feel that it still carries some indication that there is a bias towards the complainant. We would like to have seen the Legislative Council's amendment remain as it stands in the legislation before us with a much more objective panel, and not a subjective one, completely free of bias. We oppose the Minister's amendment.

Mr LEWIS: I ask the Minister, at least for my benefit, to indicate what he means by the words 'experience', 'knowledge', and 'sensitivity' in this context.

The Hon. G.J. CRAFTER: I am not able to give a definitive statement as to how any Government, through no doubt its responsible Minister, would interpret those words regarding the respective appointments the Government would make to this tribunal so created. If the honourable member has had the experience of appearing before a number of courts or tribunals, he will realise that the interest of judicial officers varies from court to court. Here I made some reference to the way in which Aborigines are dealt with before the courts. I do not say that they are not dealt with fairly, but some judicial officers have deep understanding and deal with matters with a great deal of sensitivity. Others do not display such sensitivity.

I do not say that they do not deal with matters fairly or justly, but here I think that the representations that obviously have been made to the committees preparing this legislation and to the Government are saying very clearly that special care needs to be taken in making these appointments, otherwise there will be less respect for the tribunal and it will be less effective in the difficult task it is being asked to do.

The Hon. JENNIFER ADAMSON: Whilst I did not support the clause in its original form in so far as it required enthusiasm and personal commitment, I do support this amendment in its modified form simply requiring the Minister to have regard to the experience, knowledge and sensitivity of those who come under consideration for appointment to the tribunal. The Government severely prejudiced its case by introducing a Bill requiring members of a *quasi* judicial tribunal to exercise not the objectivity that we would all expect and hope to receive from a body of that kind but enthusiasm and personal commitment. That is entirely inappropriate, and I am glad it has been deleted.

I acknowledge the Minister's point that in this area, which relates very much to conciliation and education, qualities of experience, knowledge and sensitivity are a tremendous asset and it is quite reasonable that they should be identified in the way they are proposed to be identified by the Minister in this amendment.

Mr LEWIS: I do not share the views of the member for Coles because I do not think that any Government would be daft enough to appoint a Minister so incompetent that he or she would not take those factors into consideration when appointing people to a board. To suggest for a moment that that would be the case in the future is to cast aspersions on the competence of people sworn in as Ministers of the Crown when they take their oath. Like the member for Mitcham, I see no reason whatever to make mention of those subjective adjectives in the context of the legislation. It sets a precedent for the inclusion of such definitions and requirements in subsequent legislation of a variety of kinds.

I could illustrate that by referring to the Soil Conservation Board and the silence with which it addresses the sort of competence that would be needed by the person the Government appoints as its head. There seemed to be no difficulty with the Government at the time of that question in saying, 'Leave it to the Minister's competence to make the judgements about it.' If that is the case, clearly there is no necessity for the inclusion of these kinds of descriptions. I regard them as subjective adjectives and a question of tokenism. One imagines that, if the spirit of the mood of some people who are joining with the others who are protagonists of this legislation were to be followed, we would end up with a quadriplegic Eskimo transvestite lawyer for reasons that that person has had perhaps better experience of racial discrimination against them, a knowledge of the background of their difficulties, and a sensitivity with which they might address other Eskimo quadriplegics who might come before the tribunal. I do not see the need for it. It is an unnecessary additional piece of verbiage that does nothing to ensure that we root out those aspects of behaviour which discriminate against people in society without helping to develop an understanding of the reason why those prejudiced attitudes have previously existed.

The Hon. G.J. CRAFTER: In his comments the member for Mitcham said that he doubted whether there was a precedent for this in legislation. I refer honourable members to the provisions of the South Australian Ethnic Affairs Commission Act. There the Minister, when appointing the Commission (and that Commission is obviously different to this tribunal, but does have a *quasi* judicial function), is asked to have regard to the knowledge, sensitivity, enthusiasm, personal commitment, experience and involvement with ethnic groups of persons prior to their appointment to that Commission.

Amendments carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22—'Constitution of the Tribunal for the hearing of proceedings.'

The Hon. G.J. CRAFTER: I move:

Page 9—

Line 10—Leave out "Senior Judge" and insert "Presiding Officer or a Deputy Presiding Officer".

Line 13—Leave out "Senior Judge" and insert "Presiding Officer or Deputy Presiding Officer".

These amendments are consequential to those that have already been accepted by the Committee.

Amendments carried; clause as amended passed.

Clause 23—'Conduct of proceedings.'

The Hon. G.J. CRAFTER: I move:

Page 9, line 37—Leave out "and any directions of the Senior Judge".

This is a further consequential amendment.

Amendment carried; clause as amended passed.

Clauses 24 to 28 passed.

Clause 29—'Definition of "discriminate".'

The Hon. G.J. CRAFTER: I move:

Page 13, lines 31 to 37—Leave out all words in these lines.

Amendment carried; clause as amended passed.

Clauses 30 to 32 passed.

Clause 33—'Discrimination within partnerships.'

The Hon. G.J. CRAFTER: I move:

Page 15, lines 35 and 36—Leave out 'six' and insert 'one'.

This relates to partnerships and will bring these provisions into line with what is, as was suggested by an earlier speaker,

the more prevailing attitude in the community with respect to partnerships and small businesses. The important area of employment will then be covered and the rights afforded by this legislation given to those persons in such employment. The implications of the amendment moved in another place would restrict the law to partnerships of six or more members, which would mean that the vast bulk of businesses, trade and professional partnerships could clearly discriminate against applicants or partners on the grounds of sex, marital status and pregnancy.

For example, the amended Bill distinguishes race and physical impairment discrimination and accepts that this form of discrimination should not be allowed in partnerships of one or more. There can be no reason for suggesting that one form of discrimination is more serious than others. I suggest that discrimination on the basis of sex or marital status is as harmful and offensive as discrimination on racial grounds or physical impairment. There should not be categories of discrimination.

Likewise, there can be no reason for giving partnerships a special status which does not apply to ordinary employers or employees. Discrimination in work should not be acceptable in any form. Our major role at law in the area of discrimination is to guide attitudinal change. So long as unreasonable and unfair decisions are condoned there is little chance of altering general or prevailing attitudes. It is common experience that discrimination can be overt or more subtle. One of the indirect ways in which people discriminate is in admission to professional and specialised areas. For example, many women encounter difficulties when they seek work in non traditional areas such as trade or accounting based occupations. A society that is generally committed to equal opportunity in the work place would be trying to open these fields so that all its citizens could compete on the basis of their skills and merits. I therefore recommend these amendments to the Committee.

The Hon. JENNIFER ADAMSON: I warmly and enthusiastically support the Minister's amendment. However, it should be pointed out to the Minister and the Committee that clause 33 stands as it does in this Bill as having been amended by the other place because those members in the other place were extremely concerned at the effects of the inclusion of sexuality in this Bill would have wanted to diminish those effects by deleting, where possible—and it had to be in a group—sex, sexuality, pregnancy and marital status. Thus, through the Government's obduracy in insisting upon retaining sexuality in the Bill, we have what is now in my opinion a completely irrational situation in the existing clause 33.

Under that existing clause it is all right to discriminate against a woman, a man or someone on the grounds of pregnancy, but it is not all right to discriminate against a paraplegic or an Aborigine. That is quite clearly a ridiculous situation, which cannot be allowed to stand. For that reason, I support the Minister's amendment. However, in fairness to my colleagues in another place it should be pointed out why an apparently irrational amendment was moved. It was moved in order to ensure that people who were choosing partners were not taken to the cleaners, so to speak, by people with bisexual or homosexual tendencies. I would like to go further than the Minister and say that there is very clear evidence for anyone who wants to go around Adelaide and look for it that women have been discriminated against in respect of partnerships.

I venture to say that the Minister's own profession is as guilty as any. I suggest that the accounting and architecture professions also have quite a bit of progress to make in relation to admitting to partnership increasing numbers of women who have graduated in those professions over the past two decades and more. As I understand it, there are at least equal numbers of men and women in the law school at the University of Adelaide, but I would be very surprised if in 10, 15 or even 20 years time we see an equal number of women partners.

It should be pointed out to the Committee that the Minister's amendment would make this clause consistent with Commonwealth legislation and with the existing Racial Discrimination Act. So, in saying that, I acknowledge that the Committee can, in my opinion, do no other than support it. I should add that those firms that have admitted women to partnership, and have no doubt admitted people of other races and handicapped people, have experienced a very positive response from their clients and customers.

I hope that the Minister's amendment will encourage a far more positive response to be created throughout the whole community. I stress, though, that no-one should labour under the delusion that it is not all right to refuse a partnership to someone that one does not like or does not want for perfectly justifiable professional reasons. However, to refuse a partnership because someone is a woman is absolutely unacceptable, and that attitude should be expressed in the Bill. I therefore support the Minister's amendment.

The Hon. G.J. CRAFTER: I rise to thank the member for Coles for the sentiments that she has expressed. One can only hope that legislation of this type would give the impetus for the breaking down of some of those discriminatory practices within the professions. I can certainly speak from some understanding of the legal profession where that is absolutely true. In fact, it is compounded to a certain extent by those practices, for example, that have all male partners except for perhaps one woman partner. She may well do just Family Court work, and in that way those prejudices are further entrenched and the access of clients to perhaps otherwise very valuable legal advice, assistance and counsel is denied those persons. Therefore, the whole status of the professions is reduced in that way. So, one can only hope that legislation of this type will give the impetus for those fundamental changes in the way in which professional services in particular are delivered in our community.

Mr BAKER: I have two questions. Perhaps I have missed the point, but the first question relates to the fact that nowhere does the Bill define discrimination. The dictionary states that discrimination can mean a decision made which discriminates between a number of aspects of a case; it could be that one discriminated against someone because of bad behaviour or whatever: one is discriminating in one's attitude. I am asking a technical question. It is a very bland word and it has been brought to my attention, now that I am looking at the Bill. I cannot find 'discriminate' or 'discrimination' actually defined in this Bill.

The second and more fundamental question is that, if we are confined to a partnership of one (which is what the amendment does), does it mean that in a family partnership of husband and wife the husband must offer exactly the same conditions to his wife in their partnership? I put those two things to the Minister.

The Hon. G.J. CRAFTER: The answer to the first question, of course, is that clause 29 defines 'discrimination'. With regard to the matter of one's spouse working in a partnership, I assume that the law would apply equally to that situation.

Mr BAKER: I missed the point about discrimination. However, the second point reduces this clause to absolute meaninglessness. In fact, it can be envisaged that it will impose conditions on family partnerships, which the Minister must know are very prevalent throughout the rural community and certainly in the running of delicatessens and a wide variety of other businesses. This provision intrudes on private arrangements where there is no suggestion that anyone is taking advantage of another person or discrimi-

nating against another person. I do not know how we can have a partnership of one; we have reduced the thing to a very meaningless level. I would like to know what the Minister is doing.

The CHAIRMAN: The question is that the amendment be agreed to.

Mr BAKER: I would like to insist that the Minister answers the question.

The CHAIRMAN: Order! If the Minister cares to answer it he can.

The Hon. G.J. CRAFTER: I refer the honourable member (and perhaps he should read the legislation carefully) to clause 34, which provides that this Division does not apply in relation to employment within a private household.

Mr Baker: That has got nothing to do with partnerships.

The Hon. G.J. CRAFTER: I think that the point that the honourable member is taking is quite applicable. Presumably, in those circumstances the spouse in a normal family partnership would not need to call on the provisions in this legislation in that way; so, I think that the scenario that the honourable member paints is inappropriate.

Mr BAKER: I know that this provision, which refers to 'a partnership of one', related to the sort of arrangements that take place in employment within a private household. This is not within a private household: this is within a business enterprise. It is quite clear that it is within a business enterprise. If two people determine that they will conduct a delicatessen, it is not within a household. I can envisage that there could be very disenchanted people who break up—and we have divorce in this world of ours—and that there will be a rush of complaints, because this provision clearly gives conditions under which each partner should be provided for. Unless the Minister can give a satisfactory answer to that, I do not have much option. I bring the matter to the Minister's attention, and I hope that he seeks to have some rational change made in the Upper House when the Bill is referred back there.

The Hon. G.J. CRAFTER: I think that the honourable member should seek to make some rational changes to his thinking. He is asking this Committee to provide that husbands may discriminate against their wives in partnerships, whereas if they were in a larger partnership the wife, of course, would not be discriminated against in that way. That seems to me to be totally undesirable. As I have said, the spouse would have to take action under this Act and would have the right to do so should that discrimination place that person in an intolerable position.

Mr Baker: You're joking: you're serious, are you? You've got to be kidding.

The CHAIRMAN: Order!

The Hon. G.J. CRAFTER: The honourable member is arguing that such partnerships should be treated differently from any other, and I can see no logical reason for that at all.

Amendment carried; clause as amended passed.

Clause 34 passed.

Clause 35—'Discrimination by associations on ground of sex.'

The Hon. JENNIFER ADAMSON: I do not have any arguments about this clause, but I would like some information from the Minister. I am pleased that from the commencement of this Act it will be unlawful for an association that has both male and female members to discriminate against an application for membership on the grounds of sex, against a member of an association on the grounds of sex, or in the terms on which a particular service or benefit is provided to that member. However, I refer the Minister to the situation of clubs that identify themselves as exclusively male clubs or, for that matter, exclusively female clubs. I do not in any way say that individuals should not have the right to group together for that purpose.

When a club's purpose is quite clearly and obviously related to an occupational benefit, I believe it is quite wrong that a club should be able to exclude members of the opposite sex. The Adelaide Club, to my mind, does not fall into this category, because one might say that it is unique, and the Queen Adelaide Club, likewise. However, the Stock Exchange Club is a different matter: its membership is not confined to members of the Stock Exchange. In South Australia, as I understand it, there are no female members of the Stock Exchange. However, club membership is open to business and professional men. It is not uncommon, in fact quite common, for membership of that club to be provided to employees or partners as a perquisite. It is a salary, social and business advantage to such people under which they can exercise their business or professional influence.

If and when this Bill starts to take effect and females are no longer able to be discriminated against in respect of partnerships the woman who belongs to a partnership which offers to its partners membership of the Stock Exchange Club as a perquisite that woman will not have access to that benefit and will be discriminated against. I can see that the Stock Exchange Club is one of those bastions that will fall somewhere down the track, and not too far down the track, I hope. I suppose, in terms of this legislation, it can be likened to the exemption of small businesses that were exempted in 1973, 1974 and 1975 and to the exemption of partnerships of six and under. However, I can see that if the Stock Exchange Club does this there may be other clubs that act in a similar manner. However, I am not aware of them. I know that the Naval and Military Club admits women as associate members.

Mr Evans: What about the South Australian Sportswomen's Association?

The Hon. JENNIFER ADAMSON: My colleagues are raising a whole lot of questions that do not bear on this question, although the day may come when the Soroptomists Club will come into this category. The Sportswomen's Association is different. We are talking about perquisites and advancement in employment quite frequently related to partnerships. I will be interested to hear the Minister's view on what can or should be done about this question, because I regard it as most important.

The Hon. G.J. CRAFTER: As I understand matters, the Act is silent about single sex clubs. As the honourable member has said, perhaps prevailing community attitudes will see this situation change in due course, either by way of more enlightened attitudes by those respective clubs or organisations, or by subsequent amendments to the legislation. The point that the honourable member makes is a valid one. Perhaps that day is not far away.

Mr EVANS: As State and National President of the Sportsmen's Association, I can say that we changed our rules to allow females to become members, but the Sportswomen's Association refuses to do the same. I find that a form of discrimination. Tied up with that is the question of what will happen in this country now if a group of young men decide to play netball and enter the netball competition. There is no doubt that they would dominate the Australian scene and would be representing Australia in international competition. Do we stop them from doing that and say that they cannot enter a team or demand the right to play against existing netball sides, which are mainly female in composition? What is the position in such circumstances? I think that it will not be long before a group of men, out of sheer devilment, will set out to put a side in the netball competition.

More particularly, I raise the question about all the women's groups, because men have given ground but the women are not willing to also give ground in the case of the Penguin Club, or the South Australian Sportswomen's Association or the Australian Sportswomen's Association. They will not allow male members, yet the male section has said it will allow women as full members.

The Hon. G.J. CRAFTER: I cannot give the honourable member a definitive statement on this. Obviously, as I have just explained to the member for Coles, the Act is silent about the single sex club, and this does affect those clubs and associations that have male and female membership. I pay tribute here to the work the Commissioner has done in recent years through discussions and conciliation with an enormous number of organisations.

Mr Evans: Mainly all male organisations—there have been no discussions with all female organisations.

The Hon. G.J. CRAFTER: Perhaps we are seeing some discrimination here against men. I do not know what the facts are or to whom the Commissioner has and has not spoken. I know that organisations in my electorate, the bowls clubs for example, have had valuable and fruitful discussions that have resolved very real problems within the structure of those organisations, dealing with the nitty gritty of planning tournaments, competitions and the like. The Commissioner will obviously continue to have that ongoing educative role to break down some of the barriers that obviously are very real.

Ms LENEHAN: I seek clarification of this clause. I was recently approached by a constituent who is a member of a golf club in my electorate. The way that club interprets this clause is that it means that in future all women who are associate members of the club will have to become full members and pay the full membership fee. She was quite concerned about this. It is my understanding, and I would like the Minister to clarify this matter, that this clause does not compel a club to make everybody the same category of member.

Mr Evans interjecting:

Ms LENEHAN: May I just ask my question? As I understand this clause, it means that a club that already has male and female membership can maintain its two categories of membership if it chooses but no longer will entry be based on the sex of a person. Therefore, men can become associate members and women can become full members, depending on their needs; so that if a woman is working and cannot play on weekdays and needs to play on Saturdays she can become a full member and be able to play on weekends. I do not interpret this clause as meaning that a club would have to move to a single category of membership and that everybody will have to be a full member. Will the Minister explain whether or not I have interpreted this clause correctly?

The Hon. G.J. CRAFTER: As I understand it, the club is required to provide access for male and female members to each category of membership. All eligible persons who wish to join the club and abide by its rules will be entitled to either category of membership either as an associate or a full member, in the case of the golf club; that is my understanding. Obviously, the name will have to be changed on the doors of the showers for associates, or some other geographical or physical arrangement will have to be made in those clubs. It always seems strange to me that golf clubs have 'men's changerooms' and 'associates change rooms'. That will obviously have to change. I think it is readily understood that there should be equality of membership within the structure of a club.

Mr BAKER: I take up the point raised by the member for Mawson. A golf club near me had the same problem. The male membership fee, rightly or wrongly, was set at a very high price, irrespective of whether one played once a year or once a day. The real concern of that club was that, if it was to be fair to all of its members, it would have to charge everyone the full price. One can understand that the female members were a little upset about that proposition. I have been told that the club is waiting to see what will eventuate. The problem for that club is that membership is provided on a sex basis and it has provided monetary benefits to the ladies who play far more often than the men. That club had a difficulty is sorting out who should have the right to use the greens on certain days, and there is this dilemma. It may be called patronage or deferring to the weaker sex or a whole range of other things, but for that club it was a real problem in that it had to charge a fee of something like 50 per cent more for females to have equality. I understand that it is waiting on the determination of this Bill and on the decision of the Commissioner for Equal Opportunity.

Mr INGERSON: It is my understanding, using golf clubs as an example, that any person can have access to either membership, whether it be male or female, associate or full membership; it applies to both. However, the concern of the clubs was not so much about acceptance or non acceptance of that fact—all clubs accepted that they should have equal opportunity—but about the question of playing times. I understand that the arrangement reached by the Commissioner was that traditional times of play, whether for an associate or male member of the club, would remain as they are at present. So, there are in fact no changes to the traditions of playing times within clubs. Could the Minister clarify that point?

The Hon. G.J. CRAFTER: It is a little hard to answer, because the situation may vary from club to club. I know that the Commissioner has had discussions with club committees concerning these sorts of issues; they are practical matters. Perhaps a club might raise its fees to an enormous level if it wants to deter certain categories of persons from joining, and manipulate its ability to control its membership in certain ways. However, I do not think those problems, if they do arise, will be common practice: people have been happy with the way that clubs have been operating in the past. Difficulties have been worked out by new resolutions and practices established over time. So, the Commissioner obviously has a role to assist if problems do arise, but I would think that most of those matters could be worked out within the structure of the club itself.

Clause passed.

Clause 36—'Discrimination by qualifying bodies.'

The Hon. G.J. CRAFTER: I move:

Page 17, line 26—Leave out 'on the ground of his sex'.

This amendment is consequential and it arises out of a proof reading error.

The Hon. H. ALLISON: The actuality of this amendment is that the definition of discrimination against a person on the ground of sex is already referred to in clause 29. This is Division III of Part III, and Division I of Part III (page 12)—clause 29—provides, in part:

In this Part 'discriminate' means discriminate against a person on the grounds of his sex.

It is one of the definitions contained at the beginning of the Part.

Amendment carried; clause as amended passed.

Clause 37—'Discrimination by educational authorities.'

The Hon. D.C. BROWN: I move:

Page 18, after line 9—Insert new paragraph as follows:

(ab) the admission of a person to a school, college, university or institution where the admission of a person of his

> sex would contravene a prior determination of the educational authority that a certain proportion of male and a certain proportion of female students should be maintained within the school, college, university or institution;

There are already three specific exclusions under this clause. The first deals with any school that is a single sex school, and admission for that therefore can be on the basis of sex and discriminated against on the basis of sex. The second relates to where there is only educational training of a specific nature for one sex within a school, so admission for that school can in fact discriminate on the basis of sex; and the third provision already inserted would be in the case where boarding facilities at a school, university or institute would be provided for only the one sex. I am proposing a new paragraph that would allow sex discrimination to occur where a school for various reasons has made a proper determination that there shall be a fixed ratio between the sexes.

For instance, without naming a particular school, I know of one that would like a ratio of about 60:40 and would like to maintain that ratio. Another school could well have a ratio of 85:15 and would like to maintain that ratio, still accepting both sexes in all classes and opening up equal opportunities within the school. There are educational reasons that would justify allowing such schools in fact to discriminate.

There could be another situation where perhaps through affirmative action one wanted to achieve a certain ratio or balance between the sexes in the school, and this would allow that. I ask the Minister to accept this amendment. I have had discussions with some schools, and certainly they have pressed very strongly for an amendment such as this to be included in the Bill. It does not in any way restrict what the Government is otherwise trying to achieve as regards any other form of discrimination in selecting people for admission to a school, university, college or institute. However, it allows a particular school to stipulate for educational reasons a ratio that it would like to uphold. I ask the Minister to accept the amendment.

The Hon. G.J. CRAFTER: I thank the honourable member for the amendment. Although I think I understand the point he is making, I think that can well be achieved without the necessity to move the amendment, which has some negative aspects to it as well. First, it leaves too much to the individual determination of a school, college or other educational institution. The discretionary factor provided for in the honourable member's amendment could erode the general benefits of the legislation, and that would be most undesirable. Secondly, the amendment does not talk of equal proportions of males and females. I know that the honourable member has been commenting on the attitudes of certain schools, whether they should have more of one sex than the other, and the respective values of that.

As a concept it would not foster equality in an educational environment, and the like. So, I suggest to the honourable member that his suggestion is desirable in an educational environment. If that is what is determined by a school community there are two ways of achieving that: first, to establish a concrete affirmative action programme within the school or educational institution. Under section 47 of the Act that can then be provided for with the Government's sanction or, failing that, the organisation can seek exemptions from the tribunal (under clause 92) from those relevant sections of the Act that would otherwise prohibit the style of the school structure that seems desirable.

The Hon. D.C. BROWN: I am disappointed that the Minister does not intend to accept this amendment. The Minister is attempting to put the education system in such a straitjacket as to not allow a certain amount of experimentation and variation within schools in relation to the ratio of girls and boys. I know that some schools are very strongly in favour of keeping perhaps a preponderance of, say, girls in a school and a minority of boys, allowing at least a certain number of boys to be admitted to the school to help overcome some problems that might exist in a single sex school.

Comments that have been made by principals of what might be regarded as some of the best schools in this State indicate that they are extremely critical of the legislation, particularly as it was first introduced. I know that it has since been amended, but they still believe that some of the discrimination that is acceptable for single sex schools should in fact also be acceptable in a co-educational school, because there are just as many educational reasons for allowing that as there are in single sex schools, which the Minister has willingly said should be acceptable. The Minister has accepted that in relation to a one sex school, boarding college, training or educational institution.

However, there are just as many reasons educationally why we should accept a bias in one way or the other, either towards girls or towards boys, to see how effective that is in an education system. If we accept a one sex school, why cannot we equally accept a school that stipulates that there shall be an enrolment of 70 per cent girls and 30 per cent boys?

I think the Minister has failed to look at the extent to which he is really strangling the school system in its being able to develop a range of options so that parents have different options in relation to schools to which they can send their children. I think that the Minister has overreacted to this proposal, believing that it will open the flood gates, when in fact I do not think that the amendment does that at all. All it stipulates is that a school can lay down certain rigid guidelines in terms of the applicable ratio and that it must then stick to it and cannot discriminate further. Having allowed one extreme with one sex schools or education training, or one sex boarding schools, the Minister should allow a range of other options which are not as extreme as that.

The Hon. G.J. CRAFTER: I do not see the options as being extreme. Obviously, when schools make important decisions in relation to these matters they are obviously lasting decisions which will apply over a relatively long period of time. Therefore, the procedures that I have suggested as being more appropriate, in that context, are not out of the ordinary. However, the honourable member referred to the school situation where for example there are some boys in a predominantly girls school. Clause 37 (3) *(a)* in fact provides for the non-application of this legislation where a person seeks admission to a school, college or institution established wholly or mainly—

The Hon. D.C. Brown: What is 'mainly'? What percentage of the other sex would they allow?

The Hon. G.J. CRAFTER: I think one must interpret that in the context of the honourable member's comments. I think the honourable member referred to 'a few boys'.

The Hon. D.C. Brown: A ratio of 70/30?

The Hon. G.J. CRAFTER: Obviously, that could be done in consultation with the Commissioner. I would have thought that it was meant to cover examples such as Loreto Convent—

The Hon. D.C. Brown: Why not just allow it? You have acknowledged that it exists.

The Hon. G.J. CRAFTER: Loreto Convent, for example, has boys in the junior primary school section. I would have thought that that example fell quite clearly into that category. It is seen by that school as being desirable for the structure of the school and the education that it provides. That situation has existed for generations with respect to that

school. The difficulty with the honourable member's amendment, as I have explained, is I suppose that it relates to the thin edge of the wedge argument, which is often used by members opposite. I believe that once such blanket exemptions are provided the purport of this style of legislation is broken down.

Amendment negatived.

Mr BECKER: I want to know whether this provision reinforces the Commissioner for Equal Opportunity's attitude on mixed sport, particularly in relation to schools. On 16 October I asked the Minister a Question on Notice, namely:

What complaints did the Commissioner for Equal Opportunity receive against men participating in mixed competitions conducted by the South Australian Softball Association Incorporated, and, if any, what advice did the Commissioner give the Association?

The Minister replied:

The Commissioner for Equal Opportunity has received no complaints against the South Australian Softball Association Incorporated. However, on 24 July 1984 the Commissioner received a letter from the South Australian Softball Association expressing the Association's concern regarding the application of the Sex Discrimimination Act, 1975, in relation to mixed participation in primary school sport. On 25 July 1984 the Commissioner responded to the letter outlining her interpretation of the law, a copy of which has been supplied to the honourable member.

That was not done at that time; I had to wait a few days before receiving it. I think it is most important to incorporate into *Hansard* the decision and the determinations made by the office of the Commissioner for Equal Opportunity in relation to sex discrimination and equal opportunities in primary school sport. She states:

The South Australian Primary Schools Amateur Sports Association (SAPSASA) sent a circular to principals and chairpersons of school councils seeking parents and schools attitudes to the organisation of primary school children's sport and in particular, whether these sporting activities should be organised into separate boys and girls sports teams and events. The circular followed the Minister of Education's over-ruling of SAPSASA policy. This policy excludes girls and boys from participating in particular sports. Advice on this policy was also sought from the Commissioner for Equal Opportunity. The Commissioner confirmed that a policy of exclusion contravened the Sex Discrimination Act, 1975.

The circular details the present sports being offered, and argues that boys are stronger than girls in all sporting activities. Therefore, the establishment of mixed competitions, in all sports, at all levels of the competitions, would be detrimental to girls. (The notion that the Sex Discrimination Act required mixed competitions in all sports immediately was SAPSASA's extension of the Commissioner for Equal Opportunity's advice). On the basis of the information provided in the circular, school councils were requested to answer a questionnaire indicating whether or not, in the best interests of sport, there should or should not be separate competitions. It was recommended by SAPSASA, that the Sex Discrimination Act be breached if necessary.

As Commissioner for Equal Opportunity, I am responsible for the administration of the Sex Discrimination Act. I consider SAPSASA was irresponsible in recommending a breach of State law, so I called a meeting on 26 June 1984 with SAPSASA officials. The President of the Primary Schools Association also attended the meeting with representatives from the Education Department. At the meeting the current situation was discussed.

Range of Sports: The following range of sports are offered by SAPSASA:

For boys—
- soccer
- cricket
- athletics
- swimming
- tennis
- hockey

For girls—
- netball
- softball
- athletics
- tennis
- swimming
- hockey

SAPSASA therefore offers a different range of sports to girls and boys. As well, boys have the possibility of participating in seven sports, whereas girls can participate in six sports.

Sporting Competitions: SAPSASA currently offers some mixed sporting teams at intra-school and district level, but does not permit mixed teams at inter-district, inter-zone and State level, on the presumed basis that boys would dominate mixed teams because of their superior strength and ball-handling skills. At the meeting I stated that as SAPSASA is currently supported by the South Australian Government, receives some funding from the Government, and as the SAPSASA Executive constitutes part of the Education Department, it is bound by the Department's equal opportunity policy and State laws.

I considered SAPSASA, in sending out the circular and recommending to school councils that the Sex Discrimination law be breached was acting in contravention not only of State law, but of departmental policy. I informed the meeting of my interpretation of the Sex Discrimination Act, 1975 as it applied to SAPSASA policy.

Advice from the Commissioner for Equal Opportunity on SAPSASA Policies:

1. The current policy in relation to the number and range of sports competitions being offered to girls, may be discriminatory in terms of the Sex Discrimination Act.
2. The current organisation of competitions is determined by the sex of the participant, not by the participant's ability, which means there are separate competitions for boys and for girls. This organisation of competitions could be discriminatory in terms of the Sex Discrimination Act.

Added to this advice, the arguments presented in the SAPSASA circular are based on questionable research.

The Confederation of Australian Sport (CAS), the Australian Council for Health, Physical Education and Recreation (ACHPER) and the Australian Sports Medicine Federation (ASMF) present different arguments.

Strength and Muscle Differences between Boys and Girls: SAPSASA argues that it would be disadvantageous to girls to change the *status quo*. SAPSASA believes very few girls have the skills to participate in the higher grade teams in which the boys currently play, and if the boys were permitted to participate in the sports that girls currently play, such as softball and netball, very few girls would gain selection. Added to this, SAPSASA considers that boys would dominate in athletics, swimming and tennis.

CAS, ACHPER and ASMF state that research shows that there is no significant difference in size between the sexes, with girls being slightly ahead of boys in maturation during this period. Studies (Shaffer *et al*) show that the amount of muscle is almost identical for children of either sex up to the ages of 10-12 years and the physical performance of girls up the onset of menarche, is equal to that of boys. After this period, at the onset of puberty, differences in muscle size, and consequently differences in strength between boys and girls become more apparent. Three points should be emphasised:

1. Differences in strength do not mean that women are programmed for weakness.
2. It is misleading to speak only of averages, as several researchers have pointed out (Harris, 1973, Drinkwater, 1975, Adrian, 1972), since individuals within each sex group will show opposite characterisitics, to that of the mean. Put another way, the 'strong' female and the 'weak' male also exist.
3. It is not known what extent environmental influences affect factors such as strength.

Performances of Girls and Boys: SAPSASA argues that their records indicated that generally boys turn in better performances in all of the events through a range of age groups, than do girls. SAPSASA's records support the stereotype and fail to take account or environmental factors. Physical education teachers have for too long taught sport and PE programmes based on the assumption that boys were 'naturally' better at some activities than girls, without carefully considering the ways in which boys are constantly placed in situations where development of particular sports skills is encouraged; e.g. through sports clubs, through 'approved' boys' play activities, through segregation of school playgrounds (Coles, 1980).

The extent to which environmental factors may facilitate or retard the development of particular skills, has recently been demonstrated by Wilmore (1975). Wilmore replicated a study which had been conducted by Espanschade some years earlier. Espanschade's study plotted motor performance scores for boys and girls 5-17 years for sprint running, jump and reach, standing long jump, softball throw and brace test of motor ability. For all activities with the exception of the softball throw, boys and girls scores were identical from ages 5-13 years. For all ages, the softball throw results for boys were superior to girls. Wilmore repeated the softball throw aspect of Espanschade's study for both sexes from ages 3-22 years and his results for the dominant arm agreed with those presented by Espanschade; that is boys throwing the ball approximately twice the distance of girls for all ages. However,

when the factors of practice and experience were removed by using the non-dominant arm, it was found that the results were identical for both sexes up to the age of 12 years.

Recommendations: To ensure compliance with the Sex Discrimination Act, 1975 and the Education Department's Equal Opportunity Policy, the following recommendations need to be adopted:

1. The same range of sports be offered to both boys and girls.
2. The same quality and quantity of coaching, facilities and practice and playing times be available to both sexes.
3. The same number and range of competitions from intra-school up to State level competitions need to be offered to both boys and girls.
4. Mixed teams must be encouraged where participants are selected on skill and ability.
5. Separate teams are permissable, so long as boys and girls have the same sports and competitions. If there are not the same sports and competitions for each sexes, there can be no blanket policy of exclusions. Both boys and girls must have the opportunity of being selected on their abilities in teams which are set up primarily for one sex.
6. SAPSASA needs to organise programmes for girls to redress the environmental factors and barriers which in the past have caused girls to have less practice and experience and therefore develop lesser skills in ball-handling and participation in sport generally.

Conclusion: Equal opportunity legislation is designed to increase the participation of children in sporting activities and strongly supports the 'Children in Sport' policy statement, prepared jointly by the Confederation of Australian Sport (CAS); the Australian Council for Health, Physical Education and Recreation (ACHPER); and the Australian Sports Medicine Federation (ASMF), which states:

> The fundamental aim of children's sport is to provide for involvement in physical activity in a way which promotes immediate and long term benefits for the participants. These benefits will be observed in terms of higher levels of fitness, better health, pleasureable social involvement and the satisfaction derived from skilled performance in individual and group activities.

If we are to achieve equality of opportunity in sport for primary school children, schools, parents, SAPSASA and other organisations, need to review their past practices so that boys and girls have the same opportunities to participate in sporting activities, with girls being encouraged to the degree boys have been traditionally, so their participation in sport equals that of boys.

That is dated 25 July 1984. However, the principle which comes out of that and which is being referred to other sporting organisations, particularly the Softball Association, which encourages mixed competition, is that men or boys who are predominantly right handed, and because of their skills and superior strength, must now use the left hand; in other words, the non-dominant hand. What happens if one is ambidextrous? This is the stupidity into which we get in this type of legislation, where the Commissioner has ruled against SAPSASA. With equal opportunity within sport, if there is mixed sport and one is naturally right handed, one must, in order to participate in that mixed sport, then use one's left hand. I want to know whether this clause reinforces the Commissioner's attitude to mixed sport, particularly in relation to SAPSASA.

The Hon. G.J. CRAFTER: The honourable member has explained his position quite clearly, although I refer him to clause 48, which provides:

> This Part does not render unlawful the exclusion of persons of one sex from participation in a competitive sporting activity in which the strength, stamina or physique of the competitor is relevant.

Clause passed.

Clauses 38 to 47 passed.

Clause 48—'Sport.'

Mr BECKER: The Minister has referred me to this clause in relation to the Commissioner for Equal Opportunity's statement and attitude on sex discrimination and equal opportunity in primary school sports. I do not think it applies. The point is that if one is to encourage mixed sporting competitions, how can anybody, particularly the Commissioner for Equal Opportunity, justify the attitude, statement or policy that if one is predominant in one arm one will use the other arm? Surely, that is discriminatory in itself. Let us take indoor cricket, the fastest growing sport in this State at present. Many mixed teams take part in competition. If one is a right-arm bowler in mixed competition, under the Commissioner of Equal Opportunity's ruling of 25 July 1984, one will bowl with the left arm. This all revolves around mixed sport. That is incredible, because there is a very strong mixed competition in indoor cricket. All we have to do to get the girls playing in that competition is object to the men bowling with their right arms and they will win, because the Commissioner has given that ruling.

Clause passed.

Clause 49 passed.

Clause 50—'Religious bodies.'

The Hon. G.J. CRAFTER: I move:

Page 22, lines 13 to 21—leave out subclause (2) and insert subclause as follows:

> (2) Where an educational or other institution is administered by a religious order or body, discrimination on the ground of sexuality that arises in the course of the administration of that institution and is based on religious doctrine or practice is not rendered unlawful by this Part.

This matter has also been canvassed at some length. The existing Sex Discrimation Act provides an exemption for religious bodies whose activities cover the education, ordination or appointment of priests, ministers of religion or members of a religious order. That exemption also extends to any practice of a body established to propagate religion where it is necessary to avoid injury to susceptibility of adherence to that religion. The draft Bill proposed in another place to retain the exemption and provide specifically that discrimination on the ground of sexuality would not be unlawful for any educational or other institution administered by a religious order or body where that discrimination was based on religious doctrine or practice.

It was considered that this would provide adequate protection for institutions whose religious convictions were at odds with certain sexual preferences. The provision intended to carry on its limited exemption in relation to discrimination on grounds of sex, marital status and pregnancy. The present Act has worked well with those forms of discrimination and has not caused difficulties for schools and other educational institutions.

The implications of the amendment moved in another place are that it would seek to widen the field of institutions which would be able to discriminate on the grounds of sex, marital status and pregnancy as well as sexuality. Having set a precedent to protect the rights of staff and students from discrimination, Parliament would be taking away that protection. It would not restrict the exemption to institutions with a definite religious character, but would include education or other institutions conducted in accordance with doctrines and teachings of a particular religion; hence a private school could discriminate against a pregnant member of staff or a person living, for example, in a *de facto* relationship. Effectively, this would narrow the law that has applied in South Australia for some nine years. For those reasons, the Government has moved this amendment.

Amendment carried; clause as amended passed.

Clauses 51 to 86 passed.

Clause 87—'Sexual harassment is unlawful in certain circumstances.'

The Hon. G.J. CRAFTER: I move:

Page 35—

Line 6—Leave out "An employer shall" and insert "It is unlawful for an employer to fail to".

Line 10—Leave out "An educational authority shall" and insert "It is unlawful for an educational authority to fail to".

Line 13—Leave out "A" and insert "It is unlawful for a".

Line 14—Leave out "shall" and insert "to fail to".

Lines 17 to 50—Leave out subclauses (10), (11) and (12) and insert subclause as follows:

(10) For the purposes of this section, a person subjects another to sexual harassment if he does any of the following things in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated:

(a) he subjects the other person to an unsolicited and intentional act of physical intimacy;

(b) he demands or requests (directly or by implication) sexual favours from the other person;

(c) on more than one occasion, he makes a remark pertaining to the other person, being a remark that has sexual connotations,

and it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

These amendments relate to the responsibility of employers and, apart from legal obligations, it is in employers interests to provide a work place free from sexual harassment. This can be done by ensuring an atmosphere that discourages harassment and by taking all reasonable steps to intervene to prevent further harassment if it occurs. There are obvious benefits in productivity and morale to be gained by adopting a responsible course.

A safe working environment is efficient in financial terms. Under the draft Bill introduced in the Upper House, employers who fail to take steps to provide a secure work place would be made directly responsible for acts of sexual harassment which occur. Sexual harassment can be regarded as an industrial issue—a branch of adequate health and safety measures. Sexual harassment which occurs at the work site should ideally be dealt with at that site.

It involves the safety and wellbeing of staff quite as much as the provision of equipment or facilities. An employer who requires a certain performance from his or her employees assumes a responsibility for them. In a large firm, that might take the form of grievance procedures or publishing policy on harassment along with other documentation. In a small business, a single employer might take steps to ensure that his or her work is up to standard, that sexual harassment is not appropriate and will not be tolerated.

The aim of this legislation is to prevent sexual harassment from occurring in places of work or study. Therefore, the best approach does not simply create a response to complaints but sets up an active educative framework to discourage and eradicate harassment. Accordingly, the Commissioner for Equal Opportunity should have a clear role to educate firms and businesses that employ staff. To do so, the Commissioner must have power to approach employers at management level to suggest strategies that could avoid problems of sexual harassment arising. The resources, skills and experience of the Commissioner's office would then be available to employers to assist them in designing measures to assist their employees and, ultimately, the business itself. For those reasons, the Government asks the Committee to support these amendments.

The Hon. H. ALLISON: We regard the Bill as amended in another place as being a much more positive approach than the amendments introduced by the Minister this evening which seem to carry an element of threat. This is not a point that we will argue at great length again, but it indicates that from the outset in the original titles of the Bill—the long title and the short title—the Government seems to have been at pains to introduce this overtone of threat and implication that everyone was liable to do the wrong thing rather than taking the positive approach, which would help considerably in the education of employers and others. We would have preferred to see the amendments as they stood from the other place retained in the Bill.

The Hon. JENNIFER ADAMSON: I simply want to indicate my support, as I did in the second reading debate, for the Minister's amendment and to point out to the Committee that in other countries and indeed in other parts of Australia the employer's liability is well recognised and written into law, as is the case with the Commonwealth law. The booklet to which I referred earlier, namely, *Sexual Harassment in the Workplace*, states on page 47, under the heading 'Employer role and responsibility', the following:

In the United States the Equal Employment Opportunity Commission has made the sexual harassment of working women discriminatory and unlawful employment practice under Federal law. US employers have an 'affirmative duty' to prevent and eliminate sexual harassment on the job, and are held legally and financially responsible for any misconduct. The US Office of Personnel Management let all US Federal Government employees know that 'sexual harassment is a form of employee misconduct . . .

However, on page 48 the following point is made by the Administrative and Clerical Officers Association:

Sexual harassment must not be isolated as an extraordinary issue in the workplace; the provision, by the PSB, of a work environment free from intimidation, hostility and threats of any kind, is a general employer responsibility. Employers cannot be held responsible for staff attitudes, but can be held responsible for staff actions.

I endorse those statements. I believe that the amendment from the other place waters down the liability of the employer that has existed in the spirit if not in the letter of the existing Sex Discrimination Act. As one third of the complaints to the Commissioners relate to sexual harassment of women by men, I think it is extremely important that this clause is strengthened in accordance with the original provision in the Bill.

Mr BAKER: I made some reference to the provisions in regard to sexual harassment. Whilst I should not refer to possible amendments, I was referring to the original Act inasmuch as this Bill preserves the original Act. I would like to point out to my colleague the member for Coles that sexual harassment is not a form of discrimination. I took great pains to make the point. I think that it is far worse than an act of discrimination, but that depends on one's point of view. I believe that it is an offence. In some cases it can become a criminal offence before the courts. I have made the point that I believe that if the existing provisions in the Statutes relating to sexual harassment are not sufficient they should be amended accordingly.

I make very clearly to the House this morning the point that we are trying to encase criminal law into an Equal Opportunity Bill. I want that clearly understood: despite what my well meaning colleague the member for Coles says, that is exactly what this attempts to do. If we are going to go along that track, I believe that the proper provision is to make liable an employer who knows that there is sexual harassment and fails to take such action to prevent it, because that employer has some responsibility in view of his role in preserving the health and welfare of his employees. I make that point because it seeks to state that sexual harassment *per se* is an act that itself diminishes a person's equal opportunity or his or her rights to employment, and that is not necessarily so in every case.

We are giving a broad framework within the Act that has a specific objective, namely, to preserve equal opportunity. I drew the parallel case of when a person punches another person; that is an act of assault, whether it is performed within or outside the business premises. Sexual harassment is a form of assault in its own right and, if an employer fails to take appropriate action when it becomes known, he is liable. However, this restates the law. This makes the criminal act part of the Equal Opportunity Act, and I believe that it is wrong in its constitution. I believe that the member for Coles has misunderstood some of the points that have been made in the Upper House in this matter.

It is very important that people realise what we are doing here. I will make the case very plain. If, for example, a male makes unwanted advances to a female, we are saying that

the act *per se* is wrong. But, should it be contained in the Equal Opportunity Act? I do not believe that it should be. However, I believe that if the employer fails to take appropriate action after being informed of the event, after seeing the event, or whatever, he is liable, because it is fairly obvious to anyone concerned that the ramifications of that act can affect the employment situation. It is a technicality. I believe that the liability on the employer is poorly couched in the amendment. It leaves the employer with no options. Even an employer who takes due care and who has due regard to his employees is not protected under this Bill as the amendment would prescribe.

I oppose the amendment and even the provisions that were passed in the Legislative Council, because the Council's alternative is that there must be proof of a disadvantage. Sexual harassment, itself, of course, could be classed as a disadvantage in anyone's terminology, so I believe the reinstatement of the original provisions of the Bill and the amendments moved by members of the Upper House are incompetent in terms of the thrust of this legislation.

Ms LENEHAN: I wish to support very strongly the amendment moved by the Minister. I would like specifically to direct my comments to subclause (10), which relates to the question that has just been raised of whether sexual harassment *per se* is a matter about which this community should be concerned or whether, as the amendments that were moved and passed in the Upper House would suggest, one actually has to prove a disadvantage in any way in connection with employment or work or possible employment or work.

I put it to the Committee that it would be an impossibility to prove that sexual harassment had, in many cases, actually disadvantaged the person involved. One can think of a typist in a typing pool who is sexually harassed. How does she prove that she was not promoted to a senior position as a result of her rejecting that harassment? I think that the whole thing becomes ludicrous. I strongly support subclause (10) in its entirety, because it is saying that it is not acceptable for people to be sexually harassed in the work place. I believe that this is a matter of worker health and safety—it is really an industrial matter. I find the member for Mitcham's logic hard to follow. If I am correct in interpreting what he said, he is saying that we should take this matter much further and that sexual harassment should be seen as a crime in the wider context of society—that is, in the social context as well as in the employment, education and provision of services context. I would not disagree with that. However, this Bill is specifically related to those areas. Therefore, I think it is appropriate that subclause (10), to which I am specifically addressing my remarks, is returned to the Bill. Without that provision the whole sexual harassment provisions are so watered down that it is really perpetuating a myth in the community that we are able to do something serious about preventing sexual harassment and taking any sort of action about it.

The Hon. JENNIFER ADAMSON: This clause is really a pivot clause of the Bill. It is one of the fundamental clauses. I take issue with the member for Mitcham when he says I have misunderstood what took place in the Legislative Council. On the contrary, I understand the statements made only too well and that is the reason why I am supporting this amendment. It is a fact that sexual harassment eats away at the very core of a woman's being and destroys her self-confidence. If that is not discrimination, I do not know what is. I sympathise with the member for Mitcham's attitude that such actions should be, or could be, regarded as criminal actions, but the reality is that we are not talking about the criminal law when discussing this Bill. This legislation is largely advisory, conciliatory and educative.

We do not want to smash people with a hammer and require women to take matters to court when we know that, if that is the only redress open to them, nothing will ever happen—it will never happen. The insertion of subclause (10) is, in my opinion, absolutely fundamental to the Bill and those who cannot see the necessity for this clause in my opinion fail to recognise the very nature of sexual harassment and the fact that if it occurs and when it occurs it is discriminatory. There is, therefore, an obligation on employers that must be clearly stated in the law to do something about it, not only after the event, but to ensure that it is prevented in the first place.

Mr BAKER: I cannot let those two comments go unchallenged. If a person harasses another person in the work place, on the street or in a bar or house, what is the difference? The act has happened! It is an act that is recognised. The member mentions the work place, but I am saying that sexual harassment is an offence in its own right. I would like to talk about a discriminatory action. I gave the member for Coles an example of discrimination. It would be ludicrous if someone went to the court and said that they were not going to bring a charge of assault or sexual misbehaviour but proceeded with a charge of discrimination. How ludicrous! It may be discriminatory in one's own opinion but its not discriminatory according to the law. If we reduce this thing to an absurd limit we get to a situation where sex is out. We are talking here about the relationship between two human beings and the case where advances are not shared, and that is a very fine line. To say that there is some holistic place called the work place or the enterprise does not change the premise. That is the point I am trying to bring home.

Ms Lenehan: That is another step down the track.

Mr BAKER: I know that it is another step down the track, but the problem is that the definition of harassment flows over to the liability of an employer. That is the point I am making. If there were people of goodwill involved, I would say that it is not according to Hoyle or to my belief of the law, but it may be a step in the right direction. However, we are taking one step by giving a definition of harassment in the Bill and then transposing it into another situation where the employer is liable and has very little redress under the new provisions put forward.

I believe that we have to be fair and reasonable in these cases and that if we are to break the traditions of law it should be done for a good reason and that that reason should protect all parties. How can one call an act of sexual harassment an act of discrimination? Even if in one's wildest dreams one can feel that somebody might have been discriminated against, that is ludicrous because that cannot hold up in people's perception of what the act is. I get back to the fact that the problem with the Bill is that it imposes that further step of liability that I believe is unfair to employers who have little opportunity to stand up and defend their position in this matter, and that is very important.

The Hon. JENNIFER ADAMSON: I want to ask you a question, Mr Chairman, which has nothing to do with the subject that has just been debated. I want to know whether I should ask this question in relation to the clause as amended once that amendment has been put and presumably passed, or now.

The CHAIRMAN: I would prefer it to be asked now. I point out that the Committee is still in the position that the clause as amended has to be put. I think that the member should ask her question now.

The Hon. JENNIFER ADAMSON: I wish to ask about the application of this clause in this place, Parliament House.

I would be grateful if the Minister will advise the Committee who is the employer—is it the Joint House Committee? What is the situation of members of Parliament in respect of the staff of Parliament House, namely, the employees, in relation to the application of this Bill? I am sure that the Minister will take my point. I am not concerned with instances of sexual harassment that may have occurred or may occur between members who are obviously able or should be able to take care of themselves. I am concerned about instances of sexual harassment that may occur between members of Parliament and members of the staff of Parliament House. In such circumstances, who is the employer? Is it the Joint House Committee, and what is the position of a member of Parliament or an employee of Parliament House in respect of clause 87?

The Hon. G.J. CRAFTER: I appreciate the purport of the honourable member's question and obviously I will have to take some advice on it. I understand with respect to industrial matters that this place is regarded as an ordinary work place within the community. There is of course attached to members of Parliament certain privileges and immunities that go along with those privileges and, therefore, we need to obtain advice to give a full and considered answer to the honourable member's question.

The Hon. JENNIFER ADAMSON: I asked the question because I wanted to make the point very strongly that I do not believe any member of Parliament should be granted immunity from this legislation, but I do see that a member of Parliament is in a unique position. He or she is not an employer, nor is he or she an employee in respect of those members of staff who are employed by the House and, therefore, the Committee should know and preferably know now before we get out of Committee what the situation is. It is absolutely essential that the staff of Parliament House should receive the same protection as employees in any other place and that there should be no possibility that they will be denied that protection if any act of harassment should be perpetrated by a member of this Parliament.

Now is the time, rather than later, to clarifly that position. Also, I make this point: who will be the employer for the purposes of ensuring that this place adopts policies and, if necessary, grievance procedures in the same way as every other work place in this State will be required to do? In other words, we should not have pictures of naked women in offices where female members of staff are expected to consult with supervisors, nor should we have them in any other part of Parliament House. Those questions are quite legitimate and valid and need to be answered now and I would like to hear what the Minister has to say.

The Hon. G.J. CRAFTER: I would have thought that these were matters that would appropriately be given very full consideration by the Select Committee that is currently looking at these matters in a broader context within the working environment of Parliament House, both for elected members and the employed staff here and that this would be indeed a very appropriate subject for that Select Committee. It does relate to the working environment of both the members and the staff of this place.

I would also add that members of Parliament of course are subject to scrutiny by the public and they have to account to the community at large for their behaviour. They are also subject to the scruntiny of their peers in this place. So, there are some checks and balances upon the activities and the behaviour of persons who work in this place.

The Hon. JENNIFER ADAMSON: I seek an assurance from the Minister that he will refer this matter to the joint committee. I do not accept entirely his point in respect of this issue that members of Parliament are accountable to the public because I believe that, if a member of Parliament were involved in a circumstance where a member of the staff was subjected to sexual harassment, I would be very surprised if the public ever learned or heard about it or, indeed, if the member's colleagues ever got to hear about it. So, I do not really think that that point is a reassuring one at all. However, if the Minister were to give the Committee the assurance that he will refer this question to the Parliamentary Committee that is considering the matters relating to Parliament House, its procedures and the administration of the staff, then that at least would be a start and the matter would have to be addressed.

The Hon. G.J. CRAFTER: I will most certainly ask the Attorney, who is the Minister responsible for this legislation, to refer that matter to the appropriate committee. I point out that there has been substantial publicity given to an incident which the honourable member raised some years ago of sexual harassment in this place. I believe that that had a very salutary effect on all honourable members of this Parliament and obviously Parliaments elsewhere when that matter was raised publicly.

Amendment carried; clause as amended passed.

Clauses 88 to 90 passed.

Clause 91—'Liability of employers and principals.'

The Hon. G.J. CRAFTER: I move:

Page 36, lines 31 to 35—Leave out subclause (3).

Clause 91 (3) relates to the liability of employers. This provision takes the present law to a position where it is substantially diminished. It is less than the law which the Commonwealth provides and therefore the Commonwealth law would, in the void, apply so that would then negate the law as proposed. So, the amendment is required to bring this in line with the Commonwealth provisions.

The Hon. H. ALLISON: It is unfortunate that this is a removal of a basic concept of justice where someone is expected not only to be aware of but to be fully responsible for the actions of all of his or her employees, irrespective of how many he or she may have in an establishment. It removes a defence clause. The previous clause that we were discussing at some length also contained similar responsibilities which were addressed to the employer. I regard it as most unfortunate that there is an injustice in that the employer is assumed to know everything that is going on and to be responsible. There is the question of to what extent 'reasonable' has been defined both in this clause and previous clauses. There is no indication of what reasonable action might be taken. Is reasonable action just the placement of posters, placards or the handing out of pamphlets in a factory or establishment sufficient or should an employer take far more stringent precautions against being caught? Equally, there is no limitation on the employer's liability.

So, as gentle as this clause may seem on the surface, there are quite massive implications for employers. Whatever the arguments may be in favour of respecting the rights of the underprivileged in our society, there is less than justice in the removal of a defence clause such as this. There are other parts of this legislation where defence clauses have been provided by amendment in another place and they are now being removed. It is a reflection on Parliament that it actually removes any defence that an employer might legitimately have.

The Hon. JENNIFER ADAMSON: As I indicated in the second reading speech, I support the Minister's amendment. The Bill as it now stands, having been amended by the Hon. Lance Milne in another place, so weakens the concept of liability that it in fact puts us in a situation behind that which presently applies and which has applied for nine years under the Sex Discrimination Act and behind the situation which applies under the Racial Discrimination Act and the Handicapped Persons Equal Opportunity Act, because clause 91 (3) provides:

It shall also be a defence—
(a) that he did not know of the Act or default;
or
(b) that he had prior knowledge of the Act or default but took all reasonable steps to prevent its recurrence.

This simply waters down existing provisions and removes protection which has already been enacted and which has worked very well for the handicapped, for women principally and also men, and for people who have been racially discriminated against.

I regard this as an unacceptable provision, and I believe that the Minister's amendment removes its unacceptability. In industrial law it is perfectly normal for an employer to accept responsibility for the occupational health of his or her work force. It has never been a defence that an employer did not know that some unsafe practice was being committed, and there is a very strong similarity between provisions in the Industrial Safety, Health and Welfare Act and these provisions. I strongly support the Minister's amendment. I believe that the reality is that if it is not supported we will be one step back from sections 28 and 29 in the Sex Discrimination Act, which was supported by the House of Assembly in 1975 and which has operated quite satisfactorily ever since.

Mr BAKER: I do not think that the provisions in subclause (3)*(b)* add anything to the Bill because this matter is covered under subclause (2). Subclause (3)*(a)* provides that a defence shall be that an employer did not know of the act or default. It has some connotations. I mentioned previously the situation in relation to assault. If we take the thoughts of the member for Coles a little further, that means that if one employee should dislike another employee and actually thump that person then the employer is liable for that assault—that is not true at all.

Mr Ferguson: He is liable under legislation.

Mr BAKER: He is not liable for the same redress as that which is provided in this Bill.

Mr Ferguson: There is a possibility that he is under the Workers Compensation Act.

The CHAIRMAN: Order!

Mr BAKER: That is a little bit different from the liability which is associated with the employer. This provision is stipulating that the employer is directly culpably liable. That is not a provision in the Workers Compensation Act, as the member should well realise. He should get his act together before making a comment, or go back to sleep.

Mr Ferguson: He has got to provide insurance for it; that is why.

Mr BAKER: We have had some words of wisdom from the member opposite.

Members interjecting:

The CHAIRMAN: Order! I ask that interjections cease to enable the member for Mitcham to continue.

Mr BAKER: Thank you, Mr Chairman. I am not fussed whether or not subclause (3)*(b)* stays in. I do not think it adds to the Bill. I think subclause (3)*(a)* provides a reasonable defence for the employer if he did not truly know that an offence was taking place. I do not know what action could be taken to prevent such offences. If, for example, he put up a sign that there will be no sexual discrimination, taking the matter to its logical conclusion, what does the employer have to do to check whether any of his employees are harassing another employee?

An honourable member interjecting:

Mr BAKER: The suggestion of a spy camera has been offered by a member on my right. Perhaps members can suggest a method of controlling human behaviour every minute of the day in a working environment. It is absolutely ludicrous. Fundamentally, we are breaking the basic laws of mankind with these provisions.

Mr Ferguson interjecting:

The CHAIRMAN: Order!

Mr BAKER: The member for Coles has referred to the provisions that existed previously. Under this legislation we are making the law more finite in a number of areas. We are increasing the grounds on which discrimination proceedings can be undertaken. By our very actions we are encouraging people who require redress and employers to take positive action. We are encouraging the Commissioner to take a number of positive steps to prevent discrimination and to promote equal opportunities. We are bringing this whole area up to date. We are saying that everyone has rights, and we are trying to provide through Parliament provisions to ensure that those rights are upheld. Members here can say that we have not had any problems, but let me say that a wide variety of practices and incidents in their millions have occurred in the work place since this Act first came in. Members opposite are saying that these things do not happen. By our process here this morning we are putting a mechanism in the hands of people: we are saying that we care and that this is what we will do. If we cannot say to employers that we care about them, too, and that we will provide some reasonable defence in relation to an employer's really not knowing about something, having acted in good faith, then I think the Parliament again fails a part of the population, namely, the people who employ a work force. We in this Parliament seem to be continually failing the employer in relation to some of the legislation introduced by the Government.

The Hon. JENNIFER ADAMSON: I believe it might be useful to read into the record the law as it has applied in South Australia for the past nine years, as embodied in section 29 of the Sex Discrimination Act. This provision was also introduced into the Handicapped Persons Equal Opportunity Act by the Attorney-General in the previous Government. The provision in both Acts are identical, and is as follows:

(1) Subject to subsection (2) of this section, where a person acts on behalf of another either as his agent or employee, the person by whom the act is committed and the person on behalf of whom the act is committed shall be jointly and severally liable to any criminal or civil liability arising under this Act in respect thereof.

(2) In proceedings brought under this Act against any person in respect of an act alleged to have been committed by a person acting on his behalf it shall be a defence for that person to prove that he took reasonable precautions to ensure that the person acting on his behalf would not act in contravention of this Act.

That is a sensible provision for the employer that does not require the employer to have a seeing eye in every corner of his office, factory or work place, and that provision, of course, is reflected in section 91 (2) of the Bill before the House, which provides:

In any proceedings brought under this Act against a person in respect of an act alleged to have been committed by his agent or employee acting in the course of his agency or employment, it shall be a defence for that person to prove that he exercised all reasonable diligence to ensure that his agent or employee would not act in contravention of this Act.

The previous Liberal Government introduced this self same provision into the Parliament in respect of the Handicapped Persons Equal Opportunity Act. In my opinion, in moving his amendment the Hon. Mr Milne has watered down the liability that has existed for the past nine years. I do not believe that that should occur, and I oppose that. Therefore, I support the Minister's amendment.

Mr EVANS: Regardless of what may have been passed by the Parliament previously, I point out that Parliaments have made mistakes, and individuals have made mistakes. I find more and more that the proposition that an individual is virtually automatically guilty and must prove that he or she is innocent is against my philosophy.

I always thought that we would take the approach as a Parliament that it is up to others to prove that one is guilty. To suggest that it is a defence that one did not know what one's agent was doing is not just trying to prove one's innocence. The point is that it costs money and time, and a taint is placed on the individual until everything is heard. The taint remains, regardless of what may be the final outcome. To say that every employer (and it may be a female employer—it does not always have to be a male employer) who has a person acting under him or her must know at all times what is going on down the factory line right to the lowest level or must prove that he or she did not know is a very rough deal.

I imagine that the person who committed an offence in the sense of carrying out an harassment is the only person who should be charged. I cannot understand how we say that somebody who may be divorced by many areas of management has to carry part of the can or try to prove a point that that person did not know. Once we get to that point in law where we feel that an injustice may occur, those who want to be vindictive or nasty and not put at risk anything themselves (it does not cost them anything to lay a complaint just to get at someone up the ladder or down the ladder to put them through a court) can do this; that is a rough sort of proposition. I do not support it but I do support the shadow Minister in what he has submitted on this issue.

Mr GUNN: I have listened in the Chamber and on my speaker to most of the contributions. Parliaments have made some foolish decisions from time to time, and I have been here for a long time. However, on reflection one wonders how a group of intelligent people could be so foolish at this time. Some of the Bills and amendments that have gone through this Parliament from time to time, upon reflection, make one wonder how any reasonable group of people could agree to such nonsense. Some of the provisions are a disincentive to employment and in the Bill because of the activities of groups of feminists and other odd bods in the community. I am sick and tired of what is taking place in this Chamber tonight I would not have thought that reasonable intelligent people could agree to such nonsense.

The Minister, who is supposed to be reasonable, is asking us to agree to an amendment that he has put forward containing a provision which he says is reasonable. I do not believe that any reasonable person in the community would agree to clause 91 as it stands. I am amazed to think that after two o'clock in the morning we are being asked to debate a foolish amendment which will have the effect of making it more difficult for employers—another disincentive to employ people. One of the unfortunate things of this Parliament is that not enough people have been employers and know the problems that are involved. That is why so many people are on the dole. If more people had practical experience in employing people we would not have such stupid legislation. It is all right for members to nod their heads. When one has to meet the pay packets every week or month one knows the facts of life. That is one of the problems. It is all very well for the Minister and a few other people, but unfortunately, in this community there are too few practical people in the Parliament. I could say a lot more in this regard, but I am confident that the public in future will not tolerate too much more of this damned nonsense. People can say that I am going off the deep end, but the majority of sound, reasonable people in the community agree with what I am saying. The people who are promoting this legislation have just about run the length of their race, and common sense will prevail. There is no way that I will vote for this amendment, even if I am the only one.

The Hon. G.J. CRAFTER: Perhaps the honourable member should have read the legislation a little more carefully before he made such rash generalisations, as did the member for Fisher. He should have listened to the member for Coles, because the principles embodied in this amendment are the same as the industrial laws—

Members interjecting:

The CHAIRMAN: Order!

The Hon. G.J. CRAFTER: —and the health and welfare laws of this State. That is as far as this goes. It was the law enacted by the Liberal Party in Government, the law enacted by the Commonwealth Parliament—

Mr Baker: It is different—I have the subsection here.

The CHAIRMAN: Order!

The Hon. G.J. CRAFTER: I suggest that the honourable member should also do some research on this subject. There is a defence for employers. This amendment attempts to overcome, as have the industrial laws of this State, the employer who says that he did not know what was happening, whether someone has been killed or sexually harassed in the work place. The defence here is one of reasonableness. That is the matter that is considered by the courts in common law actions every day of the week. That depends on all the circumstances of the case. It is no more complicated or simple than that. There is a defence, and that is not an exceptional or uncommon situation. For honourable members to say that it is simply not true.

Mr LEWIS: As I read section 29 in the Sex Discrimination Act of 1975, the meaning is not the same as clause 91 of this Bill. Whilst I support what that Act contains, I do not support the thrust of the proposition in clause 91. I would be pleased if the Minister could tell me who would be liable as the employer in a Health Commission hospital for a male nurse in the process of his work—whether he is doing training for midwifery or just working as a double certificated sister in a mid ward—who was refused access by a patient to enable him to give the treatment required? Who would be responsible in that scenario or, alternatively, in the one that I am about to present? Would it be the Minister of Public Works?

If the Minister's assistant in his electorate office, accused him and he was finally found to have been involved in sexual harassment by doing one thing or another to the electorate assistant, be they male or female (and I do not cast aspersions on the Minister's sexual preferences either way), presumably the Minister of Public Works would be responsible for having allowed that act to occur in the electorate office, in that he did not take all the reasonable steps, in the opinion of the tribunal, or exercise reasonable diligence in preventing the member from employing somebody whom the Minister found, in the opinion of the electorate assistant, sexually attractive. According to the way I read this clause, in that situation the Minister of Public Works would be found guilty of an offence.

I find that odd, to say the least. I do not believe that it is legitimate for a large corporate employer to be held responsible for the behaviour of employees in any sense in any place where those employees work and one sexually harasses another, whether it is a lesbian employee sexually harassing another female employee, a homosexual male harassing another male employee or a heterosexual situation that is involved. The thrust of this clause is not the same as was the case and indeed still is the case to this point in time in section 29, as I read it.

If the Minister can explain for me how it is legitimate for a corporate employer or a Minister of the Crown to be held responsible for what goes on in their departments, I will be interested to know. I guess that explanation will hinge on his understanding of the term 'all reasonable diligence'. I have yet to read any case law that would clearly

define the meaning of that term, so I would be interested in his opinion of its meaning. I seek from him an explanation of how the courts will be directed to interpret that phrase, 'all reasonable diligence'. It is altogether an esoteric legal concept that concerns me a bit too much.

The Hon. G.J. CRAFTER: I will try to clarify this matter. I am somewhat more confused, the honourable member having given the explanation that he did. However, as I understand the situation an employer is not responsible for one of his or her employees going on a frolic of their own which involves sexual harassment. There would have been no possibility that he or she would know about that situation. However, there is a liability on an employer to maintain an involvement within the work place that is free from sexual harassment.

If this had come to the attention of the employer in one form or another and he was of a mind to ignore it and let it continue in the work place, then responsibility would flow. I suppose that the comparison I made earlier about the industrial situation is the same with industrial accidents and the like, and there is that defence there within the legislation. It depends upon the circumstances, what is reasonable in those circumstances and the like. If members want to argue that employers and employees should be free to sexually harass each other in that environment without any protection of the law, so be it. However, this is quite a settled area of law, one would have thought: it has existed here very well for many years. It has operated in the Federal sphere and is not a matter of contention.

Mr BAKER: I am astounded. I cannot believe that reasonable people could make such statements to maintain a sexually harassment free environment. Quite honestly, without being stupid about the whole thing, we would all like to see an harassment free environment. I do not think anyone in this House would disagree with that principle. Under the Handicapped Persons Equal Opportunity Act and the Sex Discrimination Act, one has a liability when the employer has failed to take reasonable precautions.

That means he probably makes sure that everybody is aware that he is not in favour of sexual harassment. I do not know how it has been tested. We have this further step in the Bill which says 'all'. How does one interpret 'all'? Does it mean that every minute of the day one must take not just reasonable diligence but all reasonable diligence. That is why we believe that the not knowing clause is a very important safeguard in this circumstance.

Certainly, if the employer is aware that something is going wrong in the work place and that sexual harassment exists, he has to exercise all reasonable diligence. However, let me assure the Minister that there are probably many situations where the employer would not have any idea. In fact, many employers are by diversity of management quite different and separate from their employees in a particular place. Whether the Minister's saying that he has merely to issue an instruction to say that this shall be a sexually harassment free environment is good enough, one must wonder. However, it says 'all reasonable diligence'. The Minister has given us no satisfactory explanation of that terminology. The member for Coles has not given us any enlightenment on the subject, despite the fact that she said it was a straight take from the original Act. It is most important that the lack of knowledge be used as a safeguard.

If one wants to say that an employer should inform all employees of their responsibilities, there is no objection whatsoever, because people will probably still do some of the things that they have already done, as people are wont to do. However, to say that an employer has to be liable because somebody performed an act of which he was not aware, in this situation, where it involves the emotions of two people, is I believe fundamentally wrong.

The Hon. JENNIFER ADAMSON: Honourable members query how an employer can exercise all reasonable diligence to ensure that a work place free of sexual harassment is provided. In response to the invitation by the member for Mitcham, permit me to identify how that can be done.

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER ADAMSON: The Minister may well know, but I suggest to the Committee that the systems already in use in the Commonwealth Public Service and in many places of employment are very satisfactory and could be pursued. For example, I suggest induction and induction courses as the appropriate places to first raise the issue. Thought could be given to counselling new staff on standards of personal conduct and management policies and dress.

An honourable member: What about dress?

The Hon. JENNIFER ADAMSON: Dress is a very appropriate question to raise because most employers, particularly in commerce (perhaps less so in industry), regard it as essential to counsel their employees as to what are considered appropriate forms of dress, especially when there is customer or client contact. If that type of induction procedure is regarded as acceptable, so would this kind of induction procedure be so regarded.

As I said, thought could be given to counselling new staff on standards of personal conduct and management policies and procedures. I firmly endorse that proposition. Supervisors should ensure that new staff, upon joining the employer, should understand first that a nominated person will deal with any problem of sexual harassment seriously and sympathetically and, secondly, who that person is and how to contact them. In the Commonwealth Public Service almost all departments have already issued statements expressing concern for and disapproval of sexual harassment, and they have used Public Service Board guidelines as a basis.

I point out that there have been many shortfalls in this, and one department (the Department of the Treasury) considered that there was no need to issue a statement since that Department is a small one. I maintain that it is not necessary to prove that sexual harassment is of extensive proportions for it to be considered serious for even one person in a small department.

I simply say to the member for Mitcham and others who query the ability of employers to exercise reasonable diligence that it is no more of a difficulty than the exercise of reasonable diligence in the other areas.

Members interjecting:

The CHAIRMAN: Order!

Mr GUNN: With respect to this clause, my understanding is that an employer is not permitted under the terms of this legislation to dismiss an employee because that person is a homosexual on those grounds alone. Therefore, as I understand the amendment that the Minister has moved, if an employer finds out that a person is a homosexual he is not allowed to dismiss him, but under the terms of the Minister's amendment he could be liable if that person sexually harasses someone because of his or her homosexual tendencies. If that situation arises, just what is the liability of a person, because if that employer does not want homosexuals in his work place yet he is forced by circumstances to continue to employ a person who, unbeknown to the employer, sexually harasses someone the employer can be found guilty as the Minister's amendment stands? Therefore, can the Minister clearly explain to the Committee what course of action would be open to a person who is placed in the predicament I have explained?

The Hon. G.J. CRAFTER: As I understand the honourable member's question, the employer is not liable in those circumstances unless the employer is the perpetrator of the sexual harassment.

The Committee divided on the amendment:

Ayes (20)—Mesdames Adamson and Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Trainer, and Whitten.

Noes (18)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott, Slater, and Wright. Noes—Messrs Chapman, Olsen, and Oswald.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 92—'The Tribunal may grant exemptions.'

The Hon. G.J. CRAFTER: Discussion has taken place in this place and the other place about the role of the Tribunal and the need for exemption in legislation of this type.

Clause passed.

Clause 93—'The making of complaints.'

The Hon. G.J. CRAFTER: I move:

Page 37—

Lines 40 and 41—Leave out "by the person who was the subject of the alleged contravention" and insert:

(a) by the person who was the subject of the alleged contravention;

(b) by a person or persons included in a class of persons who were the subjects of the alleged contravention;

or

(c) by a trade union on behalf of a person referred to in paragraphs *(a)* or *(b)*.

Page 38—

Lines 1 to 12—Leave out subclauses (2) and (3) and insert subclause as follows:

(2) A complaint must be lodged within twelve months after the date on which the contravention the subject of the complaint is alleged to have been committed.

Line 14—Leave out "copy" and insert "written summary of the particulars".

This series of amendments puts the legislation in the place it was when it was introduced in another place. They are the matters that have been raised, particularly in the second reading speech, with respect to the rights of trade unions, in particular, to institute complaints on behalf of a person referred to in that provision. I will not further the arguments already advanced. With respect to the lodging of complaints, I think that that raises another important matter as to whether this legislation is available to persons for whom it is intended, and the ability of those persons to take advantage of the legislation. The amending provisions reduce the period of 12 months to a 21 day time limit for complaints in cases of dismissal from employment. That would render this provision then in conflict with Commonwealth law.

More importantly, it would place a great strain on people already in distress to come forward with complaints. It presupposes great clarity in situations where explanations are frequently obscure. From an economic point of view, as well, the provision brings pressure on the Government to spend large sums of money on education campaigns. If employees are to be informed of the narrow measures available for enforcing their rights it will be necessary to mount a widespread campaign to publicise the law. That is not a course that the Government would wish to adopt in these circumstances. The third aspect of these amendments to this clause leaves out the word 'copy' and inserts the words 'written summary of the particulars'. That, in fact, brings about the current practice in this State with respect to these matters.

The Hon. H. ALLISON: We canvassed this issue during the second reading debate. I point out that to introduce this initiative of class action in South Australia when it has not been introduced in other States, and considerable trade union involvement representing an individual, is one of the biggest disincentives to employment in South Australia that has emerged from this whole piece of legislation.

Class action in South Australia and not in other States in Australia will militate against employers coming to this State to establish. They will go elsewhere where there is no risk of class action.

The Hon. JENNIFER ADAMSON: I oppose the Minister's amendments. I understand that class actions are embodied in the law in New South Wales and in that respect South Australia is not a trail blazer as so often is the case. Nevertheless, I do not believe that this State, notwithstanding what may be some merits in principle of the proposition, can possibly afford to embark on a course that could lead to the adoption of a principle which pervades the whole area of the law and could severely disadvantage South Australia. On those grounds I oppose the amendment.

Amendments carried; clause as amended passed.

Clauses 94 to 95 passed.

New clause 95a—'Representative complaints.'

The Hon. G.J. CRAFTER: I move:

Page 39, after clause 95—Insert new clause as follows:

95a. (1) Where a complaint is expressed to be made by the complainant as representative of the class, the Tribunal shall first determine whether the complaint should be dealt with as a representative complaint.

(2) The Tribunal shall not deal with a complaint as a representative complaint unless it is satisfied—

(a) that—

(i) The complainant is a member of a class of persons the members of which have been affected, or are likely to be affected, by the conduct of the respondent;

(ii) the complainant has in fact been affected by the conduct of the respondent;

(iii) the class is so numerous that joinder of all its members is impracticable;

(iv) there are questions of law or fact common to all members of the class;

(v) the claims of the complainant are typical of the claims of the class;

(vi) multiple complaints would be likely to result in incompatible or inconsistent results; and

(vii) the respondent's actions apparently affect the class as a whole, thus making relief appropriate for the class as a whole;

or

(b) that, although the requirements of paragraph *(a)* are not satisfied, the justice of the case demands that the complaint be dealt with as a representative complaint.

(3) Where the Tribunal is satisfied that a complaint could be dealt with as a representative complaint if the class of persons on whose behalf the complaint is lodged is increased, reduced or otherwise altered, the Tribunal may amend the complaint so that the complaint can be dealt with as a representative complaint.

(4) Where the Tribunal is satisfied that a complaint has been wrongly made as a representative complaint, the Tribunal may amend the complaint by removing the names of the persons, or the description of the class of persons, on whose behalf the complaint was lodged, so that the complaint can be properly dealt with.

(5) A person may lodge a complaint solely on his own behalf, notwithstanding that a representative complaint has been lodged in respect of the same conduct.

This is a consequential amendment which relates not to class actions but to representative actions that have been the subject of considerable discussion.

New clause inserted.

Clause 96—'Power of Tribunal to make certain orders.'

The Hon. G.J. CRAFTER: I move:

Page 39—

Line 34—After 'it may' insert 'except where the complaint was lodged by a trade union or was dealt with as a representative complaint,'.

Line 35—Leave out 'not exceeding forty thousand dollars,'. After line 37 insert new paragraph as follows:

(*ab*) it may, where the complaint was lodged by a trade union and was not dealt with as a representative complaint, order the respondent to pay the person on whose behalf the complaint was lodged such damages as the Tribunal thinks fit to compensate that person for loss or damage suffered by him in consequence of the contravention of this Act;.

These amendments are also consequential.

Amendments carried: clause as amended passed.

Clauses 97 to 100 passed.

Clause 101—'General defence where Commissioner gives written advice.'

The Hon. G.J. CRAFTER: I recommend that this clause be deleted as it did not appear in the original Bill and is considered a far too wide and lenient proposition to be workable.

Clause negatived.

Clauses 102 to 104 passed.

Clause 105—'Power of Senior Judge to make rules.'

The Hon. G.J. CRAFTER: This is a consequential provision that we oppose.

Clause negatived.

Clause 106—'Regulations.'

The Hon. G.J. CRAFTER: I move:

Page 42, after line 34—Insert new paragraph as follows:

(*ab*) regulate the practice and procedure of the Tribunal;.

This is a further consequential amendment relating to references to the Senior Judge.

Amendment carried; clause as amended passed.

Title passed.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a third time.

The Hon. JENNIFER ADAMSON (Coles): I want to support the Bill as it comes out of the Committee stage with a repetition of my strong reservations about the inclusion of 'sexuality' in the Bill. I do not believe that it is right and I think it will have undesirable effects. However, as to the basic philosophical premise of the Bill, in so far as it applies to other aspects of discrimination, I believe that it is legislation that will advantage this State rather than disadvantage it. I can only say that I marvel that back in the mid 1970s this Parliament passed a law with the support of both Parties to outlaw sex discrimination. I think that David Tonkin was indeed a man very much ahead of his time and that we all owe him a very great deal for what he has done for women in South Australia.

Bill read a third time and passed.

NURSES BILL

Received from the Legislative Council and read a first time.

PRISONS ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

EVIDENCE ACT AMENDMENT BILL (No. 2)

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 2.45 a.m. the House adjourned until Wednesday 5 December at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 December 1984

QUESTIONS ON NOTICE

STOREMEN AND PACKERS UNION

83. **The Hon. JENNIFER ADAMSON** (on notice) asked the Premier: What requests were made by the Storemen and Packers Union to:

(a) Ministers; and

(b) Government departments.

for information or assistance in establishing a facility for holidays for union members in South Australia, what was the date of each request and what was the response?

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

(a) Premier, Minister of Labour, Minister for Environment and Planning, Minister of Water Resources.

(b) Department of Labour, Department of Recreation and Sport, Department of Tourism.

On 31 October 1983, Mr George Apap, Secretary of the SA Branch of the Federated Storeman and Packers Union of Australia, contacted the Minister for Environment and Planning seeking information on caravan park sites along the River Murray. On 11 November the Minister responded by providing maps showing existing caravan parks. He recommended that Mr Apap consult the local government councils along the River Murray about the most suitable sites. On 16 January 1984, Mr Apap discussed with officers of the Department of Tourism his union's proposal to purchase a caravan park and the costs involved.

Subsequently, the Minister of Labour was contacted about the guidelines for Community Employment Programme grants. Mr Apap was advised of same and later (16 April) applied for a grant on behalf of his union. On 7 February 1984 Mr Apap wrote informing me that his union had purchased the Coorong Caravan Park at Policeman's Point. He sought information on the type of Government grants which he could apply for to assist with the development of a recreation park adjacent to his union's caravan park. On 17 February 1984 I met with Mr Apap and discussed with him the nature of his proposal and the type of assistance for which he could apply.

Subsequently, Mr Apap contacted the Department of Recreation and Sport seeking information about the nature of grants available from that Department and the deadlines for their applications. He was advised of same. There has been no follow up correspondence or application for assistance. On 25 May 1984 the Department of Tourism provided a report in response to a request from the Department of Labour (CEP), on plans for the proposed caravan park and suggested additional tourist facilities which could be incorporated. No comments on the merits of the CEP application nor the likely result of the application were sought by the Department of Labour or made by the Department of Tourism. On 10 August 1984 Mr Apap sought information from the Minister of Water Resources about the water supply to the Coorong Caravan Park. The Minister replied on 27 August 1984 advising that the water allowance for the caravan park was tied to the base water rate payable and that if the allowance was exceeded, the caravan park would have to pay for it. There has been no further correspondence with the Minister of Water Resources.

85. **The Hon. JENNIFER ADAMSON** (on notice) asked the Minister of Tourism: Was the Minister or any officer of the Department of Tourism consulted regarding the merits of the application by the Storemen and Packers Union for a CEP grant for the Coorong Caravan Park and, if so, on what date and in what form did the consultation occur and what was the Department's response?

The Hon. G.F. KENEALLY: No. However, as is the practice of the Department, when requested, a technical assessment of development plans was provided.

GOVERNMENT THEFTS AND SHORTAGES

89. **Mr BECKER** (on notice) asked the Premier: What are the details, including amounts and items, of shortages and thefts of Government property in the year 1983-84 and why was this information not included in the Auditor-General's Report tabled in the House of Assembly on Tuesday 11 September 1984?

The Hon. J.C. BANNON: The Auditor-General reports to Parliament, not to the Premier, and so questions about what his report has not detailed are not properly directed to the Premier. The Auditor-General has advised that although it has been long standing practice to publish details of thefts and shortages of Government property in the Audit Report, there is no statutory obligation to do so. Publication of these details appears to have little deterrent effect and indeed the publicity given to the items could result, in certain circumstances, in an opposite effect.

The major amount involved in the 1983-84 shortages and thefts has resulted from illegal entry to school premises. The Education Department is continuing to take steps to improve security arrangements at all schools. It is a difficult and costly process. He further advises that while he does not wish to automatically publish these details each year, he will report to Parliament any situation where he believes that procedures are inadequate for the proper security and/or control of Government property and the agency concerned has not taken steps to correct that situation.

WINDY POINT

140. **The Hon. D.C. BROWN** (on notice) asked the Minister for Environment and Planning:

1. What action has been taken in the past 12 months to improve the public toilet facilities and landscaping at Windy Point, Belair, and how much money has been spent on any such projects during the period?

2. What action is proposed during the next 12 months and what is the estimated cost?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. Public toilet facilities at Windy Point are the responsibility of the lessee of the Windy Point development. The terms of the agreement between the then Government and the lessee of the development provided for the construction of a building, including toilets, with all facilities to be maintained by the lessee. With regard to landscaping work, repairs to the surface of the carpark and flood lights were undertaken, together with the replanting of trees and shrubs in two planting beds. The cost of this work was $869.

2. Over the next 12 months, it is proposed to re-establish shrubs in other planting beds at an estimated cost of $900. Subject to availability of funds, provision will be made in the Department of Environment and Planning's capital works programme for next financial year for the expenditure of up to $50 000 for rehabilitation of the lower carpark area, including resurfacing.

CORRECTIONAL SERVICES ADVISORY COUNCIL

161. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Tourism, representing the Minister of Correctional Services:

1. What is the role of the Correctional Services Advisory Council?
2. What support services are made available to the Council?
3. On what matters does the Council advise the Minister?
4. How often has the Minister met with the Council?
5. How often does the Minister intend to meet with the Council in the future?

The Hon. G.F. KENEALLY: The replies are as follows:

1. The role of the Correctional Services Advisory Council is explained in section 6 *(f)* of the Prisons Act, 1936-1983. This role is to:
   - *(a)* monitor and evaluate the administration and operation of the Act;
   - *(b)* report to the Minister on any matter referred to the Advisory Council by the Minister;
   - *(c)* of its own motion report to the Minister on any matter pertaining to the administration or operation of the Act;
   - *(d)* perform such other functions as may be prescribed by or under the Act, or any other Act.
2. Secretarial services are provided to the council by an officer of the Department of Correctional Services.
3. As indicated in response to question 1, the council is able to provided advice to the Minister concerning any matters pertaining to the operation and administration of the Prisons Act. Since my appointment as Minister advice has been received from the council on numerous matters including:
   - construction of the Adelaide Remand Centre;
   - construction of the Mobilong Prison;
   - commissioning of the Yatala Labour Prison, Industries Complex;
   - Correctional Services Act and regulations.
4. Once.
5. As often as practicable.

YATALA LABOUR PRISON EMPLOYMENT

165. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Tourism, representing the Minister of Correctional Services: Are job specifications available for persons seeking employment in new positions created following establishment of the three units at Yatala Labour Prison and, if not, why not?

The Hon. G.F. KENEALLY: Job specifications are available for persons seeking employment in new positions created following establishment of the three units at Yatala Labour Prison. In the last few months, three Chief Correctional Officer Grade 3 (PO-5) positions in Operations, Accommodation and Industries, four Assistant Chief Correctional Officers Grade 2 (PO-4) in Operations, Movements, Accommodation and Industries, three Assistant Chief Correctional Officers (PO-3), three Senior Correctional Officers—Industries, eight Senior Correctional Officers—Operations, have been called. For each of these positions a job and person specification was available.

NATIONAL CONSERVATION STRATEGY OF AUSTRALIA

169. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning:

1. Is it intended that the National Conservation Strategy of Australia be tabled in both Houses and, if so, when?
2. Is it intended that the opportunity be provided for the Parliament to endorse this strategy in debate and, if not, why not?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. Yes, by December 1984.
2. Yes.

ETSA TARIFFS

175. **The Hon. E.R. GOLDSWORTHY** (on notice) asked the Minister of Mines and Energy: During the restructuring of the tariff scales for ETSA, was any consideration given to tariff concessions for consumers with a solar hot water service installed in their premises?

The Hon. R.G. PAYNE: Prior to the latest tariff review, boosting of solar water heaters was permitted at off-peak rates on the supplementary off peak water heating tariff 'K'. The rates for this tariff were the same as those for normal off peak water heating tariff 'J', but were subject to a minimum charge of $1.80 per month. From 1 November 1984, tariff 'K' has been eliminated and boosting of solar water heaters is now permitted on tariff 'J'. This has effectively removed the minimum charge.

AQUATIC CENTRE

177. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Recreation and Sport:

1. Will the Minister ensure that maximum use will be made of the North Adelaide Aquatic Centre?
2. Will the centre be open for extended hours all of the year?
3. Will there be a policy applied of providing books of tickets at discount rates?
4. Have design provisions been made to ensure access by disabled and partly disabled persons?
5. What provisions will be made for access by the general public when one pool is closed for training?
6. During winter use, will adequate warm showers and change facilities be available?

The Hon. J.W. SLATER: The State Aquatic Centre will be managed by a committee of management that has representatives of the Department of Recreation and Sport and Adelaide City Council. Currently, negotiations are under way to determine the exact composition of this committee. The management committee will be responsible for deciding such issues as the hours of use, entrance fees, and when competition swimmers and the general public will use the pool. Provision has been made in the design to enable the disabled to have access to the facility, and warm showers will be provided along with changing facilities.

SPORTS FUNDING

178. **Mr BECKER** (on notice) asked the Minister of Recreation and Sport: What are the Government's priorities for funding allocation under the National Sports Facility Programme from 1984-85 to 1986-87?

The Hon. J.W. SLATER: The priorities are as follows:

1. State Aquatics Centre
2. International hockey stadium
3. Small bore rifle range
4. State Weightlifting Centre
5. International baseball complex
6. State Cycling Centre, Stage I
7. Design cost for the State Indoor Sports Centre

O-BAHN

179. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Transport:

1. What will be the delay in completion of the O-Bahn bridges over the River Torrens at Stephen Terrace caused by the failure of a subcontractor to perform to specifications?

2. What effect will this delay have on completion of the final project?

3. What will be the additional cost to the project?

4. Will the Department of Marine and Harbors still construct the bridges?

5. What effect will the delay have on the implementation of restricted traffic movement on Stephen Terrace?

6. What steps have been taken to ensure that such a situation does not occur in the future?

The Hon. R.K. ABBOTT: The replies are as follows:

1. Delays in completion of the bridges over the River Torrens at Stephen Terrace have arisen initially from problems in land acquisition and subsequently as a result of a subcontractor's difficulties with piling. The overall delay is expected to be about three months.

2. No effect on project completion date is anticipated.

3. Negotiations are proceeding on cost matters.

4. Yes.

5. None; restricted traffic at Stephen Terrace arises from the construction of the road overbridge.

6. Careful assessments of contractor and subcontractor capabilities are undertaken prior to the letting of contracts.

PRISON INDUSTRIES

180. **Mr BECKER** (on notice) asked the Minister of Tourism, representing the Minister of Correctional Services:

1. When did the review commence into the method of accounting for goods and services produced by prison industries with the object of developing a system whereby institutions are charged for all items of departmental production that they use, and why will the review take approximately two years?

2. Who are the members of the review team and what are their terms of reference?

3. How many meetings have been held from commencement to date?

The Hon. G.F. KENEALLY: The replies are as follows:

1. The Department of Correctional Services as an ongoing management function reviews its systems and procedures. Cross charging between institutions is already implemented. The purpose of the specific review referred to by the honourable member is to develop and implement costing and accounting systems of cross-charging between various sections of the same institution. The two year period as mentioned in the Auditor-General's Report is the maximum time needed to have those systems operating efficiently and uniformly throughout the Department. This time scale is necessary because the procedures envisaged will require clerical resources additional to those already available to some institutions.

2. The review of the method of accounting is not being done by a review committee, but is an ongoing management process involving the various line managers and the Department's finance and accounting staff.

3. See above.

GRAND PRIX

186. **Mr BECKER** (on notice) asked the Premier:

1. Who accompanied the Premier on his recent visit to London regarding the Formula One Grand Prix, and in what capacity?

2. What was the total cost of air fares, accommodation, transport, entertainment and other incidental expenses of the trip?

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

1. Dr M. Hemmerling, Director, Cabinet Office, Department of the Premier and Cabinet; Mr T. Plane, Press Secretary to the Premier; and Mr L. Owens, solicitor, Crown Solicitor's Office.

2. Air fares—$15 600
   Accommodation—$1 000
   Telephone, meals, transport, entertainment, etc.—$1 500

3. These figures are approximate, due to fluctuations in the exchange rate.

COONALPYN STREET LIGHTS

190. **Mr LEWIS** (on notice) asked the Minister of Transport: Under what circumstances will the Minister consider installing street lighting at the junction of Dukes Highway and Mackintosh Way at Coonalpyn?

The Hon. R.K. ABBOTT: It is considered that there is no need for the Highways Department to install street lighting at this location as:

- it is within the township of Coonalpyn;
- the roads involved have a speed limit of 60 km/h;
- there are no traffic islands, medians or other features requiring illumination;
- there have been no accidents reported at the junction in the three years to July 1984.

Notwithstanding the above, the local council may install street lighting should it choose to do so.

CORNEAL TRANSPLANTATION

193. **Mr BECKER** (on notice) asked the Minister of Tourism, representing the Minister of Health:

1. How many corneal graft operations have been performed at the Flinders Medical Centre and Royal Adelaide Hospital, respectively, in each of the past three years and how successful has the programme been?

2. Have any difficulties been experienced in the past two years in obtaining material for the corneal transplantation?

3. What is the waiting time for such a graft at each hospital and has the waiting time increased in the past 12 months and, if so, why?

4. Have the staff been required to work at nights and at weekends and if this practice has ceased, why?

The Hon. G.F. KENEALLY: The replies are as follows:

1.

	1981	1982	1983	1984
FMC	25	27	45	37
RAH	19	19	15	14

The programme has been particularly successful. In the good prognosis groups, that is, patients without evidence of vascularization and inflammation, the success rate has ranged from 80 to 95 per cent.

2. RAH—No.

FMC—There has always been a problem in obtaining material for transplantation. This has been greatly eased by the establishment of the Lions Eye Bank of South Australia.

3. RAH—No significant waiting time.

FMC—No significant waiting time.

4. RAH—A flexible arrangement exists with the staff. In the past two years staff have been called in after hours on two or three occasions.

FMC—A considerable amount of grafting has been done at night and weekends because of delays in the availability of graft material. Recent developments have improved the situation.

LOTTERIES COMMISSION

196. **Mr BECKER** (on notice) asked the Treasurer: How many unclaimed tickets and amounts have there been from the 7 day sweep and two way sweep draws conducted by the Lotteries Commission since inception and what action is taken to notify winning ticket holders?

The Hon. J.C. BANNON: For draws conducted up to and including 30 September 1984, the following prizes remained unclaimed as at 5 November 1984.

	Number	Value ($)
$1 '7 Day Sweep'	2 838	59 340
$2 'Two Way Sweep'	1 132	104 360

All lotteries have 'bearer tickets' which must be presented to claim a prize. The names and addresses of participants are not available to the commission. However, posters and brochures are freely available in each series to make the public aware of how prizes are won.

GOVERNMENT VEHICLES

197. **Mr BECKER** (on notice) asked the Minister of Transport: To which department or agency does Government vehicle UWF-147 belong and is it normal practice for that department to hire a trailer and go to the Glenelg Council rubbish dump on Saturdays and, if so, why?

The Hon. R.K. ABBOTT: A Sigma station wagon, registration number UWF-147 based at the Noarlunga Centre District Office, Community Corrections Division, Department of Correctional Services, is utilised on weekends to provide transport and towing for the community service order programme. Under this programme adult offenders are ordered by the courts to carry out unpaid work for the benefit of the community at large or for disadvantaged individuals. Offenders are required to undertake between 40 and 240 hours of work and all projects are approved in advance by committees which include representatives of the community and the trade union movement.

A date is not specified in the question. However, based on the location of the vehicle when observed it was almost certainly being utilised in a Patawalonga clean-up project which has been in operation for more than six months. This project is being conducted at the request of the Glenelg council and supplements work carried out by council's employees.

On a regular basis, generally weekly, a group of between three and six offenders under the control of a part-time supervisor employed by the Department of Correctional Services is assigned to this project. Utilising hand-tools and a trailer provided by Glenelg council the offenders remove all manner of domestic and other rubbish from the foreshores and shallows of the Patawalonga in the vicinity of the golf course and Tapleys Hill Road. It is estimated that in excess of two tonnes of rubbish is collected on an average working day. This rubbish is removed by trailer and deposited at council's rubbish dump.

Both residents and visitors are seen to benefit from the project which aims to remove unsightly and unhealthy rubbish before it becomes apparent in the more scenic and tourist-frequented areas.

It is anticipated that, as part of the Government's plan for State-wide implementation of the community service order programme, the Glenelg District Office of the Department of Correctional Services will become a community service centre in February 1985. The Patawalonga project will then come under that office's control. It is therefore most likely that a vehicle of the Community Corrections Division will continue to be utilised in a similar manner.

The project was established after the so-called 'Glenelg riot' in anticipation of community service order being used as a penalty for some of those convicted. Although that did not eventuate, the project was commenced and continues to prove to be successful.

198. **Mr BECKER** (on notice) asked the Minister of Transport:

1. Was the driver of Government vehicle ULA-933, a fawn Sigma station wagon, which was observed parked adjacent to Heynes Garden Centre, Parade, Norwood, on Sunday 7 October 1984 at approximately 10.15 a.m., an authorised driver and on authorised Government business at the garden centre and, if so, why and, if not, what action has been taken by the Minister?

2. To which department or agency does the motor vehicle belong?

The Hon. R.K. ABBOTT: Vehicle registered number ULA-933 is a vehicle owned by the Department of Services and Supply Central Government Car Pool and was on short term hire to the S.A. College of Advanced Education for the period 26 September to 9 October 1984, while a college vehicle was repaired following accident damage. This matter was referred to the college for a response.

It has been established following inquiries with the senior management of the college that the vehicle was on authorised use by an officer from that institution. The sighting of the vehicle opposite the garden centre merely represented a stop in transit during college business. There is no question of misuse of the particular vehicle on this occasion.

ELECTRO CONVULSIVE THERAPY

199. **Mr BECKER** (on notice) asked the Minister of Tourism:

1. How many patients received electro convulsive therapy treatments in the past 12 months and how does that figure compare with each of the past two years?

2. How many male and female electro convulsive therapy treatments, respectively, were given in the past 12 months and how do those figures compare with each of the past two years?

3. What is the most prevalent diagnosis for which electro convulsive therapy is prescribed?

4. Have any of the epilepsies manifested following electro convulsive therapy?

The Hon. G.F. KENEALLY: The replies are as follows:

1. and 2.

No. OF PATIENTS GIVEN ECT

Location	1981-82		1982-83		1983-84	
	M	F	M	F	M	F
Glenside	30	75	48	122	92	184
Hillcrest	41	51	39	58	40	44
Total	71	126	87	180	132	228

Private psychiatrists attending patients at Fullarton, East Terrace and Kahlyn Private Psychiatric Hospitals also administer ECT. No statistics are available from these hospitals.

3. Statistics indicate that approximately 80 per cent of those persons administered ECT were suffereing from depression and 20 per cent from schizophrenia.

4. Epilepsy is not known to have manifested in any patient following administration of ECT at Glenside or Hillcrest Hospitals.

PASSENGER VEHICLE UTILISATION

206. **Mr BECKER** (on notice) asked the Minister of Transport:

1. What action is now being taken or has been taken concerning the Auditor-General's remark on page 110 of his Annual Report for the year ended 30 June 1984 in relation to an examination of passenger vehicle utilisation?

2. What savings have been or will be achieved?

The Hon. R.K. ABBOTT: The replies are as follows:

1. The number of Highways Department vehicles at head office, Walkerville has been reduced by four. A further reduction of six vehicles is in the process of implementation. As part of an ongoing process the Department is continually reviewing its vehicle numbers and utilisation.

2. The extent of savings which will be achieved is a capital cost of approximately $60 000.

ARTIFICIAL REEFS

207. **Mr BECKER** (on notice) asked the Minister of Education, representing the Minister of Fisheries:

1. How many artificial reefs have been established by the Fisheries Department, what was the cost of each and have they been successful and, if so, to what degree and, if not, why not?

2. How many more reefs are contemplated and where will they be sited and, if none are planned, why not?

The Hon. LYNN ARNOLD: The replies are as follows:

1. A total of five artificial reefs have been established in South Australia by the Department of Fisheries. These are:

Grange—1971—tyres
Glenelg—1973—tyres
Glenelg—1984—barge
Ardrossan—1984—barge
Grange—1984—tyre habitats.

The costs of establishing these reefs are:

Grange—tyres—estimated $25 000
Glenelg—tyres—estimated $45 000
Glenelg—barge—$2 750
Adrossan—barge—$2 750
Grange—tyre habitats—$170 000.

The Grange reef was dispersed over a large area during very severe storms in April 1973. The Glenelg tyre reef, although somewhat dispersed by wave action, is effective and excellent catches of whiting and snapper have recently been reported from the area. The Glenelg barge has been successful with excellent catches of a number of recreationally important species taken from the area. The same situation applies on the Ardrossan barge. As the Grange tyre habitat reef has only been down a matter of months it is too soon to determine its effectiveness.

2. Depending on funding, six more artificial reefs are planned to commence in 1984-85. These are:

Hallett Cove—40 m redundant vessel
Glenelg—tyre habitats
Port Noarlunga—tyre habitats
Port Pirie—tyre habitats
Port August—tyre habitats
Whyalla—tyre habitats.

BLACK HILL NURSERY

209. **Mr BECKER** (on notice) asked the Minister for Environment and Planning: Has a revised accounting system been adopted for the operations of Black Hill Nursery and, if so, will the new procedures ensure a clear pricing policy and adequate accounting information, and, if not, why not?

The Hon. D. J. HOPGOOD: Black Hill Nursery accounting procedures have been amended to segregate nursery operations, research work and production of plants for national parks. Amendments include revision of the classification of accounts to enable periodic financial statements to be produced to show the cost of activities undertaken by the nursery and income from sale of plants, and will also provide information to be taken into account in the annual review of selling prices.

The pricing policy is influenced by a marketing strategy which offers a limited range of plants to the public and to private nurseries for reselling purposes to encourage and promote growing native species of plants indigenous to this State. The pricing policy is thus one of annual/periodic review in line with CPI movement but having due regard to price setting leaders, for example, Woods and Forests Department.

FISHERIES DEPARTMENT

210. **Mr BECKER** (on notice) asked the Minister of Education, representing the Minister of Fisheries:

1. Which residences were upgraded during the year ended 30 June 1984 costing $57 000 as reported on page 110 of the Auditor-General's Report for the year ended 30 June 1984?

2. What is the location and size of the shed purchased for $36 000?

The Hon. LYNN ARNOLD: The replies are as follows:

1. Residences Upgraded During 1984-85	$
Ceduna Fisheries Residence, O'Laughlin Street, Ceduna, S.A. 5690	36 948
Minlaton Fisheries Residence, 105 Maitland Road, Minlaton, S.A. 5575	14 671
Mount Gambier Fisheries Residence, 137 Kurrajong Street, Mount Gambier, S.A. 5290	3 020.95
Kingston Fisheries Residence, 4 Gough Street, Kingston, S.A. 5275	1 148.85
Kingscote Fisheries Residence, 130 Kohindor Street, Kingscote, S.A. 5223	976
Kingscote Fisheries Residence, 12 Margaret Street, Kingscote, S.A. 5223	520
Total	$57 284.80

2. Shed purchased at James Street, Kingston for $36 579. Cost includes purchase and upgrading of shed. The floor size of the shed is approximately 328 square metres, and will be used for the storage of enforcement vessels and vehicles, as well as an office for Fisheries Officers.

STORMWATER DRAINAGE SUBSIDY SCHEME

215. **Mr BECKER** (on notice) asked the Minister of Transport:

1. What stormwater drainage schemes were funded during the year ended 30 June 1984 under the Stormwater Drainage Subsidy Scheme and what was the cost and anticipated completion date of each project?

2. How many applications have been received under the scheme and what was the total value of each project?

The Hon. R.K. ABBOTT: The replies are as follows:

1.

Project	Govt. Subsidy Expended in 1983/84	Total estimated/ actual Govt. subsidy	Anticipated Completion
	$	$	
Upgrading Third Creek sections between Payneham and Glynburn Roads	11 731	102 447	Completed
Upgrading Emu Creek (3rd stage) at Morphett Vale	113 763	171 440	Completed
Drain in East Terrace, Kadina	57 102	67 816	Completed
Upgrading Second Creek in the Parade, George Street and Webb Street, Norwood	7 421	132 732	Completed
Drain in Stevenson Street, Port Lincoln	54 192	90 916	Completed
Stage 1, Underdale—Torrensville Drainage Scheme	197 000	452 924	Completed
Drain through Parks 6, 7, 8 and 9 to the River Torrens, North Adelaide	53 194	71 539	Completed
Blyth Street—Kenilworth Road Scheme, Unley	67 660	67 660	Completed
Fourth Creek Flood Mitigation Study	17 932	17 932	Completed
Fourth Creek reconstruction between Lower North East Road and Avenida Street	23 777	23 777	Completed
Drain between Gloucester Avenue and Bridge Road, Salisbury East	69 806	69 806	Completed
First Creek Drainage Study	13 500	13 500	Completed
Open channel between Port Wakefield Road and Helps Road drain, Bolivar	30 677	30 677	Completed*
Upgrading Emu Creek (4th stage) at Morphett Vale	71 901	71 901	Completed*
Fourth Creek land acquisition	71 743	71 743	Completed*
Study of flooding at Stockwell	8 573	8 573	Completed*
Drain in Main North Road, Nailsworth (Late Charges)	3 194	54 509	Completed
Service costs for main drain at Ingle Farm	2 137	2 137	Completed
Design fees for drain adjacent to Ferme Street, Risdon Park	725	6 848	Completed
Anglesey Avenue Creek, St. Georges (Late charges)	763	763	Completed
Wauraltea Road Drainage Scheme, Port Vincent	53 634	53 634	Completed
Drain in Torrens Road, between Audley Street and Woodville Road	243 403	256 259	Completed
Pumping Station and rising main at Carlisle Street, Glanville	183 594	481 831	December 1984*
Drain in Blight Street, Ridleyton	132 287	209 912	December 1984*
Drain in median strip along Cavan Road, Dry Creek	296 660	678 185	February 1985*
Stage 2, drain in North Parade and Jervois Street, Torrensville	238 666	240 900	Completed*
Drain in Tramway Reserve, Aroha Terrace, Black Forest	15 212	37 629	Completed*
Upgrading Dry Creek upstream of Kelly Road Bridge, Modbury	7 714	12 850	Completed*
Large box culverts at Dry Creek North marshalling yards	158 452	428 182	Completed*
Replacement bridge over Fourth Creek, Campbelltown	83 263	112 457	Completed*
Microfilming of construction drawings of works subsidised	6 335	9 000	February 1985*
Drain in Torrens Road, between Woodville Road and David Terrace, Kilkenny	58 329	327 558	February 1985*
Upgrading Fourth Creek, between Sycamore Terrace and Lower North East Road	18 550	115 357	March 1985*
Upgrading First Creek, between North Terrace and Charles Street, Norwood	142 774	256 740	Completed*
Drain between Marquisite Drive and Tamarix Avenue, Salisbury East	15 098	25 122	Completed*
Drains in Golden Grove Road, Redwood Park	33 161	70 516	Completed*
South Eastern Suburbs Drainage Study	32 816	115 000	January 1985*
	$2 596 739	$4 860 772	

*These projects were approved in 1983/84; others were approved earlier.

N.B. Costs shown are subsidy costs only. Total values of projects would be double these figures, plus any works not eligible for subsidy.

2.The scheme has been in operation since 1967/68 and much research would be required to provide information on this question as it stands. In addition, the total value for each project is not known as this would include works which were not eligible for subsidy under the scheme.

DEPARTMENT OF MARINE AND HARBORS

217. **Mr BECKER** (on notice) asked the Minister of Marine: Have all outstanding sundry debts totalling $2.7 million as at 30 June 1984 been paid and, if not, why not, and what action is being taken to reduce them?

The Hon. R.K. ABBOTT: Of the total outstanding debt of $2.7 million as at 30 June 1984, $52 000 remains unpaid. The reasons for that unpaid amount and action being taken for its recovery are:

	$
Customers' apparent lack of funds—debts being pursued through Crown Solicitor	15 000
Liquidations—winding up of organisations dependent on the action of the official liquidator	13 000
Small debts—subject to summons or judgments	2 000
Claims for compensation in respect of damages to Departmental structures—litigation pending	18 000
Other miscellaneous small debts—expected to be settled by arrangement or through court action	4 000
Total	$52 000

LANDS DEPARTMENT

218. **Mr BECKER** (on notice) asked the Minister of Environment and Planning:

1. How many—
   (a) perpetual leases;
   (b) waterfront shack sites;

(c) irrigation leases; and
(d) other Crown lands,
were sold by the Lands Department during the year ended 30 June 1984?

2. How many properties or leases still remain for sale by current occupiers?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. *(a) Perpetual leases* 89
(b) Waterfront shack sites

Miscellaneous leases	25	
Agreements to purchase	10	35

(c) Irrigation leases

Irrigation perpetual leases	49	
Irrigation perpetual soldiers leases	10	
Irrigation town perpetual leases	12	
War service irrigation leases	2	73

(d) Other Crown lands

Annual licences	169	
Irrigation annual licences	30	
Private contract	64	
Auction	64	
Miscellaneous leases (not shack sites)	2	
Agreements to purchase	97	
Irrigation agreements	9	
Section 228b Crown Lands Act	16	
Other miscellaneous Crown lands	9	460

2. As the Department of Lands does not know the intentions of lessees, it does not know how many properties or leases still remain for sale by current occupiers.

DEPARTMENT OF MARINE AND HARBORS

220. **Mr BECKER** (on notice) asked the Minister of Marine:

1. What was the reason for the increase of $1.244 million in interest payments to $11.560 million for the year ended 30 June 1984 in the Department of Marine and Harbors?

2. What is the interest rate on loan borrowings and what is the amount of interest budgeted for the current financial year?

The Hon. R. K. ABBOTT: The replies are as follows:

1. The increase in interest payments of $1.244 million was the result of:
(a) Treasury raising the interest rate on outstanding Capital Loans from 10.1 per cent to 10.75 per cent; and
(b) the Capital expenditure of $8.405 million during the 1983-84 financial year.

2. The weighted average interest rate to apply during 1984-85 is 12.5 per cent and the estimated interest payment by the Department for that period is $13.3 million.

GREAT ARTESIAN BASIN

222. **Mr BECKER** (on notice) asked the Minister of Mines and Energy:

1. What underground water drilling programme was undertaken by the Department of Mines and Energy in the Great Artesian Basin for the period 1 July 1983 to date and what was the total cost of the programme and the outcome?

2. Were any outback bores sealed off in the Basin in that period and, if so, why?

3. Were any underground water drilling programmes in the Basin suspended in the past financial year because of lack of funding and, if so, where?

The Hon. R.G. PAYNE: The replies are as follows:

1. The following wells had work carried out on them during 1983-84 at a cost of $308 000:
Peters Bore
Marion Bore
Lake Lettie (No. 3)
Muloorina (No. 1)
Nunns Bore
Mount Gason

The following wells have had work carried out on them since 1 July 1984 at a cost of $100 000:
Mount Gason
Pandie Burra
Goyders Lagoon

The programme has been very successful with further work remaining to seal off Lake Lettie (No. 3) and to complete its replacement Muloorina (No. 1).

2. No wells were sealed off. However, the Lake Lettie (No. 3) bore has an obstruction in it where the old casing has broken and is now misaligned. The Department was unable to drill through the old casing and realign it. The first attempt to seal off the well was unsuccessful. A further attempt is to be made at a later date.

3. The 1983-84 programme was commenced early in the financial year primarily to avoid the harsh summer conditions. The budget of $300 000 was spent by November due to the unexpected need to drill the replacement well (Muloorina No. 1) for Lake Lettie (No. 3) at a cost of $140 000. In the circumstances work was suspended until further funds became available in 1984-85.

BUILDING COSTS

229. **Mr BECKER** (on notice) asked the Minister of Public Works:

1. What were the original estimates for the Sir Samuel Way Building and Metropolitan Fire Service Headquarters, what were the final payments and what were the reasons for any overrun?

2. How were these buildings financed and what were the interest rates?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. SIR SAMUEL WAY BUILDING

	$
Original Cabinet approval (27.10.80)	
Building cost as at October 1980	19 200 000
Escalation to 30.6.83 at 12 per cent per annum	3 500 000
Interest charges (1 per cent per month) to June 1983	4 665 000
Property purchase and associated charges	2 735 000
	$30 100 000

Anticipated final cost, inclusive of an allowance for some outstanding contractors' claims expected to be settled in the near future, is as follows:

	$
Building cost, including escalation	25 530 000
Interest charges	4 466 230
Property purchase and associated charges	2 771 730
	$32 767 960

This exceeds the original approval by $2 667 960.
Additional Cabinet approvals were obtained for this increase as follows:

	$
On 26.4.83	2 220 670
On 12.9.83	447 290
	$2 667 960

The reasons for the increase in final cost are as follows:

Additional cost escalation during the construction programme, due to significant increases to wage rates within the building industry including reducing the weekly working hours to 38 hours.

Additional property purchase and associated charges.

Additional professional fees.

Variations to building work authorised during the course of construction.

It should be noted that:

Interest charges and property purchase costs were not paid through Public Buildings Department's accounts.

The above figures exclude:

(a) The Page Street shops development which cost an additional $422 746 inclusive of interest charges, which was also funded by the South Australian Superannuation Fund Investment Trust.

(b) Commissioning costs associated with the relocation of judges and staff to the building, etc., which cost $190 000, compared with the original estimate of $250 000. This amount was funded from the capital allocation for other Government buildings.

METROPOLITAN FIRE SERVICE HEADQUARTERS

	$
Original Cabinet approval (7.6.82)	17 770 000
Expected final cost on completion in May 85 (exclusive of interest charges)	16 061 000

2. SIR SAMUEL WAY BUILDING

The building was financed by the South Australian Superannuation Fund Investment Trust. Until completion of the project, interest charges at the rate of 1 per cent per month on all moneys advanced by the Trust were levied by the Trust and included in the final project cost. From the date of occupancy, a 40 year lease was entered into, with rent fixed at 6-¼ per cent of the final total project cost, indexed to the CPI.

METROPOLITAN FIRE SERVICE HEADQUARTERS

Two sources of funds are being used:

$10 600 000 from semi-government borrowings, now being administered by the South Australian Government Financing Authority. The current interest rate on this loan is 12.4 per cent, but is reviewed annually.

The remainder is being financed by the South Australian Metropolitan Fire Service Superannuation Fund. Until completion of the project, interest charges at current bill rates on all moneys advanced by the Fund are being levied by the Fund and included in the final project cost. From the date of occupancy, a 40 year lease will apply with rent fixed at 6-¼ per cent of the amount advanced from the Fund (including interest) indexed to the CPI. Included in this lease is an option for review after 20 years, which could lower the real rate of return for the remaining 20 years.

JOINT ORGANISATION REVIEW

230. **Mr BECKER** (on notice) asked the Minister of Public Works: What benefits and savings will result from the joint organisation review expenditure of $777 000?

The Hon. T.H. HEMMINGS: The $777 000 represents total expenditure on the Public Buildings Department reorganisation process from commencement in 1979 to the end of the financial year. The organisational changes generated by the review are designed to achieve increased efficiency and effectiveness including:

Increased control on the need for projects.

Increased attention to all phases of the management of building programmes.

Improved management information and costing systems.

Improved client liaison.

Improved single point responsibility for co-ordination and implementation of major works and maintenance and minor works programmes.

Improved ability to analyse complex managerial problems.

Increased accountability for performance.

Many of these benefits are already being achieved, in particular the improved client liaison through the establishment of the client liaison branch and of the five regional offices in the regional operations branch.

A new management accounting branch has developed internal budgeting systems and improved systems for recovery of overheads and are currently implementing with systems branch a new general ledger system for improved financial management and reporting. The reorganisation has enabled central functions to be housed in Wakefield House thus reducing accommodation costs, and the Pennington workshops and Seaton store have also been relinquished by the Public Buildings Department.

FOOD CATERING SERVICE

231. **Mr BECKER** (on notice) asked the Minister of Public Works:

1. Who are the contractors providing a food catering service at the Education Centre, the State Administration Centre, Wakefield House and Public Buildings Department at Netley and when were they appointed?

2. What is the total amount of subsidies paid to each contractor since inception of the contract and how much does this amount represent per meal served?

3. What subsidies will be paid and what benefits will each contractor receive after 1 January 1985?

4. What are the prices charged for food and beverages at each centre?

5. Will public servants be disadvantaged from any change to the contracts from 1 January 1985 and, if so, to what extent?

The Hon. T. H. HEMMINGS: The replies are as follows:

1. Nationwide Food Service Pty Ltd. The company has been the contractor since 3 June 1968. The contract has been submitted to public tender on a number of occasions since that date; on each occasion Nationwide Food Service Pty Ltd has been the successful tenderer.

2. Until 31.12.83 the contractor was paid a management fee to provide a catering service for the Government. The monthly operating losses were a charge on the Government. Due to the amount of work required to segregate the management fee component from the operating loss paid each month in past years, no details are available other than the following:

	Management Fee	Operating Loss	Other Costs*
1980-81	24 000	77 500	14 000
1981-82	24 000	76 100	18 000
1982-83	26 900	104 200	17 000
Six months to 31.12.83	13 500	42 300	8 700

* includes—uniforms, replacement of crockery etc., cleaning, light and power.

From 1.1.84, by negotiation, the management fee basis changed to a fixed subsidy fee. Under this scheme the contractor is paid a fixed subsidy amount and is required to operate on a commercial profit and loss basis. In addition, the company supplies all uniforms and crockery/cutlery

replacements. Provision is made for an increase in subsidy in the event of an award increase whilst food price increases are passed on to the consumer through increased meal and snack item prices. The amount of subsidy paid for the period 1.1.84 to 8.7.84 was $61 820.90.

In April 1984 a public tender call resulted in three tenders being received to operate the food catering service for two years. After full evaluation of the tenders, it was decided to award the contract to Nationwide Food Service Pty Ltd on the basis of the price tendered and experience in providing the type of service required. At the time the evaluation was taking place it was decided, as a matter of policy, to move to a 'no cash subsidy' basis. Appropriate terms were negotiated with the contractor and the subsidy payable from 8.7.84 to 31.12.84 will be $14 996.63.

From 1.1.85, no subsidy is payable. As no record is kept of the number of meals served, it is not possible to advise a subsidy per meal.

3. From 1-1-85 no subsidy will be paid. From that date the contractor receives the same benefits that have been in force since 1968;

- — rent free use of kitchens and associated facilities, the contractor to keep the areas cleaned;
- — electricity, water, storage and garbage disposal;
- — all necessary facilities and equipment to prepare and serve meals.

4. A current price list is attached.

5. No. Prices for prepared items are expected to rise slightly but will still be less than prices charged in nearby facilities serving similar meals to the public.

Main Meals	2.50
Salads	2.30
Grills to order	3.10
Deserts	.68¢
Carvery (once weekly)	3.65
Hot take away meal	2.50
Pie/Pasty & veg	1.54
Soup	.58¢ + 5¢ to take away
Tea	.35¢ + 5¢ to take away
Coffee	.40¢ + 5¢ to take away
Milkshakes	.62¢ + 9¢ to take away
Malted milk shakes	.67¢ + 9¢ to take away

Sandwiches Finger/R D/C Roll Extras (on made-up rolls, etc only)

Vegemite	82¢	92¢	1.02	Mustard, Horseradish, Sauce, Mayonnaise	13¢
Tomato	82¢	92¢	1.02		
Cheese	82¢	92¢	1.02		
Fritz	82¢	92¢	1.02		
Egg	82¢	92¢	1.02		
Curried egg	82¢	92¢	1.02		
Ham	92¢	1.02	1.13	Tomato, Lettuce, Mixed Pickles, Beetroot, Cucumber	16¢
Corned beef	92¢	1.02	1.13		
Roast beef	92¢	1.02	1.13		
Savoury	92¢	1.02	1.13		
Salmon	92¢	1.02	1.13		
	92¢	1.02	1.13		
Chicken	95¢	1.05	1.16	Onion, Gherkin, Potato salad	20¢
Buttered finger roll		46¢		Pineapple, Egg, Fritz, Cheese, Salad, Vegemite	23¢
Buttered D/C roll		47¢			
Toasting extra		13¢			
Corned beef, Ham		33¢			

Short Order Bar (To take away)

	(Small)	(Large)		
Chips	55¢	66¢	Hamburger	1.10
Chiko rolls		64¢	With cheese	1.25
Hot dogs sauce/mustard		74¢	Fried onion	1.25
Steak sandwich		1.58	Pineapple	1.25
Dim sim		34¢	With bacon	1.40
Spring rolls		47¢	With egg	1.26

Manufactured foods and packaged drinks are sold at recommended retail prices.

ABANDONED GOODS

232. **Mr BECKER** (on notice) asked the Minister of Community Welfare, representing the Minister of Consumer Affairs:

1. How many tenants' abandoned goods were sold under the terms of section 79a of the Residential Tenancies Act in the 1983-84 year for a return of $2 507?

2. What were the gross amounts received for goods sold and costs of removal, storing and sale?

3. Who were the removalists and selling agents and how were they chosen?

The Hon. G.J. CRAFTER: The replies are as follows:

1 and 2. The figure of $2 507 contained in the financial statement of the Residential Tenancies Tribunal Fund for the year ending 30 June 1984 is the balance of moneys received after the payments towards costs of removal, storing and sale of abandoned goods as defined by section 79a of the Residential Tenancies Act have been removed. This amount has been accumulated over a period of years. Section 79a has resulted in only five transactions up to 30 June 1984. They are:

File No.	Date	Amount Received $	Amount Paid Out $	Balance Retained By Tribunal $
R3778/81	5.5.82	5	—	5
R1996/82	23.6.82	2 290	—	2 290
R1405/82	21.7.82	868	868	—
R3087/83	5.10.83	758	758	—
R3149/83	11.2.83	681	469	212
				2 507

3. The Tribunal does not supervise or arrange the removal, storage or sale of abandoned goods: that is left to the landlord who documents his costs, pays for the services supplied and then submits the residue from the sale to the Tribunal Fund. In each of the three instances where money was paid out it was paid by order of the Tribunal to the landlord to offset damages awarded to the landlord against the tenant. In these cases the Tribunal had formal hearings at which the applicants had to establish their claim and provide proof of their costs.

GRAND PRIX

235. **Mr BECKER** (on notice) asked the Premier: What is the total expenditure on the Formal One Grand Prix to date and what are the details?

The Hon. J.C. BANNON: The reply is as follows:

	$
Equipment, freight, insurance, etc.	930.09
Publicity	20 280.87
Overseas visits and travelling expenses	46 722.83
Fees—consultant and other fees	26 958.57
Telephone, postage and telegrams	471.40
Miscellaneous	397.68
	95 761.44

EUROPEAN AND ABORIGINAL HERITAGE

237. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning: Is it the intention of the Government to split into two separate sections the responsibility within the Department of Environment and Planning for European and Aboriginal Heritage and, if so, why?

The Hon. D.J. HOPGOOD: An organisation review of the Heritage Conservation Branch of the Department of Environment and Planning has been carried out recently. As a result of that review, the Public Service Board is currently considering a proposal to split the existing Heritage Conservation Branch into two separate units, an Aboriginal Heritage Branch and a State Heritage Branch. It is considered that the proposed new organisation will allow a more efficient administration of heritage matters. It will also facilitate the Government's approach to Aboriginal heritage conservation which will be strengthened by the Aboriginal heritage legislation currently under review.

WATER RATES

240. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Water Resources: What was the average metropolitan water rate account (not average base water rate) for domestic consumers for each of the years 1981-82 to 1983-84 and what is the estimate for 1984-85?

The Hon. J.W. SLATER: The reply is as follows:

Average Annual Water Rate
(Base rates plus additional water rates)

Year	Amount $
1981-82	124.90
1982-83	140.76
1983-84	155.00
1984-85	176.90 (estimate)

SEWER RATES

241. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Water Resources: What was the average metropolitan sewer rate (not average base sewer rate) for domestic consumers for each of the years 1981-82 to 1983-84, and what is the estimate for 1984-85?

The Hon. J.W. SLATER: The reply is as follows:

Average Annual Sewerage Rate

Year	Amount $
1981-82	97
1982-83	109
1983-84	125
1984-85	141 (estimate)

FINGER POINT SEWER

243. **The Hon. H. ALLISON** (on notice) asked the Minister of Water Resources: Is it a fact that the Mount Gambier to Finger Point sewage pipeline has developed serious cracks resulting in effluent seepage from pipes and, if so:

(a) what is the cause of this problem;
(b) when will repairs be effected;
(c) how many cracks have appeared;
(d) can the problem be permanently resolved;
(e) what is the pollution potential to the water table at the leakage points; and
(f) how long has the problem existed?

The Hon. J.W. SLATER: The Mount Gambier to Finger Point outfall sewer does not have any serious pipe cracks; however, there have been a number of pipe failures. The original outfall sewer was laid in the early 1960s. As the population increased and industry developed, flows in the pipeline increased to the point where replacement became necessary. Replacement was planned in three stages, commencing at the Mount Gambier end. Stages I and II, which comprise about two-thirds of the main, were carried out and completed in 1975 and 1980 respectively. Stage III has not been proceeded with as a result of the closure of the Wattie Pict Pea Factory and a consequent reduction in sewage flow.

The Stage I replacement is constructed in mild steel concrete lined pipe. In short sections of it localised operating effects lead to hydrogen sulphide production which attacks the concrete lining, and is believed to be the cause of the two pipe failures in this section. In the Stage II section the lengths of pipe most liable to attack were laid with plastic lined pipes which are very corrosion resistant and hydrogen sulphide attack is not a problem. Investigations into the problem are nearing completion and it is likely that they will lead to renewal of a 200m section of the Stage I pipes early next year which should overcome the problem.

There have been occasional leaks ever since the outfall was first laid which is normal for such a pipe system. The two failures which occurred in the Stage I replacement section last year are the first in that section. Frequency of failures in the older stage III section are increasing as the pipes age. There were five last year which were the result of the displacement of the rubber sealing ring in the pipe joints. If the leaks were undetected for long periods there would be a high risk of pollution but, as the outfall is patrolled regularly to detect operating problems, the risk of pollution is minimal.

SOUTHERN CROSS COMMODITIES

244. **Mr BECKER** (on notice) asked the Minister of Community Welfare, representing the Minister of Corporate Affairs:

1. How many complaints did the Department of Public and Consumer Affairs or the Corporate Affairs Commission receive against Southern Cross Commodities and its principals?

2. When were documents and records of Southern Cross Commodities seized and by whom and on what grounds were they seized?

3. How many staff are employed vetting the documents and records and what do they hope to find in relation to South Australian law?

4. What has been the cost of the investigation to date, how much longer will it continue and what is the estimated final cost?

5. Has the Federal Government sought any assistance from the Department into any aspects of the investigations and, if so, in what ways?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The Department of Public and Consumer Affairs received one complaint against Southern Cross Commodoties in 1981 and three in 1982. No complaints have been received against the principals of the company. It is not possible to place an accurate figure on the number of complaints received either by the South Australian Police or the Corporate Affairs Commission with respect to Southern Cross Commodities or its principals. However, five complaints received either by the Corporate Affairs Commission or the South Australian Police, prior to the closure of Southern Cross Commodities business activities. In addition, South Australian Police have either interviewed or sent questionnaires to the approximately 1 400 creditors of Southern Cross Commodities.

2. Documents and records of Southern Cross Commodities were seized on 28 October 1982 jointly by South Australian and Australian Federal Police. The documents were seized pursuant to powers contained in State and Federal warrants.

3. At the present time there are three South Australian Police Officers engaged in the investigation. In addition a Company Inspector of the Corporate Affairs Commission is providing accounting assistance and a Legal Officer of tne Commission is providing legal advice. The inquiries being conducted are directed at establishing whether or not an offence or offences may have been committed and, if so, preparing a brief with a view to prosecuting the persons or companies involved. It is not possible at this stage to give an estimate as to when the inquiries being conducted by the South Australian Police will be completed.

4. The costs of the investigation are being handled by the Finance Section of the South Australian Police, and this information is not currently available to the Commission.

5. The investigations by South Australia and Australian Federal Police into Southern Cross Commodities have been conducted along the lines of a joint task force. The Corporate Affairs Commission has provided the assistance, from time to time, of Company Inspectors (to assist in the analysis of financial information relating to the South Australian Police Investigation) and of a solicitor to provide legal advice generally with respect to the investigation.

ART EDUCATION

245. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education:

1. Is the Minister aware that the Art Gallery Education Section directly reaches some 40 000 students each year and, if so, why is the section to lose one seconded teaching position in 1985?

2. Will the loss of this officer so deplete the section that its programmes will have to be cut?

3. Why is this service singled out for a reduction in staff when it has a credible record for efficiency and service?

4. What will the Minister do to ensure the students from Mount Gambier, Ceduna, Hawker and other towns visited by these teachers have their opportunity to see significant original works of art?

The Hon. LYNN ARNOLD: The replies are as follows:

1. I am aware that the Art Gallery reaches a large number of students each year, either as visitors to the Gallery itself or to the travelling exhibitions. A reordering of priorities for Education Department school support staff is undertaken each year, and every position is very closely and carefully considered in the context of priorities, including those for new needs. Three teachers have been seconded to the Art Gallery in recent years.

However, most of the Education Department's Interpretive Centres such as the Botanic Gardens, Constitutional Museum and the Festival Theatre are served by only one seconded teacher. The Zoological Gardens has two such teachers and the Museum has three such teachers. Moreover, priorities for the work to be undertaken by the teachers seconded to the Art Gallery also need to be re-examined, since the demand for their services continues to expand, and it is considered that some at least of the requests for the services of these officers should be met in other ways. For example, it is considered that some require the teaching services of the seconded teachers during their visits, since there are now many art teachers who have become well acquainted with the Gallery.

In addition, the frequency with which the Travelling Art Exhibition and the Outlook Exhibition are provided will be considered. For these reasons, the services provided by the education officers at the Art Gallery are to be reviewed comprehensively, and in the course of that review, their working relationship with the Art Gallery staff will also be taken into account.

In any event, I can advise that I have asked for a report on the various community areas that either presently have or could use interpretive positions to assist with school visits so that the extent of the demand can be better known when determining allocations of available staff members. I have also determined that for 1986 the present pool of advisory teachers shall be divided into two for the purpose of determining annual allocation of priorities, namely:

(i) advisory teachers;

(ii) interpretive positions.

2. When reductions of staff are made in any area, whether such staff are employed to work on a curriculum project or to provide a service such as the one at the Art Gallery, a review of what can be done is made. I am confident that, with two seconded officers, the Art Gallery Education Section will be able to carry out its essential high priority tasks.

3. The Art Gallery was not 'singled out for a reduction of staff'; it was one only of a number of service units or groups which are losing staff so that other high priority areas can be given adequate support. Computing in schools is one such high priority area. Indeed under this Government the number of advisory teachers has increased by 12 compared with a reduction of 92 effected during the time of the previous Government.

The record of service provided by the Education Section at the Gallery is certainly most impressive, and this is readily acknowledged. However, the service record of other teams of seconded teachers, which are losing staff, is also impressive. One can mention, for example, the Transition Education Unit, which will be disbanded at the end of this year.

4. Whenever staff reductions are made in service centres, initial response is that current services cannot be maintained. It is essential that Interpretive Centres, such as the Art Gallery Education Section, look to modify the ways in which they operate so as to provide the best possible services with the staff which they have.

The Travelling Art Exhibition has been viewed by members of the public, as well as by school students, and hence the Art Gallery will be invited to consider any additional assistance it can make in this area.

RIVERTON HIGH SCHOOL

246. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: In view of the increasing enrolments at Riverton High School and its substandard accommodation facilities, will the Minister review priorities to ensure that an immediate redevelopment plan is instituted?

The Hon. LYNN ARNOLD: The enrolments at Riverton High School have shown a gradual increase over the past five years, from 209 in 1979 to 225 in 1984. Current projections by the school anticipate that enrolments could rise to 275 by 1987. A facilities review was carried out in June 1983, which established that the capacity of Riverton High School is 225. An additional classroom has been scheduled for relocation to Riverton to cater for the 1984-85 increase, and this building is scheduled to arrive in February 1985.

The desirability of redeveloping Riverton High School is acknowledged, but other priorities have prevented its inclusion on a forward building programme. Major works programmes for 1985-86, 1986-87, and 1987-88 are currently under discussion. The current forward programme was based on a thorough investigation of each school on the Regional Office Priority lists and from these a State-wide programme was developed. A review of this State-wide programme is being carried out to allow for area office priorities to be taken into account and a submission to Treasury for 1985-86 funds to be prepared. It is anticipated that this submission

will be completed during December 1984. Until investigations and programme reviews are complete it is not possible to state when Riverton High School would be programmed for redevelopment.

247. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: Will the Riverton High School be provided with two additional classrooms for the commencement of the 1985 school year and, if so, when?

The Hon. LYNN ARNOLD: Riverton High School has made application to the Clare District Office of the Eastern Area for two further relocatable buildings. One has been requested to accommodate additional enrolments, the need for which has been substantiated by a Facilities Review and a building has been nominated for relocation from Pinnaroo Area School. The latest advice from the Public Buildings Department is that this relocation will be effected by February 1985, although no precise dates can be given due to the size and complexity of the relocatable programme.

The second building was requested for the purposes of providing teacher preparation space. Although the need has been substantiated by the Facilities Review, the provision of this accommodation for February 1985 has not been possible due to the demand on buildings for enrolment increases. The request has been noted, however, and accommodation will be provided as soon as possible from eastern area resources.

SCHOOL CROSSINGS

248. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: Is it Education Department policy to make it mandatory for students to use school safety crossings installed for their protection?

The Hon. LYNN ARNOLD: The Education Department publication 'The Administrative Instructions and Guidelines' has a passage at section 1 paragraph 62.6 which contains details of the authorised types of pedestrian crossings. The preamble to that paragraph states: Children should be instructed not to attempt to cross a roadway except at an authorised crossing. Copies of the Administrative Instructions and Guidelines are issued to all schools and are designed to be accessible to all teachers, school organisations and all those associated with schools.

NON-GOVERNMENT SCHOOL FUNDING

249. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: When will the Minister inform non-Government schools of funding guidelines for 1985 so that proper planning may eventuate?

The Hon. LYNN ARNOLD: The general guidelines for non-Government school funding for 1985 were issued in a Ministerial statement on 20 May 1984. Since that time, the Advisory Committee on non-Government schools has met several times with the Minister about the details by which these broad parameters can be implemented. The final recommendations of the advisory committee came to the Minister before the end of November, were approved and schools were then advised.

WALKERVILLE PRIMARY SCHOOL

252. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: When does the Minister intend to take urgent action to correct the potentially hazardous and dangerous situation in the Walkerville Primary School car park to ensure protection for students, staff and visitors?

The Hon. LYNN ARNOLD: The surface of the car park is showing deterioration and it, along with other areas of hard play at Walkerville Primary School have been identified for inclusion in the civil maintenance programme. The school was visited during 1984 as part of the State-wide assessment process to determine and set priorites for remedial works for the 1984-85 financial year. Recently I advised the Walkerville Primary School that the car park would be resurfaced in 1985.

THIRD PARTY PROPERTY INSURANCE

253. **Mr GUNN** (on notice) asked the Minister of Transport: Does the Government intend to introduce compulsory third party property insurance cover for motor vehicles and, if so, when and how will the scheme operate?

The Hon. R.K. ABBOTT: The Government does not propose to introduce compulsory third party property insurance.

HAWKER WATER QUALITY

254. **Mr GUNN** (on notice) asked the Minister of Water Resources:

1. What action does the Government intend to take to improve the quality of water at Hawker?
2. Has the Government considered using reverse osmosis desalination equipment?
3. What plans are there for use of the desalination equipment that will become surplus at Coober Pedy when its new water scheme is completed?

The Hon. J.W. SLATER: Improvement of the quality of the Hawker water supply has been the subject of a great deal of consideration by this and previous State Governments. Investigations into providing a better quality water supply have encompassed two aspects:

(1) locating a convenient source of better quality water;
(2) desalination of the water from the existing sources of supply.

The closest low salinity water resource is underground water which is about 11 km north-west of Hawker. The cost of developing a well field and piping the water to the town is about $800 000 with an annual operating cost of approximately $160 000.

The possibility of locating a source of low salinity supply closer to the town has been investigated and additional scout holes drilled. Present results indicate that the likelihood of finding water with a salinity less than 1500 mg/L within 5 km of Hawker is very remote. Desalination of the existing water supply has also been briefly investigated. The capital cost of this option is estimated to be of the order of $800 000 with annual costs of approximately $300 000, based on the reverse osmosis process.

The cost of improving the water supply would be high by either method and no funds are available to the Engineering and Water Supply Department to proceed with either option at this time. The possible use of the reverse osmosis plant which will become redundant at Coober Pedy is not feasible because it is considered that the membranes are approaching the end of their operating life and to reuse the other equipment, in particular the pre-treatment facilities, requires a raw water quality similar to that at Coober Pedy. Investigations indicate the Hawker water supply does not meet that criteria.

SCHOOL BUSES

257. **Mr BECKER** (on notice) asked the Minister of Education:

1. What suggestions were made to the Education Department by the Ombudsman concerning maintenance and servicing of school buses and were all suggestions accepted and, if not, why not?

2. What guidelines have now been forwarded to schools concerning maintenance and servicing of school buses?

The Hon. LYNN ARNOLD: The replies are as follows:

1. I presume this question refers to an inquiry by the Ombudsman into the servicing of school buses at Lameroo. If this is the case then the Ombudsman made the following recommendations:

(1) the Department should maintain and retain adequate records of all servicing arrangements;

(2) the Department should require the owner (lessee) to give it notification on a change of ownership or lessee and written notice of the Department's expectations on quality of servicing should be given to the new incumbent;

(3) if the Department believes the quality of the servicing is inadequate, it should give written notice of inadequacies to the garage concerned. This warning should indicate that, unless the quality of work improves, the Department will have to consider terminating the servicing arrangements;

(4) the proprietor/lessee should be given an opportunity to explain any alleged inadequacies. An objective assessment should then be made of this situation.

The Department accepts these recommendations.

2. The Ombudsman's inquiry was directed specifically at the engagement and continued employment of service centres, not the maintenance and servicing of buses. It is not, therefore, necessary to issue guidelines to school principals who are already aware of the standard service requirements and the need to report recurring faults to the Transport Officer of the Education Department. The selection of service centres and the decision whether or not to select or continue with a particular centre remains with the Transport Officer, not the schools.

MOTOR VEHICLES ACT CONSULTATIVE COMMITTEE

259. **Mr BECKER** (on notice) asked the Minister of Transport:

1. When was a review body established by the Minister to investigate various aspects of the Motor Vehicles Act, including operations of the Consultative Committee and:

(a) who are the members of the review body;

(b) what remuneration will they receive;

(c) when will they report;

(d) how many meetings have been held to date;

(e) what are the terms of reference; and

(f) will the Ombudsman's suggestions be considered?

2. When is appropriate legislative action contemplated following the Ombudsman's Report of 1983-84?

The Hon. R.K. ABBOTT: The replies are as follows:

1. January 1984

(a) Mr L.K. Gordon, A.O., LLB., S.M. (Chairman)
Mr D.N. Thurlow (former Registrar of Motor Vehicles)
assisted by:
Mr W.S. Scott (Deputy Registrar of Motor Vehicles)
Mr T. Davenport (Senior Administrative Officer)
Mr M. Johns (Parliamentary Counsel)
Mr P. Johns (Licence Manager, Motor Registration Division)

(b) Mr L.K. Gordon—$30 per hour
Mr D.N. Thurlow—$20 per hour

(c) Mid December 1984

(d) Thirty

(e) No formal terms of reference

(f) Yes

2. Early in the 1985 Autumn session of Parliament.

OMBUDSMAN'S REPORT

260. **Mr BECKER** (on notice) asked the Premier: How many copies of the Ombudsman's Report, 1983-84, have been printed, to whom have they been distributed, what was the total cost of printing and posting them and what is the cost of each report and how does that amount compare with the cost of the 1982-83 report?

The Hon. J.C BANNON: 350 copies of the Ombudsman's 1983-84 Annual Report were printed. The total cost of the preparation, printing and postage of the Report was $4 193.74. The cost of the 1982-83 Annual Report was $4 360.97 (also 350 copies).

Distribution
The Hon. Speaker
The Hon. President
Clerks of both Houses
Honourable members of both Houses
His Excellency the Governor
His Honour the Chief Justice
To all Departmental Permanent Heads whose Department has been referred to in the case histories
Similarly to all heads of authorities, mayors, chairmen of councils also mentioned
Both metropolitan and country media
Individual academics as requested
Interstate and overseas Ombudsmen
Mr G. Combe, the former Ombudsman
Assistant Commonwealth Ombudsman
Members of the Ombudsman's Welfare Advisory Panel
Members and some former members of the Ombudsman's staff
Other departmental heads and councils or authorities who have requested same
Local Government Association
Vision Magazine (Yatala Labour Prison)
Citizens Advice Bureau
Public Service Association and various libraries.

POTATO BOARD

261. **Mr BECKER** (on notice) asked the Minister of Education representing the Minister of Agriculture: Has the Minister called for a review of the financial management of the Potato Board and, if not, why not?

The Hon. LYNN ARNOLD: Yes.

POTATO MARKETING ACT

265. **Mr BECKER** (on notice) asked the Minister of Education representing the Minister of Agriculture:

1. When was the working party established to review the Potato Marketing Act, 1948, who are the members and how many meetings have been held?

2. When will the working party report to the Minister?

3. Will suggestions made by the Ombudsman be considered and acted upon promptly and, if not, why not?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The working party for review of the Potato Marketing Act was established on 27 June 1984, and the first meeting held on Tuesday 7 August 1984.

Membership of the working party is:

Chairman: Mr G.D. Webber, Chief Regional Officer (Central), Department of Agriculture.

Members: Messrs K. Martin, R. McDonald, J. Mundy and B. Nicol, representing the Combined Potato Industry Committee of Fruitgrowers' and Market Gardeners' Society Limited.

Mr G.R. Muir, Chairman, S.A. Potato Board.

Mr H. Bannister, General Manager, S.A. Potato Board.

Mr G. Keen as a person with marketing expertise.

Mr I. Lewis, Senior District Officer (Adelaide), Department of Agriculture.

During the absence of Mr Webber the Working Party is being chaired by Dr R.J. Van Velsen, Acting Director, Division of Plant Services, Department of Agriculture.

Five meetings have been held to date.

2. Late January/early February 1985.

3. Yes. Where appropriate.

OMBUDSMAN

273. **Mr BECKER** (on notice) asked the Premier: Does the Government propose to amend the Ombudsman Act, 1972, to enable better co-operation with the Commonwealth and other State Ombudsmen particularly where investigations overlap and, if not, why not?

The Hon. J.C. BANNON: Yes.

274. **Mr BECKER** (on notice) asked the Premier:

1. Will the Government reassess the administrative structure of the Ombudsman's office as a matter of urgency and, if not, why not?

2. Has the Ombudsman made such a request and, if so, when and why?

3. Has the Ombudsman sought an increase in budget funding in the past 18 months and, if so, for how much and when?

4. What additional expenditure not budgeted for has been incurred by the Ombudsman since involvement with the new central car pool leasing arrangements?

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

1. It is intended to review the structure and operations of the office of the Ombudsman in the near future.

2. It was agreed with the Ombudsman that an assessment of the work load of the office should be made before any further action was taken on appointment of a Deputy Ombudsman. The Ombudsman has recently suggested that a full review of the office would now be appropriate in view of changed circumstances since the establishment of the office.

3. The Ombudsman made normal budget submissions for funding, which were reflected in the Estimates with minor adjustment, except for a request for significant investment in office machinery and equipment.

4. In 1983-84 expenditure for Ombudsman's office included actual expenditure of $4 500 for motor vehicle expenses and car pool charges, which exceeded budgeted expenditure by $2 500.

275. **Mr BECKER** (on notice) asked the Premier: Has the Premier received a request from the Ombudsman to make his office an independent authority similar to that in New South Wales and, if so, when was the request made and will the Government agree to such a proposal and, if not, why not?

The Hon. J.C. BANNON: A review of the structure and operations of the office of the Ombudsman has been suggested by the Ombudsman (see question 274). No other request has been made.

DEPUTY OMBUDSMAN

276. **Mr BECKER** (on notice) asked the Premier:

1. When were applications called for the position of Deputy Ombudsman and what Public Service classification and salary range was offered?

2. How many applications were received and why has the appointment not been made?

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

1. 29 February, 1984; EO3. $51 068.

2. 58. The Ombudsman notified that in the light of the low level of complaints being received he considered the position should not be proceeded with for the time being. An assessment of the work load will be undertaken before any further action is taken to fill the position.

WEST TORRENS YOUTH CLUB

279. **Mr BECKER** (on notice) asked the Minister of Community Welfare:

1. Has the Government funded the establishment of the West Torrens Youth Club and, if so, to what extent, for how long and on what basis was the funding granted?

2. How many persons are members of the club and where are they located?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The Government has assisted the establishment of the West Torrens Youth Social Recreational Club through the Department for Community Welfare's Community Response Team Programme and Youthwork Starter Grants. As a result of an identified need for informal social activities for youth in the area, a full-time community worker has been appointed to the club under the Community Response Team Programme. This position was funded for 6 months to 28 February 1985 as a means of assisting local young people to establish and eventually independently manage the club. The Community Response Team Programme is sponsored by the Department for Community Welfare and jointly funded by the State Government and Commonwealth Government (through Community Employment Programme). A Youthwork Starter Grant has also been provided by the Government. This grant of $360 was allocated 'once-off' to assist the establishment of the Club; specifically for administrative costs and towards social activities planned by the young people.

2. The need for a youth club in the West Torrens area was supported by a petition from 190 Plympton High School students to the local community welfare office. Currently, the West Torrens Social Recreational Club has an active core membership of 20 young people. All are located in the Plympton and surrounding areas.

HOUSING TRUST PURCHASES

281. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. How many properties were purchased by the South Australian Housing Trust in the metropolitan area and what prices were paid in the year ended 30 June 1984?

2. How many properties have been contracted for purchase, at which locations and at what prices in the metropolitan area since 1 July 1984?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. 476 units were purchased by the South Australian Housing Trust in the metropolitan area (Gawler to Noarlunga) at an average purchase price of $41 000 each.

2. 423 units have been purchased or contracted to be purchased by the South Australian Housing Trust in locations as below at an average purchase price of $47 000 each.

Purchase locations:

Albert Park	Goodwood	Para Hills
Ashford	Greenacres	Parafield Gardens
Athelstone	Hackham	Plympton
Banksia Park	Hallett Cove	Prospect
Birkenhead	Hendon	Pooraka
Blair Athol	Hillcrest	Port Adelaide
Bowden	Hilton	Queenstown
Brahma Lodge	Holden Hill	Redwood Park
Brompton	Kidman Park	Renown Park
Burnside	Klemzig	Reynella
Cambpelltown	Kurralta Park	Ridgehaven
Christies Beach	Largs North	Royal Park
Christie Downs	Magill	Rostrevor
Clarence Gardens	Marleston	Salisbury
Clarence Park	Mitchell Park	Seacliff
Clearview	Modbury	Seacombe Gardens
Clovelly Park	Morphettville	Seaton
Cowandilla	Morphett Vale	Semaphore Park
Croydon Park	Munno Para	Smithfield Plains
Daw Park	North Adelaide	South Plympton
Dover Gardens	North Haven	Stepney
Dry Creek	North Plympton	Sturt
Dudley Park	Northfield	Taperoo
Edwardstown	Old Noarlunga	Tea Tree Gully
Elizabeth	Oaklands Park	Unley
Enfield	Osborne	Valley View
Evanston Park	O'Sullivan Beach	Warradale
Fairview Park	Ottoway	West Croydon
Gilles Plains	Park Holme	West Richmond
Glandore	Paralowie	Windsor Gardens
		Woodville Gardens

PETROLEUM EXPLORATION LICENCES

283. **Mr BAKER** (on notice) asked the Minister of Mines and Energy: What conditions and requirements have to be satisfied by applicants for petroleum exploration licences to be eligible for such licences?

The Hon. R.G. PAYNE: An application for a petroleum exploration licence must contain a statement outlining the exploratory operations that the applicant proposes to carry out over the initial five year licence term, plus the estimated cost of these operations. The applicant must also provide evidence as to his ability to comply with the Petroleum Act and the terms and conditions of the licence for which application is made. This must include evidence as to the applicant's financial position and technical qualifications.

BLOOD

285. **Mr BAKER** (on notice) asked the Minister of Tourism, representing the Minister of Health: Has any direction been issued that blood used for clotting purposes in South Australia should be taken from female donors only, and when it is envisaged that adequate testing equipment for AIDS will be available in this State?

The Hon. G.F. KENEALLY: There has been no direction issued in South Australia that would limit the use of blood destined for the production of clotting factors to be drawn from female donors only. There is, however, a decision that has been taken by the Australian Red Cross Society not to pool South Australian plasma with donations from Victoria and New South Wales when compiling production batches of plasma from which clotting factors are made. It is envisaged that adequate testing equipment and consumables for testing antibody to Human T Cell Leukaemia Virus Type 3, the putative agent for AIDS, will be available in the first quarter of 1985.

COSTIGAN REPORT

286. **Mr BAKER** (on notice) asked the Premier: Will the Government be receiving copies of the six volumes of the Costigan Report as yet unreleased and, if so, when?

The Hon. J.C. BANNON: The Department of the Prime Minister and Cabinet has advised that due to the Federal election and the 'caretaker' status of the present Government, that Federal Cabinet has not yet made a decision on the release of the remaining volumes of the Costigan Report. A decision on this matter would be expected after the Federal election.

FID

288. **Mr BAKER** (on notice) asked the Treasurer: When will the rate of FID be reduced to a level which is no greater than that imposed in other States?

The Hon. J.C. BANNON: The rate of FID is kept under constant review, as are all State taxes, to ensure that the overall burden of taxation in South Australia does not become disproportionate.

SCHOOL CANTEENS

289. **Mr BAKER** (on notice) asked the Minister of Education: How many school canteens have been closed in the past five years, which schools have been affected, and what is their student enrolment?

The Hon. LYNN ARNOLD: The Education Department is aware that over recent years some school canteens have been in trouble and that some subsequently closed. It is not known how many have closed as no records are kept about canteen closures. Schools make independent decisions related to their canteens and these decisions may change frequently. Schools below 400-450 students are finding viability difficult particularly if voluntary help is limited and they have to pay a manageress. Schools must make a gross profit of $7 000 per annum to pay the award rate of $7.55 per hour for each five hour day. Schools facing concern and problems should contact the Education Department Canteen Adviser, Ms V. Jucius.

NEW GRAIN TERMINAL

292. **Mr OLSEN** (on notice) asked the Minister of Marine: In relation to plans for a new grain terminal:

(a) when did planning commence;
(b) what progress has been achieved;
(c) when will plans be finalised;
(d) what ports have been identified as possible locations;
(e) when will a location be decided;
(f) when will construction commence; and,
(g) what time frame has been set down for completion?

The Hon. R.K. ABBOTT: The replies are as follows:

(a) The need for larger ships to handle grain has been known for some years. Liaison and discussion with the

industry has taken place over the same period. Early in 1984 a senior engineer in the Department of Marine and Harbors was assigned full time to examine a number of major planning issues, amongst them the requirements of a deep draught grain terminal.

(b) A number of potential port sites for grain have been examined, including Wallaroo, a new port at Tickera, north of Wallaroo, the Port Adelaide inner harbor and the Port Adelaide outer harbor. The interim result of this study indicates the Outer Harbor as the most cost effective location. An Outer Harbor grain berth could be established with the lowest cost capital outlay to handle so-called 'handy sized' bulkers. As well, it would be able to handle up to 'Panamax' class vessels partly loaded with the potential to be deepened to full 'Panamax' at a later date if required.

(c) Plans will be finalised only after exhaustive discussion with the grain industry. Industry representatives have been briefed on two occasions on departmental findings and have been provided with information which should help in their own decision-making process. This is an important decision for the industry; as well as the cost, providing for such large ships will preclude a multiplicity of ports with this capacity. As this is an important decision for the industry, a precise time for the decision cannot be given as it depends very much on the agreement of all parties.

(d) Port Adelaide inner harbor, Port Adelaide outer harbor, Wallaroo, Tickera. These ports have been considered as a spread of possibilities adjacent to the main grain growing areas. Port Lincoln is already capable of handling the largest grain ships and therefore can cater for large ships for grain in the Far West and the Eyre Peninsula.

(e) See above.

(f) This is dependent upon a decision being made.

(g) This is dependent upon a decision from the industry as a whole.

PEDESTRIAN ACTIVATED LIGHTS

320. **Mr BECKER** (on notice) asked the Minister of Transport: Will pedestrian activated crossing lights be installed on Marion Road, Plympton opposite Southern Cross Homes and, if so, why, when and what is the estimated cost?

The Hon. R.K. ABBOTT: Representations have been made for the installation of a pedestrian actuated crossing on Marion Road adjacent to the Southern Cross Homes for some considerable time by concerned members of Parliament, the Corporation of the City of West Torrens and others. A decision has now been taken to install the crossing. It is anticipated that it will be installed in the first half of 1985 at an approximate cost of $30 000.

SHOPPING CENTRES

323. **Hon. B.C. EASTICK** (on notice) asked the Minister of Housing and Construction: What are the locations of the nine shopping centres sold by the South Australian Housing Trust during 1982-83 and 1983-84?

The Hon. T.H. HEMMINGS: The locations of the nine shopping centres sold by the South Australian Housing Trust during 1982-83 and 1983-84 are:

176 Balmoral Road, Port Pirie,
55 Spruance Road, Elizabeth East,
Laffer Street, Nangwarry,
30 Woodyates Avenue, Salisbury North,
376 Grange Road, Kidman Park,
26 Mulcra Avenue, Park Holme,
1 Denham Avenue, Morphettville,
51 Harbrow Grove, Seacombe Gardens, and
240 Tapleys Hill Road, Seaton.