LEGISLATIVE COUNCIL

Thursday 7 October 1982

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

PETITION: SEX DISCRIMINATION

A petition signed by 83 residents of South Australia praying that the Council ensure that the South Australian Sex Discrimination Act is amended so that it extends its protection to those who also suffer discrimination on the basis of sexual preference was presented by the Hon. Barbara Wiese.

Petition received and read.

QUESTIONS

ACCOUNTANTS

The Hon. C. J. SUMNER: My questions to the Minister of Corporate Affairs on the subject of the regulation of the accounting profession are as follows:

1. Is the Minister aware that yesterday on the A.B.C. programme *A.M.* the national President of the Australian Association of Accountants called for a Government code of conduct for accountants in view of some accountants' involvement in the recently exposed tax avoidance and evasion schemes?

2. Does the Minister recall that in May 1979 a report was prepared for the previous Government on the registration of accountants?

3. Is the Minister aware that on 30 May 1979 Judge Stevens in a judgment in the Adelaide District Court described it as extraordinary that the South Australian accounting profession had no statutory requirements on accounting qualifications and no provisions for their regulation and registration?

4. Does the Minister recall that, in response to my inquiries over two years ago, he said that the question of regulation of the accounting profession had been referred to the National Companies and Securities Commission?

5. Does the Government believe that there is a need for greater regulation of the accounting profession?

6. What decisions have been taken by the National Companies and Securities Commission or the Ministerial Council of Corporate Affairs Ministers in relation to this matter?

7. Does the State Government intend to take any action?

The Hon. K.T. GRIFFIN: The answer to the honourable member's last question is, 'No, not at the present time.' A year or so ago I indicated that the report of the working party established by the previous Government in relation to the regulation of the accounting profession had been considered by me and by the Government and that, in the light of a move towards a uniform companies and securities code across Australia, it would be unwise for this State alone to act unilaterally in relation to the regulation of the accounting profession. That report was forwarded to the National Companies and Securities Commission with a view to that commission examining the possibility of uniform action across Australia in the context of the National Companies and Securities Code.

The National Companies and Securities Commission has given some attention to the question of accounting standards, which are, of course, related to the question of the regulation of accountants, but to some extent it can be seen as being a question on its own. In the past weeek or so, there has been some newspaper comment about accounting standards and a suggestion by the accounting profession that there should be a Government-backed code. Quite some time ago the Ministerial Council on companies and securities accepted in principle the need for legislative backing in relation to accounting standards. However, it is still examining the mechanism to establish those standards.

I believe that this matter will appear on the agenda of the next Ministerial Council meeting, which is tentatively fixed for the beginning of November. A number of approaches can be adopted to this question: standards can be established by the Government and then backed legislatively; or standards can be established by the profession and then given legislative backing by Governments across Australia; or a co-operative working group could develop standards and then ensure that they have adequate statutory backing. I do not accept that there is no need for accounting standards to be given legislative backing, and I do not think that anyone in the profession or the commercial arena accepts that, either. It is a principle that is generally well established.

The Hon. C.J. Sumner: Does that mean that there is a need?

The Hon. K.T. GRIFFIN: It does, actually. In relation to the registration of accountants, that question is still before the National Companies and Securities Commission. I cannot give the honourable member any indication of when a final decision will be taken in relation to that question.

MAGILL HOME FOR THE AGED

The Hon. J.R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about the Magill Home for the Aged.

Leave granted.

The Hon. J.R. CORNWALL: This morning I received a serious complaint from Mr J.C. Burroughs of Modbury Heights concerning his 89-year-old mother, Mrs Emma Burroughs, who is a patient in what remains of the nursing home section of the Magill Home for the Aged. She is a frail, aged lady with poor vision and suffers from memory loss. Over the past three months she has had at least three bad falls. Those three falls have been recorded. We know of them, and we suspect that there have been others. On 18 September she fell and fractured her collarbone. On 25 September, just one week later, she fell again and fractured a bone in her upper jaw. A nursing sister from the home rang Mr Burroughs to report that fall. She was very concerned and upset and said that it was increasingly difficult to manage patients because of the continuing cuts in nursing staff numbers.

When Mr Burroughs saw his mother later that day she was very severely bruised, as he described it, all over the face and neck. Mr Burroughs was understandably outraged and sought an appointment with the supervisor of the home. The supervisor denied that there was a lack of staff at the home, but the nursing sister who was present at the interview said that the home was definitely understaffed. The rest of the nursing staff have confirmed this with Mr Burroughs, who told me that during the past 12 to 18 months there has been a marked deterioration in nursing care because of a general lack of staff. He has noticed this continuing deterioration on his frequent visits to the home.

Once again we see the tragic consequence and high social cost of so-called small government. Will the Minister call for a report on Mrs Burroughs' falls and on the lack of care as a matter of urgency? Will he give this Chamber a full account of the circumstances and records concerning these falls as soon as they are available? Further, will he assure

the Chamber that he will take whatever steps are necessary to restore adequate staffing levels at the Magill Home?

The Hon. J.C. BURDETT: Staffing levels at the home are adequate. This is the first time that this matter of Mrs Burroughs has been brought to my attention. I will have the staff investigate the report and bring back a reply for the honourable member.

DEVONBOROUGH DOWNS STATION

The Hon. B.A. CHATTERTON: I seek leave to make a brief explanation before directing a question to the Minister of Consumer Affairs about claims made by real estate agents.

Leave granted.

The Hon. B.A. CHATTERTON: On 31 August I asked a question of the Minister of Lands about the sale of Devonborough Downs station. The basis of that question was that the agent who was selling the station had advertised the figures for the wool clip over the past 20 or so years and that those figures had indicated that the property had been consistently over-stocked by a magnitude of between 50 per cent and 100 per cent. I received an answer to that question yesterday from the Minister of Local Government, representing the Minister of Lands, in which it was indicated that the Pastoral Board took the data supplied by the lessee as evidence of the fact that the station had not been overstocked. It discounted the claims made by members of the real estate industry. That answer has serious implications that members of the real estate industry were falsely advertising in connection with the sale of this station. As the Minister is responsible for the licensing of members of the real estate industry, will he investigate the situation and ascertain whether or not there has been false advertising concerning the sale of Devonborough Downs station?

The Hon. J.C. BURDETT: If the honourable member who asked the question will give me details of the advertisements, I will be pleased to refer the matter to the Land and Business Agents Board and also to have the department investigate it. However, I would need to know the specific advertisements that are alleged to be misleading.

COMPANY LIQUIDATION

The Hon. C.W. CREEDON: I seek leave to make a brief statement before asking the Attorney-General a question about company liquidation.

Leave granted.

The Hon. C.W. CREEDON: In the public notices of the *Advertiser* on Monday 4 October there are nearly five columns of public notices, at least four of which consist of notices over the name of R.A. England, Liquidator, Peat, Marwick, Mitchell & Co., all of Adelaide, relating to hotels in liquidation. About 30 such businesses are involved. Eleven of those bear the name of Haussen. The names of two or three of those are Haussen Ovingham Hotel, Haussen Hope Inn Hotel, Haussen Maid of Auckland Hotel, Haussen Pier Hotel. I find it very disconcerting that so many hotels could go into liquidation at the same time.

I know that times are bad and that in the past year or two our economic problems have grown, but it is difficult for me to believe that so many hotels, among them well known ones, have suddenly fallen on bad times. What are some of the reasons for the unfortunate position in which these hotels find themselves? What were the particular difficulties experienced by those bearing the name of Haussen? Do any other hotel companies not obviously branded with the Haussen name belong to the Haussen group?

The Hon. K.T. GRIFFIN: I have not any idea at all why that group should appear in the public notices column, but I will endeavour to obtain some information and bring it back. I point out that that information is accessible readily to the honourable member through the good offices of the Corporate Affairs Commission, where all the information is on public record, anyway. On this occasion, however, I am prepared to refer the matter to the commission and bring back a reply.

MUNNO PARA PRIMARY SCHOOL

The Hon. N.K. FOSTER: Has the Minister of Local Government, representing the Minister of Education, an answer to the question I asked on 15 September about the Munno Para Primary School?

The Hon. C.M. HILL: The Minister of Education is aware of the conditions at Munno Para Primary School. A recent report was obtained for a reply to Question on Notice No. 44 asked by the member for Salisbury. As the questions are almost identical, my colleague has requested that the honourable member's attention be drawn to page 642 of Parliamentary debates No. 4 to enable him to obtain suitable information to his questions.

PASTORAL BOARD

The Hon. N.K. FOSTER: Has the Minister of Local Government, representing the Minister of Lands, an answer to my question of 15 September about the Pastoral Board?

The Hon. C.M. HILL: It is assumed that the honourable member's question refers to Devonborough Downs and Canewood Pastoral Leases. Those leases were sold at auction on 17 September 1982. In May 1982, the prospective sale was discussed between the Pastoral Board, the lessee, and the selling agents on the basis of the Pastoral Board's objectives in relation to the subdivision and amalgamation of leases. In that context, the auction sale was related to a private treaty sale of another substandard pastoral property in the district.

As a consequence of initiatives taken by the Pastoral Board, the transactions have resulted in a situation which improves the economic viability of five pastoral enterprises in the North East of the State through the amalgamation and build-up by subdivision of substandard leases. The Minister of Lands has not made, nor is he prepared to make, a judgment of any property in the terms suggested in the honourable member's question concerning which property is considered most abused. Action is continuously being taken to correct over use of pastoral lands when deemed appropriate.

The Hon. N.K. FOSTER: I have a supplementary question. Will the Minister, representing the Minister of Lands, furnish a reply to that portion of the question the answer to which implied that I was particularly concerned about two designated properties. Such was not the case; the question was asked on the basis of not having any designated or named properties.

The Hon. C.M. HILL: I point out to the honourable member that the reply began with the words, 'It is assumed that the honourable member's question'.

The Hon. N.K. Foster: The assumption is wrong. That is the point I am making.

The Hon. C.M. HILL: In view of the honourable member's further comment and (I think) question, I will refer the matter back to the Minister of Lands and try to clarify the situation for him.

SEX DISCRIMINATION BOARD

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the Chairman of the Sex Discrimination Board.

Leave granted.

The Hon. FRANK BLEVINS: A constituent has drawn to my attention a matter that I think will interest the Council and the Attorney-General. The information I have been given is that the recent appointment of Judge Murray as Chairman of the Sex Discrimination Board and of the Handicapped Persons Discrimination Board may be invalid.

The Hon. K.T. Griffin: It is not.

The Hon. FRANK BLEVINS: That was not going to be my question. The basis of my constituent's inquiry related to the relevant criteria in the Sex Discrimination Act, as follows:

> The board shall consist of—
> *(a)* a Chairman, appointed by the Governor, who shall be—
> (i) a judge of the Supreme Court—
>
> and Judge Murray is certainly not that—
>
> (ii) a judge of the Industrial Court—
>
> the same comment applies—
>
> (iii) a person holding judicial office under the Local and District Criminal Courts Act, 1926-1974—
>
> that particular criteria does not apply—
>
> or
>
> (iv) a legal practitioner of not less than seven years standing;

My constituent is querying the last criterion. As my constituent happens to have an association with the legal profession, naturally I was hesitant to take this constituent's point of view as gospel. I thought, therefore, that I would get an opinion from the Attorney-General. I stress that I am in no way suggesting that Judge Murray is not a fit and proper person to hold this office.

In all seriousness, I think it is important that a person appointed to such a high office should be qualified under the Act. I am sure that the Attorney would agree with that. Will the Attorney-General investigate whether Judge Murray fulfils the criteria laid down in this Act? If not, does the Government intend to legislate so that a person with Judge Murray's qualifications would be eligible for that position? Also will the legislation be retrospective?

The Hon. K.T. GRIFFIN: The advice that the honourable member has been given is wrong. If one looks at the definition of 'legal practitioner' in the Legal Practitioners Act, one will see that it is defined as a person who is enrolled and admitted as a practitioner of the Supreme Court.

The Hon. N.K. Foster: He's a union member; that's it.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Obviously, Her Honour Justice Murray has been enrolled and admitted as a practitioner of the Supreme Court for not less than seven years.

COUNCIL PROSECUTIONS

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 18 August about council prosecutions?

The Hon. C.M. HILL: The possibility of providing minimum penalties for littering offences has been discussed with the Attorney-General. He cannot agree with the suggestion that minimum penalties for offences under the Local Government Act should be provided in that Act.

It is impossible at the legislative level to foresee, and to provide in adequate detail for, the multitudinous variety of circumstances in which offences are committed and the considerable differences between offenders in their personality, background and intelligence. What is virtually certain is that legislatively imposed minimum penalties will require the frequent intervention of Executive clemency to correct injustices. Such a result means that the discretion is being exercised by the Government of the day instead of by the courts which are, in the great majority of cases, much better equipped to do so.

However, where appropriate and where the Crown is the complainant, it can and will appeal against sentences which appear too lenient. In the case referred to in the honourable member's question the local council was the appropriate body to determine whether or not an appeal should be instituted.

MIGRANT WOMEN'S ADVISORY COMMITTEE

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 16 September about the Migrant Women's Advisory Committee?

The Hon. C.M. HILL: The South Australian Ethnic Affairs Commission maintains liaison between its Migrant Women's Advisory Committee and the Women's Adviser to the Premier by supplying minutes of its meetings and advance copies of its reports to the Women's Adviser. The information is passed through informal contacts between the Chairperson and the Executive Officer of the Advisory Committee and the Women's Adviser's office. Prior to the formation of the advisory committee, commission staff consulted closely on the composition of the advisory committee. No representation on the committee was sought at that time by the office of the Women's Adviser.

The Hon. ANNE LEVY: I desire to ask a supplementary question. Will the Minister consider and bring back a reply to the substantive part of my question? Further, will consideration now be given to having someone from the office of the Women's Adviser as an observer at meetings of the Migrant Women's Advisory Committee? The Minister said that this had not occurred in the past, and I now ask whether consideration has been given to this procedure occurring from now on. If it has not been considered, will the Minister consider it?

The Hon. C.M. HILL: I will look into the matter and bring down a reply for the honourable member.

PROJECTIONISTS

The Hon. C.J. SUMNER: First, does the Minister of Consumer Affairs recall that late in the last session regulations which deregulated and removed the requirement for the licensing of cinematograph projectionists in this State were disallowed by the Council? Secondly, does the Minister recall that when these regulations were disallowed the Government undertook to reinstitute the licensing system for the time being? Thirdly, can the Minister tell the Council what action has been taken on this matter, and when new regulations will be laid on the table of the Council?

The Hon. J.C. BURDETT: The answer to the first question is, 'Yes'. The answer to the second question is, 'Yes'. In answer to the third question, the situation is that on 13 October 1981 Cabinet approved the drawing of variations to the places of public entertainment regulations to abolish the system for examination and licensing of cinematograph operators in places of public entertainment. Regulations effecting this approval came into operation on 1 January 1982. On 16 June 1982 the Legislative Council passed a motion disallowing these regulations. The Leader has correctly recorded that I supported it at that time. The Government supported the motion on the basis that discussions

would then be held with interested parties with a view to the industry introducing a scheme of self-regulation.

On 12 July Cabinet approved the making of regulations to reintroduce a scheme of examination and licensing. This is the point. It was necessary to make new regulations because my officers were advised by the Crown Solicitor that the disallowance of the original regulations did not revive the licensing system that was revoked by these original regulations. This is unusual. Section 29 of the Places of Public Entertainment Act provides a procedure of its own to cover motions for disallowance and this prevails over that of the Subordinate Legislation Act.

I am particularly concerned that several months ago students passed a 35mm projectionists course run by the South Australian Music and Audio Education Centre Pty Ltd. These persons are unable to gain employment (apparently several vacancies exist) because prospective employers are aware that the regulations are to be reintroduced, and they want to be assured that these persons can obtain a licence at the appropriate time.

The continued delay in this matter is of some concern to the Government, particularly as the attempt to deregulate this industry was opposed by the industry itself, and the continued delay in reintroducing the regulations is of extreme concern to the industry groups. I have this week signed a minute requesting that the regulations be prepared as a matter of extreme urgency.

As an administrative matter in regard to existing people who have licences, we are treating them as being licensed. The problem, of course, is people who want to be licensed. I recognise the problems raised by the Leader and, before he asked the question, I had signed a minute requesting that this matter be expedited by the officers charged with the responsibility of preparing the regulations.

INC SCHEME

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Intensive Neighbourhood Care scheme, otherwise known as INC.

Leave granted.

The Hon. M.S. FELEPPA: I refer to the *Advertiser* of 4 and 5 October and the following report headed 'A couple's haunting fear: Did we push our son into crime?' which states:

Transport company manager Layton Gale and his wife Mavis stood ashen-faced and disbelieving in the South Australian Supreme Court last week as their 20-year-old son admitted to the armed robbery of $7 000 from an Adelaide bank. Mr Justice White, in passing a four-year gaol sentence on Roger Darwin Gale, spoke of the 'socially irresponsible and disruptive' influences at his Henley Beach home, where his parents had fostered 15 young offenders over three years. 'We like children and we thought, as our own were all grown up, we could help others'. Mrs Gale said. 'We wanted to give love and understanding to children who never experienced that in their lives,' she said.

They answered a newspaper advertisement seeking families to become involved in the Intensive Neighbourhood Care Scheme, known as INC, run by the Department of Community Welfare.

The scheme was designed to provide homes for young offenders who faced the prospect of being placed in confined care because they had no homes to go to. They received training for six months and $100 a week to care and provide for each offender.

But according to Mr Gale, they are now out of pocket as a result of their experiences. He said they had waited more than a year to recoup expenses from the department for damage caused to their home by one young offender. They had been told offenders would be screened for 'compatibility' with the parents and families concerned . . . Mr and Mrs Gale said they decided to opt out of the scheme when they realised their family was becoming affected by the young people they were bringing into their home.

A further *Advertiser* article of 5 October states:

The judge said the children—sent to the home under a Government-sponsored scheme—had introduced Roger Gale to drugs and eventually to crime . . . Mr Burdett, whose department administers the Intensive Neighbourhood Care scheme, which sends young offenders to stay with families rather than to gaol, said, 'I personally feel a great deal of sympathy for the parents of this young man . . . There is no doubt that that entails some risk, but generally speaking I believe the scheme has worked very well.'

Why did it take so long for the department to pay Mr and Mrs Gale the money owed to them in relation to expenses that they incurred in relation to damage caused to their home by a young offender? I ask what knowledge the Minister has in relation to this scheme, because Mr and Mrs Gale blatantly contradict the statement made by the Minister to the Estimates Committee, as follows:

I have not struck any INC parents who have been disillusioned. Although they have had problems and difficulties, they are always prepared to go on with it.

Mr and Mrs Gale experienced several inappropriate placements. What procedures are followed for the placement of children with INC families, when these breakdowns are so common in one family?

Is the incidence of this type of case as frequent as we are led to believe in the newspaper article? Is the system of placement, employment and training of INC parents for supervision and support to be reviewed?

The Hon. J.C. Burdett: He is wasting his time.

The Hon. M.S. FELEPPA: I am aware that I am wasting my time; so are those families who are not happy with the scheme. Where does the Gale case rate in the glowing account of the INC scheme given by the Minister and his officers at the recent Estimates Committee hearing?

The Hon. J.C. BURDETT: The INC scheme was introduced by the previous Government. The present Government has carried it forward and supported it strongly, and still does. I believe that the previous Government was quite correct in introducing this scheme, which has been most effective in keeping young offenders out of secure care. The department's experience (which is borne out by the available figures) indicates that when children have gone into secure care, particularly at SAYTC (formerly McNally), quite a high percentage of them are likely to stay in the justice system for the rest of their lives.

If young people can be kept out of secure care, there is a chance of getting them back into the mainstream of life. I believe that the previous Government was quite correct in introducing this scheme towards the end of its term of office and that the present Government was quite correct to carry it on. The Hon. Mr Feleppa referred to an *Advertiser* article, and my reply in a subsequent article. That subsequent *Advertiser* article headlined my statement that INC parents are the salt of the earth. In my view, they are.

INC parents know that the young persons in their care are offenders. There are about 100 INC parents in South Australia, and I think that I have probably spoken to more than half of them. All the parents to whom I have spoken support this scheme and the amount of help that they have received from my department. Also, all the parents to whom I have spoken say that their experience with this scheme has helped them to bring up their own children. They all say that previously they did not have rules for their own children. However, they had to have rules for the INC children in their care and those rules had to apply to the whole family. Not only were my additional comments reported subsequently in the *Advertiser* but I also appeared on *Nationwide,* together with the mother mentioned by the honourable member, to discuss this issue. She said on *Nationwide* that some of her experiences with INC were helpful.

As the honourable member stated, I expressed in the *Advertiser* report my sympathy and concern for this family,

who felt that they had been disadvantaged by INC. Obviously, the family suffered a severe shock, because they suddenly found that their own child had become a serious offender. I am sorry for the family on that account, just as I am sorry for all parents who find themselves in that position. The family felt that this had occurred because of the INC children that they had in their care. If that is the case, I can only cite the very great number of very successful INC placements, some of which were even recorded by the lady in question on *Nationwide*.

In relation to the honourable member's specific question, I cannot say why it took so long to procure compensation for damage. However, when one is trying to get money from Government departments for damage, and when it is covered by insurance (as this is), it takes some time to process. Whenever I have been questioned about this subject since it has arisen, I have maintained my concern and sympathy for the parents of the child, who became a serious offender and because, rightly or wrongly, they felt that it had occurred as a result of INC placements. Secondly, I believe that the scheme, as set up by the previous Labor Government and maintained by the present Government, is highly successful. It keeps young people out of secure care and in the mainstream of society, and is highly commended by all the INC parents to whom I have spoken.

SPORTS LEVY

The Hon. BARBARA WIESE: Has the Attorney-General, representing the Minister of Recreation and Sport, a reply to a question that I asked on 25 August about a sports levy?

The Hon. K.T. GRIFFIN: The replies are as follows:

1. No. The matter of fees or levies, by the South Australian Netball Association, or any other association, is an internal arrangement which organisations may make in order to ensure their viability and assist in providing necessary facilities for their members.

2. No. Only those school teams and teams from schools desiring to affiliate with a community division or association are required to pay the respective levies applying to division or associate members. Team members of schools participating in the South Australian Primary Schools Amateur Sports Association and the Secondary Schools Sports Association competitions are not subject to these levies.

3. The Education Department encourages all students to take part in a variety of sporting activities.

4. The method selected by any sporting body to raise funds, to be applied to the development of its facilities, is entirely a matter for decision by that body and not for the State Government.

PARLIAMENT HOUSE SECURITY

The Hon. N.K. FOSTER: Do you, Mr President, have an answer to the question I asked yesterday about Parliament House security?

The PRESIDENT: As I promised the honourable member, I considered the question and then discussed the matter with the Speaker, who furnished me with a written reply that I shall hand to the honourable member. I suggest that, if he wishes to seek further information, it may be as well for him to make direct contact with the Speaker, who can express his own opinion on the article to which the honourable member referred.

FUEL TAX

The Hon. B.A. CHATTERTON: Has the Attorney-General a reply to my question of 25 August about State fuel taxes. The question which relates to the dilemma the State Government now faces because the Federal Government has removed the exemption on farm fuel and the State Government is faced with either introducing a similar system of tax rebates or introducing its own exemption certificates.

The Hon. K.T. GRIFFIN: I have had these answers since the latter part of September. I hope they are still current, but I will have that checked for the honourable member. In the short term all Commonwealth exemptions existing at 17 August 1982 will continue to be accepted for the purposes of the State legislation and this advice has been conveyed to the oil companies. State taxation officers are currently evaluating the administrative alternatives to replace the previous Commonwealth exemption certificates. I will advise the honourable member when a final decision has been made. In the meantime any inquiries should be directed to the State Taxation Office which can arrange for interim certificates to be issued.

HUNGARIAN VILLAGE

The Hon. C.J. SUMNER: First, does the Attorney recall that on 3 March this year I asked him a question about problems which had developed with the construction of a Hungarian Village for elderly citizens of Hungarian origin? Secondly, does the Minister recall that he gave me a reply that indicated that he would check out the information that I supplied in relation to this dispute? Thirdly, can the Minister advise me what is the present position relating to the land purchased for the construction of this village, and whether or not the dispute which arose in relation to it has been resolved?

The Hon. K.T. GRIFFIN: The dispute has not been resolved. As a result of the honourable member's raising this matter, and after correspondence was received by my officers from the parties concerned explaining what was happening with this Hungarian Village concept, I instructed my officers in the Crown Solicitor's Office to take whatever acton was necessary to prevent the unauthorised sale of the real estate involved. That was done by lodging a caveat on the titles of the land.

The Crown Solicitor's Office has had discussions with various parties to the dispute. My recollection is that some proceedings have been issued in the Supreme Court with a view to having that court rule on the trusts associated with the land. There were suggestions that the property be sold and the proceeds held in trust pending a final decision by the Supreme Court. However, in the light of indicated opposition from one segment of the interested parties, that action was not authorised by me, and the caveat remains on the titles. This matter is very much under my oversight and that of my officers in the Crown Solicitor's Office. My recollection is that proceedings have been issued in the Supreme Court with a view to clarifying, once and for all, the questions of trusts associated with the assets of that Hungarian Village concept.

GAWLER EAST PRIMARY SCHOOL

The Hon. C.W. CREEDON: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about Gawler East Primary School.

Leave granted.

The Hon. C.W. CREEDON: It was recently brought to my attention that the Education Department is planning to build a new school at Gawler East on a site about 1 kilometre east of the present school. A new school is welcome news to parents in this area because, when looking around Gawler, they see the overcrowded high school, the state of the Evanston school, and the cramped conditions and dangerous position of the local school.

The Gawler East Primary School is situated on Lyndoch Road and, even if the Education Department could purchase adjoining homes, the position is not suitable. It would be preferable if the school were moved to a different site. The snag appears to be that the Government wants to build the school in a number of stages (or so departmental representatives have told members of the community). I am doubtful about this kind of action because, having been on the Public Works Standing Committee for some time, I know that, although there may be an intention to perform as promised (that is, to maintain the various stages of a project) that does not always happen. I have in mind the Munno Para holding school which, lacking Government support, is not being constructed as promised.

Constructing a new primary school on a different site should be done in one stage so that when the new school is complete the whole of the old school population moves. There will be an immense problem with a primary school operating from two different sites a kilometre apart. I believe that the community has raised objections to dividing the school because people have grave doubts as to the wisdom of that decision. I have no doubt, nor have members of the community, that such an arrangement, if it proceeds, will cause the school to be seriously disadvantaged. Is the Government serious about its advertised intention to build a new primary school at Gawler East in phases over a number of years? If the Government cannot find the money to build this school in one phase, what guarantee can it give that the phases will be continued? Over how many years will the phases of construction be completed?

The Hon. C.M. HILL: I will refer those questions to the Minister of Education and bring back a reply.

ETHNIC WELFARE ADVISER

The Hon. C.J. SUMNER: First, does the Minister of Community Welfare recall receiving a letter from the President of the Vehicle Builders Employees Federation of Australia relating to the functions of the Ethnic Welfare Adviser in the Department for Community Welfare? Secondly, does he recall that the substance of that letter was that the Ethnic Welfare Adviser had been told by the Government (his superiors) that he was not to provide advice to members of the union who might be sent to him for assistance? Thirdly, if that is the case, how can the Minister justify denying migrants who may have welfare problems access to the advice of the Ethnic Welfare Adviser in his department? Finally, has the Minister taken any action to correct this situation?

The Hon. J.C. BURDETT: Yes, I recall receiving that letter, which was dated 1 September. I think that the best way I can answer the honourable member's question is to read the following reply, dated 22 September:

Thank you for your letter of 1 September 1982 concerning the availability of the Ethnic Welfare Adviser to members of your federation.

This position is being established in my department in order that advice might be given at all levels on how to best serve the needs of clients of ethnic backgrounds within available resources. This involves advice to members of the department's Executive and individual programme supervisors as well as those staff directly serving clients.

In order to gain the maximum benefit from this position, it has been necessary to have the adviser focus on the department's programmes and provide support and training for staff.

If a significant proportion of the adviser's duties related to the needs of individuals, I believe that my department would not be poroviding the best possible service to migrants across the whole of the State. Nevertheless, the Ethnic Welfare Adviser, from time to time, will have contact with individual clients. Where a situation is particularly complex, for example, it may be necessary for him to have contact with people in the community.

My department also has a significant number of staff from ethnic backgrounds who are able to assist people such as the member referred to in your letter. One of the Adviser's roles is to assist staff to provide improved services to these people. At the same time, advice will be given to migrant groups on how best to use the services of my department.

Over the past 18 months, the department has steadily improved its services to migrants. One of the most significant ways of achieving this has been through a series of Cultural Awareness Programmes. These have been conducted by the Ethnic Welfare adviser for a large number of staff in my department as well as personnel in related organisations.

I am not prepared, at this stage, to have the duties of the Adviser reviewed, and I am convinced that the process which has developed over the past 12 months will lead to the best possible service for migrants within the resources available.

Thank you for raising this matter with me.

Yours sincerely,

I would add to that: when you set up an adviser, his main task is to advise the Executive of the department.

The Hon. C.J. Sumner: And make sure that he does not come into contact with any clients.

The Hon. J.C. BURDETT: No. So that he may have access to the people who set in train the policies of the department.

The Hon. C.J. Sumner: Why did you instruct him not to see this person?

The Hon. J.C. BURDETT: I did not instruct him not to see anyone. What is set out in the letter is common sense. The job of a Womens Adviser or an Ethnic Welfare Adviser is to advise. He cannot carry out that job very well if much of his time is taken up in seeing individual persons. I said in the letter that, although in some complex cases he will be able to see individual persons, if he has to have this higher status and higher salary—

The Hon. C.J. Sumner: So, if the union refers someone to him, he cannot see that person? Is that the position?

The Hon. J.C. BURDETT: If I may finish what I am saying—if he is to have this higher status and the higher salary and higher duties of advising the Executive in regard to ethnic affairs, he will not have as much time as he had in the past in relating to individual migrants who come to him. I pointed out in the letter that a number of personnel in the department speak the languages of the various ethnic communities and understand their backgrounds, and the adviser can be referred to. I have pointed out that the adviser will be available in complex circumstances. What we have done is in the spirit of the Ethnic Affairs Commission. We have set up an adviser to advise the Executive as to how it shall carry out its functions in regard to ethnic people. That, to me, is a great plus, and not a minus.

LEAVE OF ABSENCE: Hon. G.L. BRUCE

The Hon. C.J. SUMNER (Leader of the Opposition): I move:

That six weeks leave of absence be granted to the Hon. G.L. Bruce on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

SEX DISCRIMINATION ACT AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Sex Discrimination Act, 1975. Read a first time.

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

That this Bill be now read a second time.

In 1975, the Sex Discrimination Act in South Australia was in the vanguard of anti-discrimination legislation, having been prompted by a private member's Bill introduced by Dr David Tonkin, then a backbencher, now Premier. The 1975 Act was legislation based on grounds that equality of opportunity was being denied to some only because of their sex or marital status. Similar grounds formed the basis of the Handicapped Persons Equal Opportunity Act passed in 1981 in respect of equality of opportunity being denied to some because of their physical disability.

Since 1975 the operation of the Sex Discrimination Act has not been comprehensively reviewed. An examination of principles and procedures relating to elimination of discrimination was undertaken in conjunction with the drafting of the Handicapped Persons Equal Opportunity Act. In addition, a number of proposals for change in the Sex Discrimination Act came from those who worked with the Act, those affected by it, and from the Sex Discrimination Board.

During the course of preparation of the Bill, extensive consultations took place with persons likely to be affected significantly by changes. The Commissioner for Equal Opportunity, the Women's Adviser to the Premier, bodies representing employers in this State, the Insurance Council of Australia, and various other Government officers have all assisted in discussions during the preparation of the legislation.

Whilst the Commissioner for Equal Opportunity has generally adopted a conciliatory approach to matters raised for investigation, there is no express provision in the Act that the Sex Discrimination Board should have a conciliatory role, also. This Bill now proposes that greater emphasis should be placed on conciliation by both the commissioner and the board, while preserving the powers of the commissioner to refer complaints to the board (now to be the tribunal) where necessary, and preserving the power of the tribunal to adjudicate. Confrontation is a final remedy if education and conciliation fails.

In this context, the commissioner will be given powers which correspond with the expanded responsibilities of the commissioner under the Handicapped Persons Equal Opportunity Act, namely, to have an educative role and to provide advice. The procedure for providing advice to those who may be affected by provisions of the Act provides a degree of certainty in the operation of the Act previously not available. The commissioner and the Crown are given some protection from liability in providing such advice. Both education and conciliation are vital to increasing awareness of equality for persons in employment, education, the provision of goods, services and premises.

Sexual harassment has been a matter of considerable concern for some time, but little has been done legislatively to assist those affected by it. This Bill deals with it as a form of discrimination. To explain the operation of the proposed provision, the Bill makes it an act of discrimination to harass a person sexually, and subsequently to cause some detriment based upon that person's response to the sexual harassment. The clause provides:

> A person discriminates against another on the ground of his sex if, having subjected the other person to sexual harassment, he subsequently discriminates against him on a ground related to the nature of the other person's response to the sexual harassment.

The acts or words alone would not attract a right to complain. The general philosophy of the Act, that some discrimination must occur for the Act to operate, is preserved. A remedy for discrimination on the ground of sexual harassment is thus established.

The Government considers this is to be a balanced proposal, taking into account the concern about the prevalence of sexual harassment *per se* and the effect it has on the enjoyment of equality of opportunity in the fields covered by the Act, and providing a remedy for an established complaint.

Some doubt has been expressed that a denial of an opportunity as a result of the pregnancy of a woman amounts to discrimination on the ground of her sex. In order to clarify this, a provision has been included to ensure that the Act applies to discrimination against a woman based upon her pregnancy.

Some confusion has arisen where both the board and the Commissioner accept complaints. Under the Bill, the respective responsibilities have been clarified. The Commissioner will have powers of receiving complaints, investigating them, conciliating them and, where appropriate, referring them to the tribunal. This also clarifies the status of some material presented to the tribunal.

The board will be changed to a tribunal to more adequately reflect its functions (as is the case in the Handicapped Persons Equal Opportunity Act). Its principal role is conciliating complaints brought before it, and adjudicating on them where necessary. Exemptions from the operation of the Act are necessary from time to time, but no formal procedure for obtaining exemptions has been provided. That is now remedied by the Bill which also provides that conditions may be attached by the tribunal to an exemption.

The Bill removes the exemption from actions for discrimination previously given to firms of six or less persons against a member of that firm. There is no reason at all for that practice to remain lawful. The Bill provides that superannuation must be granted on the same basis to persons of different sexes unless the discrimination is based upon actuarial or statistical data from a source on which it is reasonable to rely and is reasonable having regard to the data and any other relevant factors.

In the Governor's Speech to open this session of Parliament the subject of discrimination in clubs was raised. Fortunately, discrimination in clubs admitting men and women to membership is gradually diminishing. The Government has a concern about such discriminations, and has been discussing this with various interested groups. Some further consultation is required but rather than delay this Bill to enable consultation to be completed the Government has decided to proceed with the valuable reforms in this Bill now. Consultations with respect to mixed clubs will continue with a view to introducing a second amending Bill to deal with this matter later in this session if possible.

The detailed explanation of the clauses in the Bill will indicate the extent to which the Bill will advance the effectiveness of this legislation as a means of eliminating discrimination on the grounds of sex and marital status. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 effects an amendment that is consequential upon the decision to reconstitute the Sex Discrimination Board as a tribunal. Clause 4 effects similar consequential amendments.

Clause 5 inserts a transitional provision relating to the tribunal completing the unfinished work of the old board. Clause 6 is a consequential amendment. Clause 7 provides that the Commissioner for Equal Opportunity is responsible to the Minister for the administration of the Act.

Clause 8 expands the role of the Commissioner. New section 6a requires the Commissioner to play a positive educative role in the community. New section 6b empowers the Commissioner to furnish advice on the Act, and to become involved in relevant research. New section 6c gives the Commissioner the power to delegate to public servants, subject to the Minister's approval. New section 6d exempts the Commissioner and the Crown from liability for advice given or statements made by the Commissioner in the course of carrying out his duties under the Act.

Clause 9 is a consequential amendment. Clause 10 re-establishes the Sex Discrimination Board as a tribunal. Clause 11 is a consequential amendment and inserts the now standard provision relating to incapacity on the part of tribunal members.

Clauses 12 and 13 are consequential amendments. Clause 14 is a consequential amendment and inserts the now standard provision relating to the liability of the Crown for the negligence of tribunal members. Clause 15 effects a consequential amendment and inserts a provision that gives the chairman the power to resolve deadlocks in decisions of the tribunal. Questions of law, etc., will be determined by the tribunal, and not solely by the chairman as at present.

Clauses 16 and 17 effect consequential amendments. Clause 18 gives the tribunal the same power to conciliate as the tribunal has under the Handicapped Persons Equal Opportunity Act. New section 14b gives the tribunal power to award costs against a complainant in cases of frivolous or vexatious complaints. As the Act now stands, a respondent may be awarded some form of compensation in such circumstances.

Clause 19 is a consequential amendment. Clause 20 makes it absolutely clear that discrimination on the ground of a woman's pregnancy constitutes discrimination on the ground of sex. Clause 21 provides that discrimination on the ground of a person's response to sexual harassment is discrimination on the ground of sex. Harassment includes not only physical acts of intimacy, but also requests for sex, and remarks that reflect upon a person's sexual morality.

Clause 22 makes discrimination against a person seeking employment, or employed, in a private household unlawful where the discrimination is based upon that person's response to sexual harassment. It is made clear that it is not unlawful for an employer to discriminate against a pregnant woman where, by reason of her pregnancy, she would not be able to carry out her job adequately or safely. Clause 23 removes the limitation that renders discrimination by firms unlawful only where the firm consists of six or more partners. The section will now apply in relation to firms of any size.

Clause 24 provides that an agent or employee must not discriminate on the ground of a person's response to sexual harassment. The Act at the moment only makes it unlawful for a person who is a principal or employer to discriminate. Clause 25 broadens the ambit of section 34 to include superannuation schemes as an area in which discrimination must not now occur.

Clause 26 is a consequential amendment. Clause 27 provides the tribunal with a more detailed power of exemption. Exemptions may be granted subject to conditions. The Commissioner is given the power to apply for the grant, renewal or revocation of exemptions. A right of hearing is given to the Commissioner and the person to whom the exemption is to apply, and evidence may be called or given at the hearing.

Clause 28 provides that either the Minister or the Commissioner may request the tribunal to conduct an inquiry in the terms of this section. The tribunal will not itself have the power to initiate such an inquiry. Clause 29 provides that all complaints must be lodged with the Commissioner, thus meaning that a complainant cannot go directly to the tribunal. It is made clear that the Commissioner has the power to investigate a complaint.

Clause 30 makes it clear that the Commissioner can make a decision that a complaint should not be acted upon even though he has already taken some action in respect of it. Evidence given in conciliation proceedings before the Commissioner is not to be admissable in legal proceedings under any Act or law. As the Act now stands, such evidence is only inadmissable in subsequent proceedings under this Act, and recently the situation arose where the Commissioner was required to give evidence before the Industrial Court of matters raised in conciliation proceedings before her under the Sex Discrimination Act. This is obviously undersirable.

Clauses 31 and 32 effect consequential amendments. Clause 33 provides, as was provided in the Handicapped Persons Equal Opportunity Act, that all appeals go to the Supreme Court, instead of partly to the Full Court of that court and partly to the Full Court of the Industrial Court. Appeals also lie in relation to decisions relating to exemptions.

Clause 34 creates an offence of hindering, molesting, etc., the Commissioner or any officer assisting the Commissioner. Clause 35 provides the same defence to a person who has been given written advice by the Commissioner as was provided in the Handicapped Persons Equal Opportunity Act.

Clause 36 inserts the same provision as was inserted in the Handicapped Persons Equal Opportunity Act relating to a Person's right to bring proceedings for unfair dismissal under the Industrial Conciliation and Arbitration Act, but barring him from obtaining a determination under both that Act and this Act in respect of discrimination. Clause 37 effects a consequential amendment.

The Hon. Anne Levy: What a cop out.

The Hon. K.T. GRIFFIN: You can make your comments during the debate if you wish.

The Hon. Anne Levy: We will.

The PRESIDENT: Order!

The Hon. C.J. SUMNER secured the adjournment of the debate.

HANDICAPPED PERSONS EQUAL OPPORTUNITY ACT AMENDMENT BILL

The Hon K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Handicapped Persons Equal Opportunity Act, 1981. Read a first time.

The Hon K.T. GRIFFIN: I move:

That this Bill be now read a second time.

The principal object of this Bill is to make consequential amendments to the Handicapped Persons Equal Opportunity Act so as to ensure that consistency in procedure is maintained for the operation of the Sex Discrimination Act and the Handicapped Persons Equal Opportunity Act. The review of the the operation of the Sex Discrimination Act has resulted in a Bill to amend that Act, and it is obviously desirable for the Commissioner for Equal Opportunity, who has the administration of both Acts, and for the consumer, that the two Acts should be as alike as possible in matters

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 provides for the exemption from liability of the Commissioner and the Crown in respect of advice given by the Commissioner. Clause 4 provides for the resolution by the Chairman of deadlocks in decisions made by the tribunal.

Clause 5 provides that the tribunal may award costs against a complainant who brings a vexatious or frivolous complaint. Clause 6 provides that evidence given in conciliation proceedings before the Commissioner is not admissible in legal proceedings under any Act or law. Clause 7 is consequential upon the amendment in clause 5. Clause 8 amends the defence given to persons who act upon the written advice of the Commissioner, to bring it into line with the same defence provided by the Sex Discrimination Act Amendment Bill, 1982. A person who wishes to challenge the correctness of the advice of the Commissioner is given three weeks, or more if the tribunal allows, to do so after receiving notice of the advice and the action to be taken upon it.

The Hon. C.J. SUMNER secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the Statutory Authorities Review Bill be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act, 1934-1982.

Motion carried.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September. Page 1067.)

The Hon. FRANK BLEVINS: The Opposition does not intend to oppose this Bill, but it would be an exaggeration to say that we support it. We certainly will not oppose it, for the reasons I intend to outline. A.L.P. policy on Parliamentary salaries is perfectly clear. We believe that salaries and allowances paid to members of the South Australian Parliament should be fixed by an outside body. We believe that a Parliamenty Salaries Tribunal should be established to make those decisions.

The Opposition believes that all members should have access to this tribunal and should be able to go along to it and put their point of view if they wish. We believe that the tribunal should be unfettered in every way to enable it to arrive at a fair and reasonable determination. We believe that that is the proper way for salaries and allowances of Parliamentarians to be set. That is consistent with what the A.L.P. advocates for the work force as a whole. Our policy is quite clear: that a system of conciliation and arbitration should be established and, again, should be unfettered by clauses such as this to enable it to bring down a determination that the tribunal thinks fit. This amendment to the Parliamentary Salaries and Allowances Act is a typical piece of political grandstanding by the Government which will be, I am sure, enthusiastically supported by the Australian Democrats.

They will support this Bill not because they believe that the Parliamentary Salaries Tribunal has at any time since its inception brought down a decision that was not fair both to the people of the State and to members of Parliament: they will enthusiastically support it because they see some possibility of political mileage. That is the reason for the amendment, and there is no other reason.

It is unfortunate that the salaries of members of Parliament are a political issue. If members have a brief look at the history surrounding why members were paid salaries, from any fair observation they would agree that it was a most desirable reform which enabled people to serve in Parliament and not be prevented from doing so by having inadequate financial support in order to devote their full-time attention to this important occupation. One of the demands of the Eureka Stockade, about which we heard a little last week, was payment for members of Parliament. Theoretically at that time people were able to stand for Parliament but, in fact, there was a real economic block to their actually doing so.

The principles in this Bill are strange. New subsection (5) provides:

> In arriving at a determination under this Act, the tribunal—
>
> *(a)* shall, if prevailing economic circumstances are such that an example of restraint in levels of salary should be set by members of Parliament to the general community, ensure that the levels of salary to be fixed by the determination reflect such restraint to an appropriate degree;

That may sound all well and good but it presents the tribunal with an impossible task. How can the tribunal determine whether any restraint shown by members of Parliament will have any effect on the general community's desire to ensure that living standards are not eroded? I argue that that is an impossible task for the tribunal, which I am sure will treat it accordingly. In effect, it is a political decision. That impossible and onerous decision should not be loaded on the tribunal.

New subsection (5) *(b)* provides:

> The tribunal . . . shall have regard to the state of the economy of the State and any likely economic effects (whether direct or indirect) of the determination.

That provision is similar to the amendment that the Minister of Industrial Affairs sought to have made to the Industrial Conciliation and Arbitration Act in recent months. At that time the Opposition strongly and successfully opposed such a provision being included in that Act. We are opposed to such a clause which, in effect, would mean little but which in practice could cause much unnecessary disruption and dispute both within the commission itself and outside the commission. Should such a clause come before Parliament again as an amendment to the Industrial Conciliation and Arbitration Act, we will oppose it as vigorously as we have in the past.

To be seen to be opposing this clause for members of Parliament could be misrepresented, and I am sure it would be misrepresented by those political grandstanders the Australian Democrats and the Liberal Party, so we do not intend to give our opponents that satisfaction.

I would like to go a little further into the history of this clause and the previous two attempts of the Government to insert a similar provision in the Industrial Conciliation and Arbitration Act. When the amendment was introduced there was some dispute about what happened to the similar amendment to which I have referred. The Government claimed that the Opposition had tossed the amendment out of Parliament and should be condemned for doing so, whereas the Opposition claimed that the Government had withdrawn the amendment, added another form of words

which meant something similar and also removed the Parliamentary Salaries Tribunal from the Bill then before Parliament.

When one looks at the situation one can see that both sides were right. When the first such clause came before the Council during one of the repeated attacks of the Hon. Dean Brown on the Industrial Commission, the Hon. Mr Burdett, who handled the Bill in this Council on behalf of his colleague, on 27 August 1981 removed the Parliamentary Salaries Tribunal from the ambit of the Bill. I refer to the *Hansard* report (page 732, 27 August 1981), as follows:

The Hon. FRANK BLEVINS: For the third time I ask the Minister in charge of the Bill whose decision was it to remove the Parliamentary Salaries Tribunal from the ambit of the Bill?

The Hon. J.C. BURDETT: I moved the amendment and, therefore, the Government is responsible.

I appreciate the difficulty the Government had at that time, because it was being blackmailed by the Hon. Mr Milne and Mr Millhouse, as he then was. The Government removed the tribunal from the ambit of the Act when it succumbed to that blackmail. I would prefer to think that the Government had been persuaded by my argument on that question, that the whole purpose of the clause was misconceived, but I suspect that it succumbed to the blackmail of the Australian Democrats.

When the Industrial Conciliation and Arbitration Act was amended for the second time by this Government with such a provision as we are discussing today, the Bill was laid aside in this Chamber after a conference of managers could not arrive at any compromise. The Labor Party was proud that the Bill was laid aside and, for the benefit of honourable members who may wish to follow that debate, I indicate that the Bill was laid aside on 10 December 1981.

The basis of our opposition was completely vindicated. In February this year I was interested to receive a copy of a document that has come to be known as the Cawthorne Report. Magistrate Cawthorne conducted a review of the Industrial Conciliation and Arbitration Act, 1972-1981. I will not keep the Council any longer than necessary by reading from Magistrate Cawthorne's discussion paper and the arguments that he puts forward in support of his conclusions. I refer to Magistrate Cawthorne's synopsis on page 212, as follows:

In this section of the discussion paper, the amendments to the Act introduced in November 1981 concerning general wage movements and economic considerations are discussed. In particular, the background to the amendments is canvassed and their likely practical effect, if enacted, considered.

It is recognised that the merits of the amendments in issue largely boil down to a question of economic or wages policy upon which views will inevitably differ. Thus the policy aspects of the debate are not entered into. However, it is suggested that a number of practical problems flow from the proposed amendments.

The paper concludes that, because one is dealing with such an imprecise and often unpredictable area, the Government's objective as expressed in the Parliamentary debates on the amendments is difficult to attain by the indirect method chosen. Such method requires the use of abstract concepts and mechanisms which may achieve little in practical terms, possibly prove counter-productive to the industrial relations system as a whole, and may provoke a backlash which perhaps is coloured more by the appearance of what is being done than what actually occurs in practice.

Magistrate Cawthorne was very critical of that Bill, which the Council had the good sense to lay aside. However, I suspect that at some time in the future we may have to rehash that whole debate. The very mean, miserable and spiteful way that Dean Brown attacks the Industrial Commission will, I am sure, continue in the future. However, it will only be the immediate future because, fortunately, Dean Brown will not be in a position to attack the commission for much longer.

The Hon. D.H. Laidlaw: What do you mean by the 'immediate future'— the year 2000?

The Hon. FRANK BLEVINS: No, I am talking about the election in three months. The short term is next week. If the Hon. Mr Brown persists with his attacks on the commission by continuing to introduce these provocative amending Bills, my Party will oppose him as vigorously as it can. I hope that the Council will use the good sense that it has used in the past and support my Party's opposition.

The Hon. Mr Milne has circulated an amendment that will give both Houses the power to reduce or revoke any determination made by the tribunal. The Opposition will oppose that amendment for the reasons that I have already stated. We do not believe that members of Parliament should play any role whatsoever in setting their own salaries and allowances. The Opposition believes that that is a job for a third party. We will be voting against this amendment in a vain attempt to reduce the hypocritical grandstanding that goes on in relation to the question of Parliamentary salaries, particularly from the Australian Democrats.

I appreciate the Australian Democrats problem in gaining publicity. It must gain publicity on matters such as this or it will disappear, because the Party has nothing substantial with which to justify its existence. In fact, the Australian Democrats regard as manna from heaven a line given readily and generously in the Adelaide *News*. I know only two Australian Democrats well, Mr Milne and Mr Millhouse (I do not know Mrs Southcott all that well). However, they appear to be extremely wealthy people, and I am sure that a Parliamentary salary means little to them. Therefore, their behaviour is extremely hypocritical. We will oppose the Hon. Mr Milne's amendment, because it is the tribunal's job to set a salary level. The Labor Party wants absolutely nothing to do with that procedure at all.

The ACTING PRESIDENT (Hon. M.B. Dawkins): The honourable member should not dwell on that amendment.

The Hon. FRANK BLEVINS: I was hoping to save time in Committee. If necessary, I will repeat what I have said in my second reading speech. In the meantime, I will try to think of a few more examples of the hypocrisy of some members.

The Hon. K.L. MILNE: I am very conscious of the matters raised by the Hon. Mr Blevins in relation to the Australian Democrats. We must remember that very few members of this Parliament rely entirely on their Parliamentary salaries. In fact, nearly all members earn a great deal of money from other sources, such as committees, and so on.

The Hon. Frank Blevins: Speak for yourself.

The Hon. K.L. MILNE: I am not a member of any committee and I do not intend to join any. I am surprised at the number of members opposite who have second incomes.

The Hon. C.J. Sumner: Who are they?

The ACTING PRESIDENT: Order! The honourable member should address himself to the Bill and not worry about interjections.

The Hon. C.J. Sumner: Well, he makes these allegations.

The Hon. K.L. MILNE: The Hon. Mr Blevins was making allegations without knowing the facts about my affairs, or about anything else. I suppose it is impossible for the tribunal to know whether it is affecting the state of the economy. I admit that this matter was well dealt with last time that it came before this Parliament. In fact, the Australian Democrats said when this matter arose in the Parliament that it was not the position of a tribunal to consider such matters. The tribunal convinced me, the last time I appeared before it, that it was not its function and nor was it capable of doing that.

The Australian Democrats opposed this part of the measure before the Parliament on the previous occasion. However,

the Government has reintroduced this legislation, and I do not intend to oppose it this time. I am not accepting it with enthusiasm, because the same feeling remains that the tribunal is not capable of making such a decision. The fact that the tribunal is not able to make a decision and is not capable of assessing the effect of its actions on the economy leads me to believe that the Parliament should be able to do just that. If the tribunal made a decision that the Parliament felt could be detrimental to the State, surely we would all agree that we should change that decision. I am suggesting not that the Parliament should have the power to increase Parliamentary salaries or increase a determination made by the tribunal but simply that it should have the power to vary downwards the amount decided on.

We all know that the down-turn in the economy is causing great hardship in the private sector. It is not causing hardship to Parliamentarians with their Parliamentary salary, to public servants with their salary system, or to the armed services with their fixed salary system. However, many workers in the private sector are already being asked to accept reduced working hours and reduced pay (if they can retain their jobs at all). We all know that these things are happening now. Even if what I am suggesting was introduced as a temporary measure, it would be worthwhile for this Parliament to consider it. The majority of people—the rural sector, industrial sector and the commercial sector—are suffering. Surely, if that is so, this Parliament should not shrink from the responsibility of retaining the right to adjust downward salaries determined by the tribunal, if it wishes to set an example of restraint.

The fact is that every time wages and salaries increase unemployment increases. That happens even when the economy is more buoyant. However, with a down-turn such as the present one we must face facts. ABS figures released this morning show a rise in unemployment in South Australia of 5 000.

The Hon. C.J. Sumner: The unemployment is worse now than it was in September 1979.

The Hon. K.L. MILNE: I know of the honourable member's figures relating to that statement, and I am grateful to him for bringing them to my attention; they strengthen my argument.

The Hon. K.T. Griffin: There's been some collusion, has there? It sounds like you have been working together on something.

The Hon. C.J. Sumner: We have been working on trying to get the truth about numbers out of you people.

The Hon. C.M. Hill: You're trying to get the members. That's the only time that you talk to him.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Hon. Mr Milne has the floor.

The Hon. K.L. MILNE: Surely rises in unemployment figures add weight to my argument that this Parliament should be in a position to make a decision about wage restraint if it wants to. I am well aware that the whole idea of the present Act was to remove this decision from the hands of the Parliament.

The Hon. R.C. DeGaris: To remove it from the hands of the Government, not the Parliament.

The Hon. K.L. MILNE: That is really what I meant—out of the hands of the Government. Not to take responsibility for increases that may not be in line with the rest of the community is an unnecessary embarrassment and brings unnecessary criticism on the Government and the Parliamentary system. It distorts many of the decisions that the Government might make. I believe that this decision should have remained in the hands of the Parliament. As it has not, I suggest that we should at least revert to the position where we can make a reduction in the finding made by a tribunal.

I know that it is easy for me to say that, because I was not here, but I think it was quite reprehensible of the Parliament to give up this responsibility. I understand that the Federal Parliament has the power to reduce amounts decided on by the salaries tribunal. In fact, the Prime Minister urged the Parliament to do that when he returned from an overseas visit and found that what he thought to be an unreasonable increase in Parliamentary salaries had been awarded. In fact, that was accepted.

The Hon. R.C. DeGaris: It can still be done here—Parliament still makes the decisions.

The Hon. K.L. MILNE: How?

The Hon. R.C. DeGaris: By a resolution of both Houses.

The Hon. K.L. MILNE: I believe that the Parliament has tried to give away that power. I would be very interested to know that that was not so. I am saying that the Parliament should retain this responsibility. I will talk to the Hon. Mr DeGaris before the Committee stages of this Bill are reached to check what he has just told me. I believe that not only should the Parliament have the power to control any excesses in salaries by reducing what it considers to be an excessive amount reached in a determination but also it should run its financial affairs altogether. If this Parliament had the courage to make a decision of that kind, that decision would be welcomed by members of the public and and would add considerable dignity to an area of Government which at the moment is highly criticised.

The Hon. Frank Blevins: How holier than I you are.

The Hon. K.L. MILNE: The honourable member carries on with this 'holier than I' business, but what position is he in to criticise me, for heavens sake? Finally, I foreshadow that I will in Committee attempt to introduce an amendment to clause 2 introducing a new subsection (6).

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indication of support for this Bill. I do not accept what the Hon. Frank Blevins asserts, namely, that this is a piece of political grandstanding. The Government believes that there ought to be a tribunal which assesses all material before it and then makes a determination about the salaries of members of Parliament. One of the deficiencies is that in its last examination the Parliamentary Salaries Tribunal said that it was not able to take into account the state of the economy, the likely economic effect, and other relevant factors in reaching its decision. The Government is seeking to provide the tribunal with the power to take these matters into account and then make its assessment of them in conjunction with all other submissions that are made to the tribunal. We want, by way of this legislation, to enable the tribunal to exercise that power in such manner as it deems appropriate in the light of decisions made.

It is important for many reasons to ensure that the salaries are fixed independently of the Government and Parliament by a body such as the Parliamentary Salaries Tribunal. Of course, tribunals are in operation in the Commonwealth arena and in most of the other States now, fixing the salaries not only to members of Parliament but also those of other statutory office holders. So, it is not sufficient to suggest that years ago there was some delinquency in establishing a Parliamentary Salaries Tribunal. It is now a fact of life across Australia, and that is the appropriate forum in which a decision should be made.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'General powers and functions of the tribunal.'

The Hon. K.L. MILNE: I move:

Page 2, after line 5—Insert subsection as follows:

(6) A determination of the tribunal may be reduced or revoked by resolution of both Houses of Parliament.

I recently explained that I believed that this provision should be inserted. I believe that it is in line with the present economic situation, at least. Even if it is temporary, it would be a sensible thing for the Parliament to consider at the present time.

The Hon. K.T. GRIFFIN: I have made my position clear. The amendment is not supported for the reasons that I have already indicated.

The Hon. FRANK BLEVINS: During the Hon. Mr Milne's second reading explanation, in outlining, generally, this amendment, he mentioned the word 'dignity'. He said that an amendment such as this would enable members of Parliament to have a degree of control over their own salaries and somehow would add dignity to members of Parliament, and that this would be appreciated by the population as a whole. However, the contrary would happen. What would occur would be an unseemly auction by members of Parliament and by political Parties, an auction that would attempt to display to the people outside just how good that Party was in accepting or bidding for less and less salary. The winners of that auction would be the most grovelling, hypocritical and revolting political Party possible, and the one that could grovel the most presumably would get the most kudos.

The Australian Labor Party and I do not intend to enter into that kind of demeaning auction, one of the reasons being that the Australian Labor Party does not have the attributes required to win such an obnoxious auction. The Australian Democrats are absolute masters of that type of behaviour. It would be an unfair contest. The Australian Democrats have all these attributes in abundance and would win that kind of obnoxious auction hands down. We do not intend to give them that advantage.

The Hon. M.B. DAWKINS: I support the Government's objectives in introducing this Bill, but I cannot support the Hon. Mr Milne's amendment, which is unnecessary. I am surprised that the Australian Democrats, most of whom have been in Parliament for such a short time, are so quick, as they have been in the past in the press, to decide what Parliamentary salaries should be. I am sure that the Hon. Mr Milne, to take one example, has not driven the many thousands of miles around this State that most members of this Council who have been here for some time have driven.

I have heard the honourable member on previous occasions making comments on Parliamentary salaries. Quite frankly, I do not believe that most of the Australian Democrats, either in this Parliament or in the Federal Parliament, who have not been here or there for very long know very much about the expenses incurred by members of Parliament. In addition, I was surprised to hear the honourable member indicate that, in his opinion, most people in the Parliament have other incomes and that their Parliamentary salaries are only peanuts.

The Hon. K.L. Milne: I did not say that.

An honourable member: He was speaking for himself.

The Hon. M.B. DAWKINS: He may not have used those actual words, but he did say something about out-of-pocket expenses or something of that nature. I am aware that many members of this small House of Parliament exist on their Parliamentary salaries. I am one of them. I have no doubt that a number of members on the other side of the Council are in the same category. If the Hon. Mr Milne is in a position where his Parliamentary salary is expenses, he should look again at the expenses incurred by Parliamentarians over the years rather than make a snap judgment in the very short time in which he has been in Parliament, and come out with something that is unfair to members. I must oppose the honourable member's amendment. I have always got on very well with the honourable member, but sometimes he makes judgments that he would not have made in the accounting field unless he had had many years of experience in that profession. I must record my opposition to the amendment.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

PUBLIC FINANCE ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendment.

APPROPRIATION BILL (No.2)

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

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

This Bill, which is the main Appropriation Bill for 1982-83, provides for an appropriation of $1 737 966 000. The Treasurer has made a statement and has given a detailed explanation of the Bill in another place. That statement has been tabled in the debate on the motion to note the Budget papers and made available to honourable members.

The Hon. C.J. SUMNER secured the adjournment of the debate.

JUDICIAL REMUNERATION BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 1162.)

The Hon. C.J. SUMNER: (Leader of the Opposition): This Bill is similar to a Bill introduced by the Attorney-General and defeated in this Council during the last session of Parliament. It provides that judges, whether Supreme Court, District Court or Industrial Court judges, can receive their remuneration by way of salary and allowance. Apparently the Government wants to split the remuneration that judges receive into two components, that is, salary and allowance. The Government believes that under the legislation as it stands at the moment it is not possible to pay an allowance to a judge, and that the only remuneration that can be paid is by way of salary.

On the last occasion, this Bill was defeated by the Labor Party and the Australian Democrats for two basic reasons. The first reason was the complete lack of information that had been provided by Government in support of its proposition that there should be a component in judges remuneration for an allowance. The Government did not provide the Council with the report that it had commissioned on judicial salaries. Indeed, it was only after some questioning that the Attorney-General made available to the Parliament the recommendations of the report as to the exact salaries that would be paid to the judges. At no stage was the full report that had been commissioned by the Government made available to the Parliament.

The whole history of the matter was clouded in doubt: it was certainly clouded in secrecy. The Parliament was told very little, and the pre-existing system that had operated for the payment of judicial salaries, which was based on a percentage of judicial salaries paid in New South Wales and Victoria, had been scrapped by the Government without any explanation to the Parliament. The second reason why I think the Bill was defeated is that it was clear that many judges were not happy with the proposal. The Attorney did

not tell the Parliament the attitude of the Judiciary as to the change in their salary structure.

The Hon. K.T. Griffin: I said that as far as I was aware they were all happy with it.

The Hon. C.J. SUMNER: If you did say that, you said it later in the debate. It certainly was not something that you made clear to the Council at the time that the Bill was introduced. Of course, it also was not true. The fact is that the Judiciary, in general, was opposed to the legislation. That was certainly the impression that I gained.

I must say that this still seems an odd way for the Government to arrive at a salary determination for judges, that is, to set up a committee on which judges are not involved and about which Parliament is not told, and then introduce legislation to give effect to the recommendations of that committee, without making the report available to the Parliament. However, the Opposition will not oppose the Bill that has now been introduced because, although I still understand that some of the judges are unhappy about the legislation, the judges as a whole are prepared to accept the proposition put forward by the Government.

After the last Bill was defeated, the Attorney-General asked me whether I would consider the Bill further, and he assured me, by way of correspondence, that there was no intention at all in the legislation in any way to affect the judges' salaries or pensions. The Attorney-General also advised me that the allowances or increments of salary would not be reduced. That certainly was not the impression that I gained at the time the original Bill was introduced into the Council. Also, it certainly was not the impression of many of the judges.

The Opposition believes that it was a means whereby the pensions of certain judges could be reduced. However, in the information that the Attorney gave me he denied this. I then asked the Attorney whether he could tell me whether or not the judges affected by the change agreed with the proposal, and he indicated that a majority of judges now approved of the Bill. In the light of that, the Opposition will not oppose the legislation on this occasion, although it still maintains that the procedure adopted was unsatisfactory. No reason was given for the change in the pre-existing system. The fact that the information which was given to Parliament on the last occasion was inadequate did not do anything to enhance proper debate on the Bill previously.

The Hon. K.T. GRIFFIN (Attorney-General): What I found difficult to understand on the last occasion was that, until the Leader of the Opposition indicated that there was opposition from the judges to the Bill introduced, I had not been informed of any opposition. I introduced the previous Bill to Parliament in good faith, believing that there was not any opposition to it and there could not be any reasonable opposition to it. The Bill clearly stated that the salaries of the Judiciary would not be reduced. There was a specific clause in the Bill.

During the course of the debate I attempted to make it clear that none of the judges would in any way be prejudiced by the passing of that Bill. Since then the Leader of the Opposition has been in contact with me and, hopefully, I have quietened any of the concerns that he voiced at that time. I hope the information that I have given him will enable him to support the Bill.

I thank him for his present indication of support. The Bill makes it clear that there will be no reduction in the salary of judges on which pensions (a non-contributory pension) are calculated, and the allowances which the Government of the day is empowered to grant in consequence of the passing of this Bill additional to the salary, but of course the allowances are not taken into account for the purposes of calculating pensions under the Judges' Pensions Act. It was unfortunate that there was apparently some misunderstanding and possibly some discussions on the other side with judges and others to the extent that the previous Bill was not supported. I am pleased that at last the matter has become clear to the Opposition, which now supports the Bill.

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

ADJOURNMENT

At 4.29 p.m. the Council adjourned until Tuesday 12 October at 2.15 p.m.