

LEGISLATIVE COUNCIL

Wednesday, October 29, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

CO-OPERATIVE TRAVEL SOCIETY

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Minister representing the Attorney-General.

Leave granted.

The Hon. R. C. DeGARIS: Last April you, Mr. President, as a floor member of this Council, raised questions about the need for an investigation into the affairs of the Co-operative Travel Society Limited. Since then, the Hon. John Burdett has asked several questions and, in desperation, after failing to receive answers to those questions, he finally moved an urgency motion in this Council. Over the last seven months, no answers have been given to questions directed to the Government, nor have answers been given to questions raised during the debate on the urgency motion. Yesterday the Hon. Mr. Burdett placed on notice questions relating to the society, and in this morning's newspaper the Attorney-General announced that he had ordered that a full investigation be made. I repeat that at this stage no questions that honourable members have asked the Government have been answered in this Chamber. Will the Minister representing the Attorney-General ask his colleague why questions directed to the Government over seven months on this matter have remained unanswered, and will the Minister convey to the Attorney-General that questions raised here should be replied to in this Council, not through the media? If the Attorney-General does not agree with that established custom, will he ensure, when he makes press releases and when he replies to questions through the media, that he refers to questions raised by honourable members in this Council?

The Hon. D. H. L. BANFIELD: I shall certainly refer the Leader's questions to my colleague. Because of the nature of the questions and answers concerning the travel society, it was not wise to give the matter publicity until certain steps had been taken. I point out that the matter was not first announced in this morning's newspaper following the Hon. Mr. Burdett's questions of yesterday: I believe the matter was referred to in yesterday's *News*. However, I agree that a number of questions on this subject have been raised over a period, and I will refer the Leader's questions of today to my colleague.

COUNCIL PROCEDURES

The Hon. C. M. HILL: I direct my question to you, Sir, and it refers to an article in this morning's *Advertiser* on the front page concerning the experimental procedure adopted in this Council yesterday. Under the heading "Manners make the M.L.C." one of the sentences is as follows—

The Hon. N. K. Foster: Have a look at the cartoon in today's *News*!

The Hon. C. M. HILL: The article in the *Advertiser* stated:

The Council adopted a procedure in which members who want to interject must first ask permission.

I ask if you would refute that statement and perhaps explain in simple terms the meaning of the resolution approved yesterday.

The PRESIDENT: The report in this morning's *Advertiser* was, I think, quite misleading. It was obvious to me that the reporter had misunderstood the purport of what the Council adopted yesterday. The position is, of course, that I do not wish completely to prevent interjections. Interjections add to the spice of a debate.

The Hon. N. K. Foster: Hear, hear!

The PRESIDENT: I have been impressed, sitting here over recent weeks, with the number of occasions when honourable members (and this applies to both sides of the House) have, by means of repeated interjections, persistent interjections, tried to make a point. This is a procedure which will no longer have to continue. There will now be, for an experimental period, an alternative procedure to that kind of conduct. I also want to point out, perhaps in answer to the matter raised by one or two honourable members yesterday, that this is not mandatory, it is permissive. Honourable members can use this procedure if they wish—maybe they can even abuse the procedure if they try, but I will endeavour to stop that sort of thing.

HOMOSEXUALS

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, as the Leader of the Government in this Council.

Leave granted.

The Hon. J. C. BURDETT: I refer to the recent statements made by the Attorney-General relating to entry of homosexuals into schools. There have been conflicting statements. There was the Ministerial statement made yesterday by the Attorney-General saying that he had not said that he would favour homosexuals going into schools, but that he did not oppose it in certain circumstances. The report made on the A.B.C. radio and television news was to the effect that the Attorney-General did favour homosexuals going into schools in certain circumstances, and because of this my questions are these: will the Government inquire from the A.B.C. whether there is a tape of the interview between the Attorney-General and the A.B.C. reporter, or is there any other record of the interview? If so, will the record be made available to members of this Council?

The Hon. D. H. L. BANFIELD: The position is that, if there is any record made by the A.B.C., it is the property of the A.B.C. It will be in their hands and it is up to them whether they want to let it out. I suggest that any honourable member can approach the A.B.C. and ask them for such a record. It has been done in the past where people have gone to the A.B.C., or any other station, and asked for transcripts. I assume it can be done in this regard.

The Hon. J. C. BURDETT: It may be so, that any member can approach the A.B.C. Of course he can, but I suggest that in these circumstances it is the Government that should go to the A.B.C. This matter should be cleared up. The Government would have much more authority with the A.B.C. than would a private member. I stress this question: Will the Government go to the A.B.C., and will it ask for any tapes and records?

The Hon. D. H. L. BANFIELD: So far as I am concerned, I will refer the honourable member's question to the Government. However, let me tell the honourable member what my position will be. The Government has faith in what the Attorney has said.

The Hon. J. C. Burdett: Why not check it up?

The Hon. D. H. L. BANFIELD: We will not chase something to back up something that we already believe. Let me make the position clear. Every honourable member in this place knows that at some time he has been misreported. We have the greatest confidence in the Attorney, and a vote of no confidence in him that was moved yesterday in another place was not carried. We have just as much faith as ever in the Attorney-General, because we have heard his explanation. The explanation has been given to Parliament, both here and in another place. I advise honourable members that this is my attitude. However, I am willing to draw the attention of the Government to the honourable member's question.

The Hon. C. M. Hill: And bring back a reply?

The Hon. D. H. L. BANFIELD: I did not say that I would bring back a reply.

The Hon. J. A. CARNIE: I seek leave to make a personal explanation.

Leave granted.

The Hon. J. A. CARNIE: Last evening, on the A.B.C. programme *This Day Tonight*, Dr. David Tonkin was interviewed concerning the no-confidence motion moved in another place yesterday against the Attorney-General. During the course of the interview, reference was made to the fact that Mr. Millhouse had mentioned his intention to move amendments to the Education Act so as to prevent homosexuals promoting their life-style in schools. Dr. Tonkin accused the Liberal Movement of doing an "about face" on this matter, and instanced the fact that the Hon. Mr. Cameron and I did not support the Hon. Mr. Burdett's amendments to Mr. Duncan's Bill. We have not altered our views on this matter.

We opposed the Hon. Mr. Burdett's amendments for two reasons. First, we were assured by Mr. Duncan that he meant what he said during his second reading explanation on the Bill when he said, "Suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way." He did not qualify this statement, but he has now admitted, both publicly and to me privately, that he does believe that homosexuals should be allowed to speak to social studies or similar classes. There is now no doubt in my mind that he said what he did to ensure the passage of the Bill. The second reason is that, while we agreed with the aim of the amendments we believed, and we still do believe, that such amendments should not be in the Criminal Law Consolidation Act, but in the Education Act, and it is this Act which Mr. Millhouse proposes to amend.

SUPPLY

The Hon. F. T. BLEVINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. F. T. BLEVINS: The Council is aware of certain events that have taken place in Canberra, especially during the past couple of weeks, involving the precedent in respect of the deferral of Supply and the disastrous consequences which could result and with which Australia could be faced as a result of this terrible act. Can the Minister tell the Council of the likely consequences to South Australia's rural industry as a result of the actions of Liberal Party Senators who have voted to continue to defer Supply?

The Hon. B. A. CHATTERTON: Two areas are of great concern to us. I refer first to the inspection services provided by the Australian Agriculture Department at the

export abattoirs. If Supply is continued to be deferred and money is not available to pay inspectors, the export of meat will have to cease as overseas countries will not accept meat from South Australia which has not been inspected by Australian Agriculture Department inspectors. This would be most unfortunate, especially in the light of the slight upturn that has taken place in export markets and the increased amount of meat that is being exported to the United States, at least in the short term. The second area of concern is in relation to quarantine services, but I believe that in this area most quarantine services are conducted by the South Australian department, although the funds are provided by the Australian Government. I believe that we could be able to continue these quarantine services, at least for a while. It is the export inspection that is of the greatest concern.

TRADE UNIONISM

The Hon. A. M. WHYTE: I understand the Minister of Agriculture has a reply from his colleague, the Minister of Education, regarding the inclusion of trade unionism in the school curriculum.

The Hon. B. A. CHATTERTON: My colleague, the Minister of Education, informs me that no official correspondence has yet taken place between the Australian Council of Trade Unions and the Education Department concerning the possible content of lessons about trade unionism in Australia. If the topic were introduced into the primary school courses, it would be treated as part of social studies and, as there is already a choice of topics in this course, this practice would most likely continue. Therefore, there would be no guarantee that all children would study the topic. Generally, trade unionism is considered to be a topic more appropriate for detailed study at secondary level rather than cursory examination at primary level and teachers of social studies and history would be qualified to handle the course in this way.

HORWOOD BAGSHAW LIMITED

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to directing a question to the Chief Secretary, representing the Premier.

Leave granted.

The Hon. R. A. GEDDES: Honourable members will note with surprise a statement in this morning's press that Horwood Bagshaw Limited is closing its Mile End plant. The management states that it is hoped that as many of its employees as possible will be taken on at its Edwardstown or Mannum plant. As so many hands have been working for Horwood Bagshaw over a number of years and have their own homes in the metropolitan area, they may be loath to sell them and move to Mannum. Will the Premier's Department do everything possible to ensure that those employees of Horwood Bagshaw who are unable to move to Mannum will be found suitable employment at Edwardstown?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

NITROGEN BOUNTY

The Hon. J. R. CORNWALL: I direct my question to the Minister of Agriculture. I understand the Industries Assistance Commission released details today of its recommendation concerning nitrogen fertiliser. The recommendation is that the nitrogen fertiliser bounty be phased out over three years. Considering the Minister's involvement in the many I.A.C. submissions in the last 12 months, could he comment on how this recommendation, if adopted,

would affect farmers in South Australia? Could he also indicate what effect it would have on the price of nitrogen fertilisers in South Australia?

The Hon. B. A. CHATTERTON: Of course, it is only a recommendation from the Industries Assistance Commission, and it was released, I think, this morning. I saw a report of it only in today's newspaper, but the Australian Government will have to consider whether or not it will be adopting it. As far as South Australia is concerned, it will not be of great importance as not much nitrogen fertiliser is used in South Australian agriculture. Most of our cropping depends on legume nitrogen supplied by legume plants, and the use of nitrogen fertiliser is mostly in Queensland, for the sugar industry there. I think the recommendation of the I.A.C. that the nitrogen fertiliser bounty be phased out over three years is sensible; it gives producers an opportunity to consider whether the returns from the crop they are producing from nitrogen fertilisers are great enough to cover increased costs. These increased costs, as far as I can work out, are that, if these recommendations are adopted, the price of sulphate of ammonia, which contains 21 per cent nitrogen, will be increased by \$16.50 a tonne to \$106. The price of urea, which contains 46 per cent nitrogen, will be increased by \$36.20 to about \$171 a tonne.

MURRAY RIVER HOUSEBOATS

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. C. M. HILL: I am informed that the present houseboat interests in the Upper Murray River region have enjoyed heavy bookings for the summer season. I understand that the South Australian Government Tourist Bureau acts as a booking agent for these people and has successfully completed such booking arrangements. Following the announcements of a pending high river, proprietors of the boats are fearful that cancellations will result, based on fears of danger involved when floods occur. I have been told that such fears are unfounded and that the public should be advised accordingly in the interests of this section of the tourist industry. Will the Minister ascertain the opinion of his Director on this subject, and will either he or the Director then make some public announcement regarding safety and any other relevant matters, so that prospective tourists and visitors can be reliably informed of what the true position will be during the coming months in the Riverland area?

The Hon. T. M. CASEY: I shall be happy to comply with the honourable members request.

MOTOR VEHICLE HEADLIGHTS

The Hon. R. A. GEDDES: Has the Minister of Lands a reply to the question I asked some time ago regarding motor vehicle headlights?

The Hon. T. M. CASEY: South Australian legislation permits two sets of headlamps on motor vehicles. The second set is known as alternative or driving lights, and it is common for motorists to fit quartz iodide type lamps as this second set. These lamps, when fitted, must be so wired as to be capable of either being dipped or switched off when the dipping device, connected to the standard headlamps, is activated to the dipped position. As quartz iodide driving lights are an after-market accessory rather than original equipment, the phasing can be carried out only by the person fitting the lights. Consequently, the owner

or the driver of a vehicle is responsible for correctly focusing the lights. A requirement that the distributor includes, as part of the sale, instructions for focusing these lights is a matter that would need to be taken up with the Commissioner for Prices and Consumer Affairs.

WORKMEN'S COMPENSATION

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to addressing a question to the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. R. C. DeGARIS: I have raised this matter with the Government previously, but many reports coming in from small industries indicate the tremendous difficulties they are facing following changes to the Workmen's Compensation Act. One case was brought to my notice this morning in which a small sawmilling concern with 11 employees in the Naracoorte district has to meet a workmen's compensation bill of \$22 000 a year. This is probably sufficient, I believe, on the investigation I have made, to force the closure of that small industry. Will the Minister draw to the attention of the Minister of Labour and Industry the difficulties faced by these small decentralised industries with the heavy workmen's compensation premiums that have been thrust upon them?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague and bring down a reply.

SPELD

The Hon. J. R. CORNWALL: I seek leave to make a short statement before directing a question to the Leader of the Government in this place.

Leave granted.

The Hon. J. R. CORNWALL: An article in this morning's *Advertiser* claims that SPELD may have to close its doors because of lack of support. The article states that the South Australian Government's contribution to this organisation is only \$500 a year. Can the Minister say whether that is correct?

The Hon. D. H. L. BANFIELD: I, too, was concerned about the report. As a matter of fact, an item in *This Day Tonight* claimed that the Government was giving only \$500 to SPELD which, incidentally, is doing a very good job in the community. In the Estimates passed on September 16, the Government granted \$5 000 to this organisation. So, it would appear that there has been a breakdown in communications, because I am certain that officers of SPELD would not be making these comments if they were aware of what the Government was really doing. The Government appreciates what SPELD is doing and has shown its appreciation by increasing the grant from \$500 in previous years to \$5 000 this year. We will be informing SPELD as soon as possible of the grant provided by the Government.

MURRAY RIVER FLOODING

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: It appears that the Minister of Works is concerned that there may be problems resulting from an extremely high river. I think the words used were "the highest flood since 1931". I have received a communication from people on the flats at Jervois where there are large areas devoted to dairy farming. If there is a high flood, those people will face the same problems as

they did in 1956, when the flats were under water. Will the Minister ascertain whether such a situation is likely to occur this year and, if it is, is he making any contingency plans for the provision of stock feed, which was the greatest single problem during the previous flood?

The Hon. T. M. CASEY: I assure the honourable member that all these matters are being considered right now. What we learnt from the 1956 flood will be very helpful to my departmental officers in handling the situation this year. Discussions I had this morning with the Acting Director were along the lines indicated by the honourable member. All these matters will be considered in greater detail when we know exactly what the situation will be. At present there is a great deal of supposition. We must expect that the flood will be substantial and, therefore, all precautions must be considered.

CATTLE

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my recent question about John's disease?

The Hon. B. A. CHATTERTON: I have studied the departmental report on the recent outbreak of John's disease in South Australia and, while the report confirms much of what the honourable member said about the economic effects of the disease, no specific reference is made to the need for closer liaison with Victorian authorities on quarantine procedures. However, I have asked the Acting Director of Agriculture and Fisheries to comment on this matter and I will bring down a further reply in due course.

LAND VALUATIONS

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question about land valuations?

The Hon. D. H. L. BANFIELD: The honourable member in his question has not referred to any specific properties for which the Valuer-General has determined an unimproved value in excess of present-day market values. There are a number of such cases, but the explanation in each case would depend on the particular circumstances of that case. It is not a new thing for a valuation to exceed the subsequent sale figure for the particular property, and for this and other reasons the Valuation of Land Act contains provisions to enable landowners to object to the Valuer-General's valuation, should they so desire. From time to time the Valuer-General has arranged for his officers to discuss the matter of unimproved values with landowners, and recently two officers of the department addressed a public meeting at Millicent in this regard. If the honourable member requires further information regarding a specific property, the Valuer-General will, on production of detailed information, investigate the reasons for the unimproved value being in excess of recent sales evidence.

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Minister representing the Treasurer.

Leave granted.

The Hon. R. C. DeGARIS: In some districts, land was reclaimed and brought into production after being under water. The drainage was undertaken and paid for by the people concerned. In other areas, however, the Government itself constructed the drainage system. Has the Valuation Department taken into account these two factors in assessing the unimproved value?

The Hon. D. H. L. BANFIELD: I will seek a report for the Leader.

FRUIT AND VEGETABLE MARKET

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: There is a growing fear among fruitgrowers and market gardeners that the Government is considering legislation that will restrict the producers' traditional and accepted means of marketing produce. It is thought that the rumoured legislation will give special advantage to the middle man in the form of monopoly, and that producers will be compelled to wholesale their fruit and vegetables through a relatively small group of approved merchants. Is the Government considering such legislation, or has the Minister any legislation in mind that would alter the present wholesale marketing practices?

The Hon. B. A. CHATTERTON: I think what the honourable member is referring to is the topic raised yesterday—the relocation of the East End Market. Because of the very high cost of building a new market, consideration has been given to the question of whether the new market should be restricted to agencies only; I think that is what the honourable member is referring to. This was considered only because of the cost of building a new market large enough to accommodate the agents as well as the growers. I do not support the view that has been referred to. I believe that the growers should have the opportunity of marketing their own produce in the way they have in the past. I make this proviso, however: again, the question of cost is involved. There may be a need to restrict the number of growers' stands. The new location of the market would inevitably lead to higher rents, and this may naturally restrict the number of growers who wish to use the market. If this is not the case, there may be a need to have some system of priorities or allocation of stands to groups of growers or small marketing co-operatives. If all the growers who presently use the market were allocated stands, the cost of the new market would be astronomical. At present about 450 growers use the present market, and the cost of 450 stands in the new market would be disproportionate to the value that the growers received from the service. The principle involved (that the growers have the right to market their own produce) is important, and I support it.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

Adjourned debate on second reading.

(Continued from October 28. Page 1435.)

The Hon. J. A. CARNIE: There have been many comments recently, by means of letters to the Editor and comments by the Opposition, both State and Federal, that the Liberal Movement appears to have become Labor oriented, or a supporter of Labor. It has been said so much that I have almost come to believe that we should vote with the Government more than we do and that we should support this Bill.

The Hon. N. K. Foster: It won't cost you much.

The Hon. J. A. CARNIE: The side one takes on this Bill depends entirely on whether one believes in the bicameral system and on whether, if one does so, one believes that the Upper House should come under the control of any political Party machine. If one does believe in the Upper House and believes that its role is that of a House of Review, one must also believe that the method of election for that Upper House should be, as far as

possible, different from the method of election for the House of Assembly. As has so often been said (I myself have said it in this place and outside) it would serve no purpose whatever if the Legislative Council were simply a duplication of the House of Assembly and rubber stamped legislation.

Until recently the differences in the method of election between this council and the other place involved a restricted franchise for the Legislative Council, different boundaries, multi-member electorates, proportional representation and a six-year term, with half the number of members in the Upper House coming out every three years. The grossly unfair system of restricted franchise has at last been removed. While there have been alterations to the differences involving different boundaries, multi-member electorates and proportional representation, those differences still exist.

The Opposition says that there must be differences between the methods of election for the two Houses, yet many members, both in this place and in the other place, advocate multi-member electorates and proportional representation for the House of Assembly. This is not retaining the differences between the two State Chambers; in fact it is bringing them closer together. The argument has been put forward that Parliament should represent all shades of opinion or as many shades of opinion as is practicable. I believe that the present system is good, with single-member House of Assembly districts and proportional representation in the Upper House. This surely affords the opportunity of representing many shades of opinion. Particularly in view of the statements made by people that they believe there should be as great a difference as possible, I find it hard to reconcile the promotion of an electoral system for the House of Assembly that will bring the two Houses closer together.

I believe no moves should be made to bring the House of Assembly closer to the Legislative Council by providing for multi-member electorates and proportional representation. It is unnecessary and ill-advised. Having stated that it is essential to retain as many differences as possible, I oppose this Bill. If an Upper House is to be subjected to the whims of any political Party that may think, correctly or otherwise, that it has a temporary advantage in the electorate, it will remove—

The Hon. C. J. SUMNER: That is what they are doing in Canberra.

The Hon. J. A. CARNIE: I will come to that in a moment. It will remove the independence that a House of Review must have if it is to function correctly. I am speaking here not of an Upper House forcing an election but of a Government in the Lower House deciding to call one. This raises the question of the powers of an Upper House. I do not believe that any Upper House should be able to reject or defer money Bills to prevent a Government from running its full term. I do not want to canvass events in Canberra at any length, for I think the public and the press are becoming bored with what is going on.

The Hon. Mr. DeGaris referred to my Address in Reply speech, and I also wish to refer to it. Members will have seen a statement in the press last week made by Sir Robert Menzies, supporting, in effect, what the Senate Opposition is doing in Canberra at the moment. In my Address in Reply speech, I quoted Sir Robert Menzies' statement made on March 11, 1968, and I should like to quote it again. He was referring to the Senate, but his words are applicable to any Upper House. He said:

It would be a falsification of democracy if, on any matter of Government policy approved by the House of Representatives, possibly by a large majority, the Senate could reverse the decision . . . Otherwise, a Senate Opposition whose Party had just been completely defeated at a general election would be in command of the Upper House of a nation. This would be absurd as a denial of popular democracy.

I agree with what Sir Robert Menzies said in 1968. I do not agree with what he said last week.

The Hon. N. K. Foster: Have a look at what he said in 1955 about the Petrov affair.

The Hon. J. A. CARNIE: I accept that the Legislative Council could have some changes or reform. I have mentioned here today the rejection or otherwise of money Bills. In my Address in Reply speech, I mentioned an investigatory committee system, and I still believe that the role of an Upper House could come to this.

The Hon. C. J. SUMNER: Will the honourable member give way.

The Hon. J. A. CARNIE: No, I am sorry; I have almost finished, and the Hon. Mr. Sumner will have his opportunity later on.

The Hon. C. J. SUMNER: Don't you agree with the new system?

The Hon. N. K. Foster: Don't be silly, he voted for it.

The Hon. J. A. CARNIE: I am firmly convinced of the important role the Legislative Council plays, and I believe it is vital that the bicameral system be retained. The Hon. Mr. DeGaris, in his speech, quoted John Stuart Mill in his reference to the Upper House as a House of Review. As the Hon. Mr. DeGaris said, any debate on an Upper House will almost certainly include this quote. I do not intend to repeat it but I entirely agree with what John Stuart Mill said. I believe that how members vote on this Bill will indicate whether they support the principle of an Upper House or believe in its abolition.

The Hon. N. K. Foster: Hear, hear! It should go. A drag on the public purse.

The Hon. J. A. CARNIE: I have no objection to Government members being honest about this. If, like me, members believe in the vital role the Legislative Council plays, they also believe that there must be the widest difference possible in the method of election. This Bill is designed to do away with one of these vital differences, and for that reason I oppose the Bill.

The Hon. C. M. HILL secured the adjournment of the debate.

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1436.)

The Hon. J. A. CARNIE: This Bill deals with the granting of proposed additional powers to the Monarto Development Commission. However, I believe that discussion on this Bill must go wider than that, as it must involve the whole question of Monarto itself. The Hon. Mr. Hill in his speech said that his comments were not intended to be any sort of reflection on members of the commission. I agree with that. The position in which members of the commission's staff find themselves is no fault of their own: it is the fault of the Government, which has pigheadedly proceeded, against all advice to the contrary, with the development of Monarto.

I cannot understand this attitude, unless it results from some insane desire of the Premier to leave his mark for posterity. I believe that a city must be self-generating and must grow of its own volition. I do not believe it

is possible to say that we will build a city in one location and hope that industry and the supporting services necessary for generating the growth of a city will follow. The Government has tried to justify Monarto by saying that part of the Public Service will be transferred there. From the information I received yesterday in reply to a question, it is obvious that the Government still intends to transfer sections of the Public Service to Monarto, whether or not public servants wish to go there, and I believe that few public servants do.

Various amendments to this Bill have been foreshadowed. Although I have not yet fully read them, I will oppose the second reading of the Bill. I am opposed to Monarto as a concept, and I always have been. Even though we must accept the fact that the Government has established the Monarto Development Commission, the Government itself should face the fact that even its Canberra colleagues will not support the growth of Monarto. This was shown in the last Commonwealth Budget. True, it has not yet been passed and it is having a somewhat stormy passage in Canberra but, nevertheless, the Commonwealth Government does not believe that Monarto is a going concern, and it has refused funds to the State Government for this purpose.

I believe that the Government should accept the inevitable, cut its losses and disband the commission at this stage, instead of proceeding and asking Parliament to give the commission additional powers so that it can work outside its original concept. For this reason I oppose the Bill. Another reason is that currently in South Australia (and the Hon. Mr. Laidlaw made this point yesterday) we have many consultant firms whose business is in the area in which it is intended the commission will work. I do not know the economics of the situation involving these companies, but I believe that South Australia's economy is such that we cannot put into an already over-crowded market another group, however much expertise it has, especially if that group obtains special consideration because it is a Government body. The Hon. Mr. Laidlaw has foreshadowed amendments dealing with this matter. However, I would not like to see the debate even reach the stage of our considering amendments, because I believe the Government should face the facts and disband the commission. I oppose the Bill.

The Hon. J. C. BURDETT: I oppose the second reading of the Bill, because I believe it is wrong in principle. The Monarto commission is surely designed to advance the development of Monarto, and not for any other reason. I cannot support its being used for any other purpose. If the development of Monarto is to be de-escalated, surely the commission should be de-escalated, too.

The Hon. M. B. Cameron: As private industry is being de-escalated?

The Hon. J. C. BURDETT: Yes. If that means there has to be a reduction in the personnel of the commission, that is what has to be done.

The Hon. N. K. Foster: What about the Snowy Mountains Authority?

The Hon. J. C. BURDETT: I am supposed to be speaking. I am talking about Monarto.

The Hon. N. K. Foster: That is the parallel.

The Hon. J. C. BURDETT: To me, there are no parallels. In talking about Monarto, one is not talking about the Snowy Mountains. I intend to speak briefly on this Bill, because I agree with all of the statements that have been made from this side of the Council.

The PRESIDENT: Order! The conversation of the Hon. Mr. Foster is audible all over the Chamber. The Hon. Mr. Burdett has the floor.

The Hon. J. C. BURDETT: I associate myself especially with remarks made by the Hon. Mr. Hill, when he set out in detail the various aspects of the application of this Bill, and I do not now intend to repeat them. I will oppose the second reading of the Bill but, if the second reading does pass, I believe that there should be a time limit on the Bill.

The Hon. N. K. Foster: What sort of time limit?

The Hon. J. C. BURDETT: December 31, 1976, would be a reasonable time. If the Government asks Parliament to extend the powers of the commission, it is reasonable that Parliament should agree to that request subject to a time limit. Then, if the Government wants the time limit extended, it must again come back to Parliament. If the Bill does reach the Committee stage, I intend to move amendments along these lines, and will give favourable consideration to any other amendments that may be moved to limit the power of the commission beyond its original powers. The only powers that Parliament gave the commission were in regard to developing Monarto: nothing else. They were the only powers in the original Bill; there were no other powers at all, and we are now being asked to extend the commission's powers to let it operate elsewhere. If the commission is to be allowed to operate elsewhere, it is reasonable to ask that the power for it to work outside the area of the original legislation be limited in terms of time, in terms of where it can go, and in similar aspects. In any event, whilst I will move amendments along the lines I have indicated if the Bill does reach the Committee stage, I oppose the second reading.

The Hon. N. K. FOSTER: If I appear to have got up from my seat somewhat reluctantly on this occasion it is because I thought that, if honourable members opposite were going to oppose the Bill, they should give some sound opposition instead of merely standing up and saying, "It was not originally intended to go beyond its terms of reference." We should consider the real intent of the Monarto scheme and the passage of this Bill through both Houses, and we should consider also some short-term changes that have come about, some changed circumstances that have occurred. Changes have occurred all over the Commonwealth, be it this false god of Liberalism—free enterprise—or a Government undertaking. The Snowy Mountains authority fulfilled its contract. Incidentally, I remind honourable members opposite that the bulk of that work (and it was a scheme initiated by a Commonwealth Labor Government) was carried out by those people whom honourable members opposite regard in the community and business circles as the pinnacles of their idealism—free enterprise.

The Hon. J. C. BURDETT: I ask the honourable member to give way.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: No, no way in the world; you get a copy of the newspaper and read about it. The fact is that the Snowy Mountains authority had completed its task. South Australia, under a Liberal Government, never got its just dues from the hydro-electric scheme. We were sold a bucket of saline water and got no power as a result of being under the Playford Government. The Monarto Development Commission is in a similar situation, although rather through changed circumstances than through the completion of a

project over a period of some 20 years. What was to become of the Snowy Mountains authority and all that great engineering complex that was put together to carry out that undertaking?

The Hon. J. C. Burdett: It had been completed.

The Hon. N. K. FOSTER: I do not think that Tumut 5 had been completed. No, not Tumut 5; I cannot think of the name of the project, but it was the last part of the hydro-electric scheme, the really big one at Talbinga. It had not been completed when legislation was put before the Commonwealth Parliament. May I remind honourable members of the political persuasion of that Government that introduced the Snowy Mountains Engineering Corporation: it was a Liberal-Country Party Government. I am trying to get through the honourable member's head, whether it is thick or thin, the fact that here we have a similar situation. The hydro-electric scheme had not been completed but legislation was enacted in the Commonwealth Parliament (it was passed through both Houses of that Parliament) to set up a corporation. That legislation enabled the corporation to do other work, even before the hydro-electric scheme had been completed. Under the terms of the legislation, the corporation was allowed to design, plan, and construct projects throughout Australia and in other parts of the world, such as Indonesia and Malaysia.

The Hon. J. A. Carnie: But what about Monarto?

The Hon. N. K. FOSTER: I am not sending Monarto into oblivion, as the honourable member wants me to, or advocating that the commission should seek projects overseas, but I make the comparison for the benefit of those honourable members who will not recognise that the Snowy Mountains Engineering Corporation was given the right to design, plan and construct on behalf of State Governments, local government and private industry, and it was also to undertake projects overseas. Although honourable members opposite are adhering to the Liberal philosophy that we must not make any errors in the legislative sense, why are the Liberals knocking this? The scheme came into being initially because of mistakes made by the Liberal Government in this State over many years when it failed to provide adequate housing for the people or schooling facilities for the children because it did not recognise the population explosion that took place in the early post-war years and their needs.

The Hon. C. M. Hill: We have a better record than you have on that.

The Hon. N. K. FOSTER: No, you have not. You went crook in this Council the other day about a plan involving Malaysia. You should have been honest about it and said that a previous Premier of this State was responsible for importing from the Scandinavian countries (Sweden mainly) in 1950 (and I commend the Government of the day for doing it) thousands of prefabricated houses into this State.

The Hon. C. M. HILL: I ask the honourable member to give way.

The PRESIDENT: Will the honourable member give way?

The Hon. N. K. FOSTER: No.

The Hon. C. M. Hill: It was a time of full employment.

The Hon. N. K. FOSTER: It was a time of the highest post-war inflation that any country had experienced. You should do some homework, Mr. Hill, because you have a bad memory; but let me return to the Bill. You jumped on a report of Professor Borrie and teamed up with Dean Brown, saying that there was no need for Monarto, and playing handy-pandy with someone in a certain State Government department.

The Hon. J. C. Burdett: Who was it?

The Hon. N. K. FOSTER: You ought to know. So the fact is that there is no immediate necessity to plan or commence building in Monarto.

The Hon. C. M. Hill: Hear, hear!

The Hon. N. K. FOSTER: But you would never have been able to put up any alternative other than to say that the suburbs should stretch as far as Victor Harbor.

The Hon. C. M. Hill: No, we don't say that at all.

The Hon. N. K. FOSTER: You say that the existing so-called growth areas should go into the near country and the border areas. Was this your thinking in the mid-1950's when you put Elizabeth on the map?

The Hon. M. B. Cameron: Why don't you take an aspirin?

The Hon. N. K. FOSTER: An amount of expertise has been gathered together under this authority, and only a few weeks ago the young members of the Liberal Movement asked someone from the authority to speak to them one evening. They questioned him and asked what was wrong with Millhouse in opposing Monarto. This State wants to keep together and maintain this very fine organisation, because it will be required in the future.

The Hon. M. B. Cameron: What for?

The Hon. N. K. FOSTER: For housing and development.

The Hon. M. B. Cameron: Where?

The Hon. N. K. FOSTER: You fellows may have your parochial attitude. If anyone in Mount Gambier thinks that we should spend millions of dollars there to improve the growth rate, he should go to Gladstone in Queensland and see what development has done there. The purpose of this Bill is to retain the expertise of the authority. In the meantime, it is available, under the terms of the Bill, for certain areas of work in Australia. All that honourable members opposite have done is to seize on the fact that the Darwin Reconstruction Commission does not want the Monarto Development Commission. I refer members to an article that appeared in the *Advertiser* a few days ago under the name of Bernard Boucher; it is a very good article. I do not often praise the *Advertiser* but on this occasion the reporter had done his homework and had come up with a good report. The position is not as bad as many people are trying to paint it. Why do not members opposite move an amendment to kill this for ever and a day?

The Hon. C. J. Sumner: They are voting against the second reading.

The Hon. N. K. FOSTER: But that does not mean the commission is going out of business. These people should have the guts of their convictions. They should get up here and blow it completely. They have done it in the past, but perhaps they are too frightened to do it now that the numbers are not 14 to 6. All that is being done is to retain this for the benefit of the young people of the community who, sooner or later, will be requiring land. There is a fellow in the other House, the member for Heysen. Members opposite should read his maiden speech. Those who have driven over the freeway to the Hahndorf area, as far as the freeway now extends, have seen the wholesale selling-up and splitting-up of some of the prime land in this State for dairying, for beef production, and so on, in close proximity to this city. It is being chopped up into blocks of 2 hectares, 4 ha or 20 ha. About 160 ha of land is being sold in lots of up to 16 ha. That land will be taken out of production, and a subsequent measure to be introduced by the Government will deal with that matter. This State

can no longer afford the luxury of covering with cement, bricks, and mortar its scant resources of damn good agricultural land.

The Hon. J. C. Burdett: Who is doing that?

The Hon. N. K. FOSTER: People have smothered Smithfield and Salisbury Plains, some of the most productive land in the near-city area.

The Hon. J. C. Burdett: Who is doing that?

The Hon. N. K. FOSTER: The honourable member should support the Bill that will come before this Chamber to stop it. People of his political Party allowed it to happen. The Hon. Mr. Hill argued with me recently that we should never have retrospectivity in relation to planning. That is hogwash. Even 100 years ago towns such as Orroroo and Pinnaroo (and any other "roo" you can think of) had town blocks and township land. The rights of this Government in relation to town planning are being defied because people opposite do not want to indulge in retrospectivity.

Take, for example, a plan to cut up 400 ha at Mount Barker for smaller settlement: there should be a power of retrospectivity to prevent that happening if the owners intend in five years, 10 years, or 15 years time to sell land. This land at Monarto has been bought: it is there for the future use of the people. It does not matter a damn if it is not used until the year 2020. It will be there. This will not be like Sydney or Melbourne. The land will be there for the people because it is set aside for that purpose, yet members in this place want to argue and harangue over what is going to happen to a few dozen expert employees who will be lost, perhaps, if this is not agreed to.

The Hon. C. M. Hill: It costs \$1 000 000 a year.

The Hon. N. K. FOSTER: And \$1 000 000 is nothing. *Members interjecting:*

The Hon. N. K. FOSTER: I will qualify that and wipe the mirth off the honourable member's face, if he has a grain of common sense.

The Hon. M. B. Cameron: You spent too long in federal politics.

The Hon. N. K. FOSTER: You people spent many bloody millions in Vietnam.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Excuse my expression.

The PRESIDENT: The honourable member is using unparliamentary language. He is not on a soapbox on a corner of the street, but addressing the Upper House in this Parliament.

The Hon. N. K. FOSTER: For God's sake!

The PRESIDENT: I will ask him to moderate his language.

The Hon. N. K. FOSTER: I will do that, but democracy is on the corner of that street more than in this Chamber, with all due respect. Do not let anyone in this Chamber forget that there is more democracy on the corner of that street than in this Parliament.

The Hon. C. M. Hill: Don't you realise that the people out there send us here?

The Hon. N. K. FOSTER: I thought the Hon. Mr. Hill said we were here with less than the popular vote.

The Hon. C. M. Hill: I deny having said that.

The Hon. N. K. FOSTER: Let us get down to the matter of the \$1 000 000. The point I make is that \$1 000 000 does not mean everything in the way Governments (other than Labor Governments) have squandered money in the Federal sphere. I have the right to mention that matter because of the interjection from an Opposition

member. Members opposite do not give a damn how much money is squandered when it suits them, but I put it to them quite frankly that, if they had sons or daughters, and if they purchased land at \$5 000, \$10 000, \$15 000, or \$25 000 when their children were kids, and teenagers, and said that this would be for the children when they wanted it, would they, as parents, consider this was squandering money? It is the duty of a responsible Government to ensure that those who want a commodity and who are entitled to resources should be able to secure them.

The Hon. J. C. BURDETT: Mr. President—

The Hon. N. K. FOSTER: The honourable member can sit down.

The Hon. J. C. BURDETT: I ask the honourable member to give way.

The Hon. N. K. FOSTER: No way. I had in fact resumed my seat, but, to make the point that I will not give way, let me reiterate that this is money well spent. Members opposite can cackle as much as they like. If an individual wants to provide land for his children in the future that is very good; if a State Government acquires the land in the interests of citizens who will need it in the future, and delay because of changed circumstances for a period of three years, four years, or five years, that is good business.

The Hon. M. B. CAMERON: What an incredible diatribe we have just heard. We wandered all over Australia and ended up in Malaysia—everywhere but Monarto. The honourable member said something about covering the good soil of this State with buildings. Just what is going to happen at Monarto? Is it true that Jervois is to be converted back to swamp as a play place for Monarto? Are we going to have exactly the same thing? We talk about Monarto, but what are the effects of putting a semi-city in such a dry location? What will be the water rates in such an area? Would the honourable member agree with an article I saw, expressing the view that the gardens there will be of the Mediterranean type, filled with cacti? People will not want to come home drunk, or they will be in a lot of trouble.

The Hon. C. J. Sumner: What about the native trees?

The Hon. M. B. CAMERON: What about the people in the houses, if the heat is as we are led to believe it will be? Think of the air-conditioning that will be needed. Water rates and electricity rates will be almost double those in the metropolitan area. What about the effects of Monarto on the freeway?

The Hon. N. K. Foster: What about—

The Hon. M. B. CAMERON: You shut up. You have had your say.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: On a point of order, Mr. President, that is not Parliamentary.

The PRESIDENT: No, it is not.

The Hon. M. B. CAMERON: I will withdraw "shut up". Keep quiet. What about the effects on the freeway? People in the south of this State export goods to the Eastern States and they want to use the freeway. They had hoped that when it was completed it would be a good thing. Local government has been starved to build it—

The Hon. N. K. Foster: That is not—

The Hon. M. B. CAMERON: That was the reason given by the Minister. Local government has been starved of funds in order to build the freeway. Now the freeway is to be cluttered up with commuter traffic to and from a half-baked semi-city. It is absolutely useless. Then there

is the question of \$1 000 000. The Hon. Mr. Foster suggested that \$1 000 000 a year is nothing. The sooner we have a new Administration in this State the better. It is obvious that the honourable member has the Federal disease in this connection. An allocation of \$1 000 000 a year will not stay at that level. I cannot imagine anyone wanting the Monarto Development Commission, despite its expertise. The one thing Darwin does not want is more experts. People in Darwin are proceeding without experts, because that is the only way they will get anywhere. The honourable member said that, if we do not use Monarto until the year 2020, it will not matter. Does this Bill mean that we will not use Monarto until the year 2020? Is that when we will finally need the commission at Monarto? The honourable member dragged the whole debate away from the actual issue: is Monarto necessary?

The Hon. C. J. SUMNER: Will the honourable member give way?

The Hon. M. B. CAMERON: No; I certainly will not. Monarto is finished. I do not believe that the State Government is genuine. Certainly the Commonwealth Government has put the power of veto over Monarto. I do not believe that Monarto was a good concept in the first place.

The Hon. C. J. SUMNER: Will the honourable member give way?

The Hon. M. B. CAMERON: Yes.

The Hon. C. J. SUMNER: If the honourable member does not believe that Monarto was a good concept, what would he have done?

The Hon. M. B. CAMERON: The honourable member will know that the redevelopment of the metropolitan area would cover most of the growth rate in this State. If there is to be a growth centre, it should be a growth centre—not a semi-part of the city.

The Hon. C. J. SUMNER: Will the honourable member give way?

The Hon. M. B. CAMERON: No; once is enough. The honourable member has had his little play.

The Hon. C. J. SUMNER: I object to that.

The PRESIDENT: Is the honourable member taking a point of order?

The Hon. C. J. SUMNER: I object to the honourable member's comment. I am attempting to use the current practice of this Council.

The PRESIDENT: That is not a point of order. The Hon. Mr. Cameron.

The Hon. N. K. FOSTER: I rise on a point of order, Mr. President. I regard seriously the fact that the proposals that you put forward yesterday—

The Hon. C. M. Hill: Quote your Standing Order!

The Hon. N. K. FOSTER: The honourable member is flouting the Council.

The PRESIDENT: That is not a Standing Order. There is no Standing Order covering the procedures. If honourable members are frightened of giving way, the new rules will never work.

The Hon. M. B. CAMERON: I am not frightened to give way. This whole concept of Monarto is a mockery. It is a mockery to call it decentralisation: it is merely an extension of Adelaide, and it will result in the freeway being clogged up. Further, it will lead to public servants being very unhappy; when they are conscripted to work there, they will be virtually conscripted to live there, because

of transport difficulties. People will not travel to and from Monarto daily. We will lose valuable public servants because of the actions of this Government.

The Hon. T. M. CASEY: Rubbish!

The Hon. M. B. CAMERON: I will remind the Minister of that interjection in the future, because the Minister knows that the situation that I have outlined will come to pass. Further, an area like Monarto will possibly have deleterious effects on the lower part of the Murray River. Areas under a city develop a ground water system with a build-up of salt, and the effect on the river could be disastrous. Imagine what the effect will be of putting 200 000 people near the Murray River. The people will use the river as a playground; we will not be able to keep them away from it. So, the whole concept is of doubtful value. I seek leave to conclude my remarks.

Leave granted; debated adjourned.

SEX DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1439.)

The Hon. J. C. BURDETT: I am pleased to support the second reading of this Bill. The evil which it strikes against (discrimination in certain circumstances on the grounds of sex alone) is a real evil that does exist. The Hon. Jessie Cooper has given several relevant examples of this. The evils are not merely theoretical, as has been the case in respect of many Government Bills on other matters, including consumer protection. The credit for this measure must go to Dr. David Tonkin, who introduced the original Bill and set in train the course of events that has led to the introduction of this Bill.

The only doubt I have in regard to any general principle in the Bill relates to the rather heavy-handed approach involved in setting up yet another board and yet another commissioner. On balance, I think this is probably the correct approach, although one wonders how long it will be before there are more board members and commissioners in society than there are ordinary citizens. There are many chiefs, compared to the number of Indians. I must congratulate the Parliamentary Counsel on his choice of a title for the commissioner. The term "Commissioner of Sex" would have been somewhat ambiguous. The term "Commissioner for Equal Opportunity" is equally vague and ambiguous, but it is very much more discreet.

Clause 14 (1) (e) requires a person who is virtually in the position of a defendant to answer questions and, by virtue of clause 14 (1) (d), this has to be an oath or affirmation. This does not apply in the courts. However, there is a proviso in clause 14 (3) that no person is required to incriminate himself and I suppose this proviso is not unreasonable. I also note that clause 16 (1) does this in broad terms. It reads:

A person discriminates against another on the ground of his sex or marital status if on the ground of his sex or marital status he treats him less favourably than in identical or similar circumstances he treats or would treat a person of the opposite sex or of a different marital status.

If I am sitting in a room and a female person enters that room, I normally rise; whereas if a man enters the room, I normally do not, unless he is entitled to special respect. In terms of the clause, by doing this I am declared, by statute, to be performing an act of discrimination.

The Hon. F. T. BLEVINS: A lot of trivial rubbish.

The Hon. J. C. BURDETT: However, no specific adverse consequences of such an act of discrimination are

proposed by the Bill. I suppose the act in question is in fact strictly speaking one of discrimination. Discrimination is not necessarily a culpable act. We speak favourably of a person of discriminating taste.

Part IV of the Bill relating to discrimination in employment is one of the most important parts of the Bill. The whole Bill is admirably moderate and reasonable in its terms and an example of this is clause 18 (5). This is the main section of discrimination in industry and employment. It states:

This section does not apply to discrimination on the grounds of sex in relation to employment for which sex is a genuine occupational qualification. So, I say that the whole Bill is admirably moderate and does not strike against any genuine act as far as I can see. In the matter of discrimination in employment, there is one matter I would refer to. In these days when employment is often restricted and it is often hard to get jobs, I find that frequently employers, when they are taking on staff (particularly female staff), give preference, because they have not got many jobs, to single women because they have to earn a living, in preference to married women where their husband is the breadwinner. I also note that, when many firms find they have not enough work and have to retrench, they tend to retrench married women, whose husbands are the breadwinner, before they retrench other people. I suppose when one looks closely at the provisions of this Bill, it could be said that the employers in question are not in breach of the Bill because discrimination is not by virtue of sex alone but by virtue of the fact that the person is not the breadwinner in the family.

The Hon. ANNE LEVY: Will the honourable member give way?

The Hon. J. C. BURDETT: Yes.

The Hon. ANNE LEVY: The point you have just raised you claim is not discrimination on the ground of sex. Would you not concede that it was discrimination on the ground of sex unless the employer likewise sacked first bachelors and maintained married men with non-working wives; or in a situation where there were a number of men employed, some of whose wives were working and others who were not, that the sackings were first occurring with men whose wives were working as opposed to those who were not? If that is not so, I would maintain it is discrimination on the ground of sex because it is not being done equally.

The Hon. J. C. BURDETT: The point I was making is simply the plain fact that many employers, and in my experience many unionists, agree that where there are limited job opportunities (particularly where the job opportunities are mainly in fields where women are likely to be employed and still will be employed after the introduction of this Bill) single women who have to earn their living, or I guess bachelor men who have to earn their living, are to be preferred to those married women. I thought I made this clear, that it is married women who are not the breadwinner in the family—that where there is a choice between someone who has to maintain himself and someone who does not, it is logical for the employer to draw that distinction. I find particularly this sort of situation comes to a head in those country towns where there is only one major employer. I find also that it comes to a head in towns outside South Australia, such as Broken Hill, where there is a strong union influence. I find in these places there is strong feeling that a person who has to support himself is to be preferred to a person who does not have to support himself or herself.

When it comes to retrenchment, as I was saying, it is common practice that where this occurs through lack of job opportunities the first persons retrenched are those who are not the breadwinners, who do not have to support themselves, who are going to be supported anyway.

I was simply making a comment about this being a fact. I was saying nothing else, and I repeat this, that it seems to me that under the Bill this is not struck against because it could be said discrimination was not on the ground of sex or marital status but was because the person did not require to be supported; he or she could be supported by someone else. I have referred to clause 18 (5) as being a very moderate provision and I also refer to clause 44, which states:

A contravention of this Act shall attract no sanction or consequence (whether criminal or civil) except to the extent expressly provided by this Act.

This again is a moderate provision and one of the reasons why I support the Bill, and I support it very strongly. There is no attempt to impose heavy and grievous penal or civil sanctions against people. It is expressly stated that the only sanctions are those specifically set out in the Act. It is only where a specific remedy is provided that any adverse consequence flows from contravention of the legislation. I refer to clause 39, which provides:

A person who claims that some other person has discriminated against him, or committed an act of victimisation against him, in contravention of a provision of this Act may lodge a written complaint setting out the details of the alleged act of discrimination or victimisation (a) with the commissioner; or (b) with the registrar.

The complaint must be lodged within a certain time. It is only when that course of events has been set in train that any adverse effect can apply to the person committing the act of discrimination. I say that the Bill is very reasonable and very moderate. I am also pleased that this Bill does not contain the peremptory inspectorial and similar powers which some legislation of this kind contains. The power of the board to inspect books as contained in clause 14 is an entirely proper and necessary one. I notice that clause 29 makes a person vicariously liable to be found guilty unless he proves himself innocent.

The Hon. Mr. Blevins took great exception to this in the name of British justice in the previous Criminal Law Consolidation Act. I did not hear his voice raised in protest about a similar reverse onus in the Beverage Container Bill, but I look forward to hearing his opposition to this clause in the Committee stage. When I heard generally about the Bill I wondered what would be the position about clubs which were either exclusively for men or exclusively for women or for one sex with a provision for associate members of the other sex with limited rights.

The Hon. N. K. Foster: The Adelaide Club.

The Hon. J. C. BURDETT: The Adelaide Club or the Queen Adelaide Club. As far as I can see, such clubs are not caught by the Bill. No specific provisions apply to them. Clause 22 strikes specifically at discrimination in applications for membership of industrial organisations and, therefore, by implication, the Bill does not strike at other voluntary organisations. Clause 26 relates to discrimination in the provision of goods or services and applies only in regard to the provision of goods or services supplied to the public or a section of the public. I do not see how persons who decide to join a social club can be said to be members of a section of the public. Rather, they are acting in a specifically private capacity. Clause 33 relates to sports and can be justified on an entirely different ground, namely, that people engaged in

sport may be professionals. I do not think that the existence of this clause is an argument that social clubs are caught.

The Hon. N. K. Foster: I have been talking about giving way.

The Hon. J. C. BURDETT: The honourable member should keep quiet and go somewhere else, please. I would like to speak without interruption.

The Hon. N. K. Foster: Has the honourable member lost his place?

The Hon. J. C. BURDETT: I am willing to go on speaking if the honourable member will keep quiet so that I can be heard. It is at least arguable that clause 26 will strike at the common practice of hotels having notices in bars saying, for example, "men only". I simply note this in passing.

The Hon. J. E. Dunford: What about toilets?

The Hon. J. C. BURDETT: I did not think it would apply to toilets. However, as that point has been raised I will say why it does apply to hotel bars. Regarding clause 26, I notice that in my copy of the Bill the figure "26" has not been printed. Clause 26 (1) provides:

It is unlawful for a person who offers or provides—

- (a) goods;
 - or
 - (b) services to which this section applies,
- (whether for payment or not) to the public, or a section of the public, to discriminate against a person on the ground of his sex or marital status—
- (c) by refusing to supply the goods or perform the services;
 - or
 - (d) in the terms on which he supplies the goods or performs the services.

I would say that in the case of a notice in a bar that only males will be served in a specific part of the bar, it is a statement by the hotel proprietor that he will perform only those services in that place. To me (and I am not criticising or agreeing in this matter, I only notice the matter in passing), it appears that this clause will strike at the situation which often occurs in hotels in cities, and possibly in country areas, where one finds such signs as "men only in this section of the bar" or something to that effect. On the other hand, as regards toilets, the same situation does not apply. In general, the Bill is a moderate and reasonable approach to a problem which actually exists and I commend Dr. Tonkin for bringing this matter before Parliament. I support the second reading.

The Hon. C. M. HILL secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

In Committee.

(Continued from October 28. Page 1435.)

New clauses 1a and 1b.

The Hon. T. M. CASEY (Minister of Lands): I move to insert the following new clauses:

1a. Section 2 of the principal Act is amended—

(a) by striking out from Part V the passage "ss. 40-42j" and inserting in lieu thereof the passage "ss. 40-42k";

and

(b) by striking out from Part IX the passage "ss. 75-81" and inserting in lieu thereof the passage "ss. 75-82".

1b. Section 42h of the principal Act is amended by striking out subsection (12) and inserting in lieu thereof the following subsections:

(12) A person who carries out building work that has not been approved as required by this section shall be guilty of an offence and, subject to subsection (12a) of this section, liable to a penalty not exceeding two thousand dollars.

(12a) Where a court, before which a person has been convicted of an offence that is a contravention of subsection (12) of this section, is satisfied that the cost of the building work in relation to which the person was so convicted exceeded two thousand dollars that subsection shall apply and have effect to and in relation to that person as if in that subsection there were substituted for a penalty not exceeding two thousand dollars a penalty not exceeding a sum determined by the court as being the cost of that building work.

(12b) For the purposes of subsection (12a) of this section a certificate under the hand of the Chairman of the Committee specifying a sum as representing the cost of the building work referred to in that subsection shall be *prima facie* evidence that the sum so specified was the cost of that building work.

(12c) For the purposes of this section, building work approved under this section that is carried out in breach or contravention of any modification or condition imposed under this section shall be deemed—

- (a) to be building work that has not been approved as required by this section;
- and
- (b) to have been carried out at the time at which that breach or contravention occurred.

New subsection (12) provides for a fine of \$2 000 for a person who carries out building work that has not been approved. New subsection (12a) provides that the maximum (and I emphasise the term "maximum") penalty may be increased if the cost of the building work exceeds \$2 000, in which case the cost of the building work will represent the maximum penalty that can be imposed. New subsection (12b) is an evidentiary provision. New subsection (12c) provides that, where building work is carried out in contravention of a modification or condition imposed under section 42h of the principal Act, that building work will be deemed not to have been authorised and also to have been carried out at the time the contravention occurred. These amendments are made at the request of the City of Adelaide Development Committee, which has the administration of the relevant part of the Planning and Development Act, and have been concurred in by the Lord Mayor.

The Hon. C. M. HILL: During the second reading debate, I referred to a weakness in the Bill and suggested that it should be made good at this stage of the Bill's progress through this Chamber; that the Government should look further into the matter and put it right. That is what the Government has done, and this amendment is the result. I support it, in the knowledge that the machinery now being established is not to be ever present in our planning and development legislation, because the life of the City of Adelaide Development Committee is limited. However, whilst it is in existence, it should have the control that this amendment gives it.

New clauses inserted.

Clause 2 and title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT

At 4.4 p.m. the Council adjourned until Thursday, October 30, at 2.15 p.m.