LEGISLATIVE COUNCIL

Wednesday 7 September 1988

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

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

PAPER TABLED

The following paper was laid on the table:

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

South Australian Totalizator Agency Board—Annual Report, 1987-88.

QUESTIONS

ADELAIDE CONVENTION CENTRE

The Hon. M.B. CAMERON: I seek leave to make a statement prior to asking the Minister of Tourism, the surviving Minister on the front bench, a question about the Adelaide Convention Centre.

Leave granted.

The Hon. M.B. CAMERON: On 27 October 1983 Mr Bannon in a ministerial statement made in another place stated that the Government's maximum financial obligation under the terms of the ASER agreement for the Convention Centre and car park was estimated 'to be $1.25 million in the first year'.

The Hon. J.R. CORNWALL: On a point of order, Madam President, the Leader of the Opposition just referred to my colleague Ms Wiese as the surviving Minister. We have a full complement of Ministers in the current Cabinet and the Leader of the Government in this place, the Hon. Mr Sumner, is overseas on Government business. The comment is completely out of order and ought to be withdrawn.

The Hon. M.B. CAMERON: The surviving Minister in this place on this day, Madam President.

The Hon. J.R. CORNWALL: Madam President, I draw your attention to the fact that that simply is not so. It is not a question of survival. It is totally out of order. It is grossly offensive and against all the traditions of this Parliament for the Leader of the Opposition to misrepresent the position of the Leader of the Government in this place who is overseas on Government business. He ought to withdraw if he has any decency at all.

The PRESIDENT: I do not think really there is a point of order, but I agree with the honourable member's comment that the Attorney-General is overseas on Government business. I point out that the truth is not necessarily part of the Standing Orders nor a Standing Orders requirement for questions. The Hon. Mr Cameron.

The Hon. M.B. CAMERON: I was referring to the Government's maximum financial obligation being estimated to be $1.25 million in the first year for the Adelaide Convention Centre car park. This will be equal to $1.74 million in present dollar terms. Mr Bannon also said:

> This amount can be expected to be significantly reduced depending on the extent of the revenue derived from the public use of these facilities.

However, the Auditor-General's Report tabled yesterday reveals that the reverse has happened. It shows that in the first full year of operation of the Convention Centre and the car park the Government's financial obligations under the ASER agreement amounted to almost $3.2 million, that is, $1.4 million or 83 per cent more than the Premier's original estimate.

Rather than this being offset by revenues generated by the centre and the car park, there was in fact a deficit of more than $4.3 million which the Government offset with further contributions of almost $4 million. The Government's total obligation to the centre and car park last financial year was therefore $7 million, three times the Premier's original estimate. Will the Minister admit that the Premier seriously underestimated the cost to taxpayers of building and operating the Adelaide Convention Centre, and what action does the Government intend to take to stem the centre's operating losses?

The Hon. BARBARA WIESE: The final figures for the cost of construction of the Adelaide Convention Centre and other parts of the ASER development have not been drawn to my attention at this point, so I am not able to comment on the honourable member's allegations that the cost of development of the Adelaide Convention Centre and car park is grossly over the amount of money predicted by the Premier at the time the honourable member was quoting his statements.

What I can say is that, as far as the Government is concerned, the operation of the car park has been enormously successful in terms of the revenue which the State Government has been able to gain through the leasing arrangements which apply there. What is more, the operation of the Convention Centre itself has been enormously successful in the 14 months or so since it first began its operations. In fact, it now has a large number of conventions booked well into the 1990s, the most recent of which I was informed just this morning is a convention for about 1 000 people who will come here in 1994. Contrary to the sorts of claims and allegations which have been made in recent times by members opposite, and most particularly the Hon. Mr Davis, the reason why we got this conference was that the exhibition hall proposed to be built here will be in operation by that time and that was the point which clinched the deal, if you like, with this large organisation.

We won that conference against very keen bidding from Victoria and New South Wales, which will both have Convention Centres with exhibition space larger than that which will exist for our own Convention Centre by that time. Once again, the predictions of doom and gloom brought forward by members opposite about our capacity to attract business to this State fall very short of the facts. I think that members should be very clear about that.

The Convention Centre has been enormously successful. At this stage it has benefited the South Australian economy by about $13 million. It is expected to do much better than that within the next few years and I predict that the amount of business that the Convention Centre has already written will probably well and truly pay off any construction costs for the Convention Centre. However, I hasten to point out that that is a prediction, because I am not aware of the full construction costs for that centre. I think that the criticism that is constantly made by members opposite about whether or not the ASER project is useful, whether or not it is functional, and whether or not it is succeeding day by day are proven to be totally inaccurate, because the complex is wildly successful. It has been an enormous boost for South Australia.

It has attracted a tremendous amount of new business to this State and has given an enormous amount of exposure for the State. Further, it has attracted many people from all over Australia and internationally who otherwise would not have come to this State.

The Hon. M.B. CAMERON: As a supplementary question, will the Minister answer the two questions which I put to her: first, that the Government's maximum financial obligation under the terms of the ASER agreement was to be $1.74 million and will she admit that it was seriously under-estimated, in view of the fact that it has now cost $7 million? What action does the Government intend to take about the centre's operating losses, because it is a matter of taxpayers' funds?

The Hon. BARBARA WIESE: I will have to refer those questions to the Premier in his capacity as Treasurer and obtain a report on the expenditure which has been outlayed in the areas suggested by the honourable member.

NUCLEAR ARMED SHIPS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Acting Leader of the Government in the Legislative Council a question about nuclear armed ship visits.

Leave granted.

The Hon. K.T. GRIFFIN: The United States frigate *Brewton* arrives in Port Adelaide on Saturday and is said to carry nuclear depth charges. The United Kingdom ship *H.M.S. Edinburgh*, similarly equipped (according to reports), is to visit Port Adelaide on 20 October. According to media reports today, the United Trades and Labor Council has called on unions to give no assistance to the docking, supplying or servicing of these ships, notwithstanding that they are visiting as guests of Australia as part of our bicentennial celebrations. My questions to the Minister are:

1. Does the Government support the visits by these ships?

2. Does it support the call by the United Trades and Labour Council to give no assistance to these ships?

3. What steps will the Government take to ensure services associated with docking and supplying these ships are provided?

The Hon. BARBARA WIESE: This is not a matter that comes within my jurisdiction as a Minister of the State Government. I am not sure which Minister would have the authority or responsibility to make the sort of judgments that the honourable member is suggesting should or could be made by the South Australian Government. Certainly, I will make inquiries of the appropriate Minister to ascertain what has been the position and whether or not any special arrangement or suggestion has been made that these ships should not be accommodated. However, to my knowledge, there has not been any discussion on this issue at Cabinet meetings that I have attended recently.

The Hon. L.H. Davis: You sit at the wrong end of the table.

The Hon. BARBARA WIESE: That could be a problem, yes. I might have missed the discussion, although I am getting closer every week.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Ms President, I would anticipate that the arrangements being made this time for the visit of the ships to Port Adelaide would be the same arrangements as have applied in the past when ships have visited Port Adelaide. If the situation is any different from that, I will certainly bring a report back to the Council for the benefit of members.

WILPENA TOURIST DEVELOPMENT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about tourism development in the Flinders Ranges.

Leave granted.

The Hon. L.H. DAVIS: In 1958, Mr Kevin Rasheed was granted a Government lease of Wilpena in the Flinders Ranges. He took over the two Nissan huts on the site and provided accommodation for up to 28 people who came by bus to see at first hand the beauty of the Flinders Ranges. Mr Rasheed was given encouragement and support by the Playford Government, and then in 1968, with the support in particular of Deputy Premier Des Corcoran, a major extension and upgrading of facilities at Wilpena took place. The Rasheed family, who had owned the buildings and plant on the site, sold them back to the Government in 1981 and they then entered into a three year lease with a right of renewal for a further three years. That lease expired in June 1987, and I understand it is now running on a monthly basis.

Kevin Rasheed, who was born at Carrieton and who experienced adversity when his family suffered economic hardship on the land, is known by many as 'Mr Flinders Ranges'. For 30 years he has given his heart and soul to showing people the country he loves. In fact, my mother-in-law, who lives in Brisbane, insisted on a holiday at Wilpena, after seeing both Kevin Rasheed and the Flinders Ranges featured on a national television advertisement. His contribution to tourism was recognised when he won the inaugural Harry Dowling award a few years ago, and this year he won the prestigious State tourism award for the outstanding contribution by any individual in South Australia. His son, Keith, now runs the Wilpena resort, which can accommodate up to 100 people in 44 units and provides employment for 35 staff at its peak.

In the past few years much publicity has been given to the proposal for a major tourism resort in the Flinders Ranges. The Government has recently announced that there is a proposal for a $50 million resort at the site of the old Wilpena Homestead, three kilometres from the entrance to Wilpena Pound. This development will be undertaken by a Sydney company, Ophix Pty Ltd, which I understand has not previously been involved in developments of this nature.

The Minister is aware that there is great hostility in tourism circles, and in the Flinders Ranges, at the shabby and shameful treatment handed out to the Rasheed family by this Government. I understand that the Rasheeds were more than happy to participate in any appropriate development in the Flinders Ranges. As one tourism leader told me, they have been made lepers by the Government thumbing its nose at the Rasheeds' ability, expertise and knowledge.

Apparently submissions have been made by the Rasheeds to the National Parks and Wildlife Service over recent years about development in the Flinders Ranges. Obviously, the Department of Tourism would be aware of it, but little interest has been shown in their proposals. Presumably they are not favoured sons.

Now the Flinders Ranges could face the future without the Rasheeds because the Wilpena resort, now leased by them on a monthly basis, will be closed if and when the new resort is built. Many people are puzzled at the contempt with which the Rasheeds have been treated, and equally puzzled about how a Sydney developer got such an easy rails run on such a big project and how it was not even put out to tender. My questions to the Minister are as follows:

1. Who made the decision to give the Sydney company Ophix the first right of refusal to develop the tourist resort at Wilpena?

2. Does the Minister approve of Ophix being given preferential treatment over the Rasheeds, or any other people who may have had an interest in the project?

3. Why has the Department of Tourism and the National Parks and Wildlife Service treated the Rasheed family so shabbily?

The Hon. BARBARA WIESE: I do not believe that the Rasheed family has been treated shabbily by either Tourism South Australia or, indeed, the National Parks and Wildlife Service. In fact, during the course of planning and development of the tourism resort in the Flinders Ranges, the Rasheed family has always been involved in discussions and kept informed of developments.

I understand that that approach has been taken by the National Parks and Wildlife Service, although I do not have direct knowledge of or involvement in that. However, I do know for certain that that has been the approach taken by Tourism South Australia, because Tourism South Australia has had a long and very successful, mutually satisfactory relationship with the Rasheed family in relation to their tourism development in the Flinders Ranges.

However, it must also be borne in mind that a study which was undertaken, or at least commissioned, by Tourism South Australia a few years ago and which was designed to look at tourism developments in the Flinders Ranges area and to identify the gaps and needs in the provision of tourist facilities recommended that a tourist resort of a different kind to the one operated by the Rasheed family was desirable if South Australia was to realise its tourism potential in the Flinders Ranges.

From that time the National Parks and Wildlife Service took up the matter because after all, it is the organisation that is responsible for the operation of the national park in the Flinders Ranges. The National Parks and Wildlife Service entered into discussions with the company known as Ophix about the possibility of developing an appropriate resort in that area.

It was clearly identified in the tourism study and supported by the National Parks and Wildlife people that the current development in the Flinders Ranges was, in fact, environmentally damaging. There is no doubt that the area near the current development has been severely degraded as a result of its intense use by people coming into the area, and it was decided, for environmental as well as aesthetic reasons, that a new resort should be located in another area of the Flinders Ranges, as close as possible to Wilpena but in an area that would be more environmentally appropriate. As a result of that, the Government bought the old Wilpena Station property which had been used for grazing purposes over a number of years and which, therefore, was not pristine, native scrub or an area that would be considered inappropriate for development, and that has been chosen as the site for a new resort development.

Ophix came forward and indicated that they would like an opportunity to look at this proposal. They were prepared to develop a proposal which would mean that no costs at all would be involved for the Government in the provision of infrastructure to get that resort under way. As a result of that, Ophix in return for that—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —also sought a period of exclusivity during which they would be able to work on and develop a proposal that would be economically viable in their terms and a no-cost to the State Government. It was Cabinet's view that that company should be given that opportunity. Indeed, they have been given that opportunity and have been working on that proposal since Cabinet gave its approval. Since Ophix was given the right to work up its proposal, it has been made very clear to the Rasheed family by the National Parks and Wildlife Service and also by Tourism South Australia that there is nothing to stop them from being involved in the new project if they want to be so involved.

In fact, it has been suggested to the Rasheeds that they approach Ophix with a view to having some involvement in the project, if they want to pursue that. Indeed, I understand that Ophix approached the Rasheed family, offering to have them involved in the project if they wanted to be involved.

The Hon. Peter Dunn: On what terms?

The Hon. BARBARA WIESE: I do not know the terms. That is not for me to know about. That is a business arrangement—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It is a business arrangement between two private companies.

The Hon. Peter Dunn interjecting:

The PRESIDENT: Order! The Hon. Mr Dunn will come to order.

The Hon. BARBARA WIESE: Any discussion that takes place between two private companies about the involvement of one or another in a business operation is not a matter for me to be involved in or concerned about. It is a matter for the companies to make their own business judgments as to whether or not involvement in a proposal is a good or bad thing. I do not know the outcome of those discussions. However, I have not heard that the Rasheed family will be involved in this venture, so I presume that the two companies have not come to an arrangement on it. I do know that the Rasheed family has other properties in the Flinders Ranges—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —and that they are pursuing their own alternative tourism proposals and developments on the properties that they own, as they have every right to do. As far as the National Parks and Wildlife Service development is concerned, I hope that before too long that resort construction will get under way, because there is no doubt that we need a resort in the Flinders Ranges that will meet the requirements of tourists in the 1980s and 1990s if South Australia is to promote the Flinders Ranges to the widest possible audience nationally and internationally.

NURSING PROFESSION

The Hon. J.R. CORNWALL: I seek leave to make a brief statement before asking the Minister representing the Minister of Health a question about the nursing profession.

Leave granted.

The Hon. J.R. CORNWALL: This morning—

The Hon. L.H. Davis: Read it slowly and give her a chance to read what you have given her.

The Hon. J.R. CORNWALL: What a contemptible thing you are! This morning a recent copy of a journal called the *South Australian Medical Review*, described as an official publication of the Australian Medical Association, South Australian Branch, and the South Australian Post Graduate Medical Education Association (which, incidentally, is substantially funded by the South Australian Government

through the Health Commission) passed across my desk. At page 3 is an article headed 'Major Criticism of RAH Board', the RAH being the Royal Adelaide Hospital. The article states:

Royal Adelaide Hospital Board has been severely criticised by a leading Adelaide orthopaedic surgeon.

Mr Robert Bauze, past Chairman and visiting Director of the Department of Orthopaedic Surgery and Trauma at the RAH, claims the hospitals board has little understanding of patient management and medical problems . . . He told those present he had left the RAH because of the policies and behaviour of the hospital board.

The Chairman of the hospital board, of course, is Mr Lewis Barrett, who is also Chairman of the State Bank board. He is one of the most respected citizens in this city and in this State. He has served with great distinction not only on the board of the Royal Adelaide Hospital but also on the board of the State Bank. He is currently Chairman of the Council of the Institute of Technology and has been a distinguished citizen who has contributed much to the life of this State under successive Governments, both Liberal and Labor.

The Deputy Chairman of the Royal Adelaide Hospital board is Mr Brian Sallis, who, from my recollection, is also Chairman of the board of Advertiser Newspapers. This is the calibre of the persons being criticised by Mr Robert Bauze for their time, their energies and their skills which they dedicate to this great hospital. There are no directors fees for members of hospital boards: their work is entirely honorary and, as distinguished citizens, they have been criticised in this extraordinary way. It gets much worse, because the article goes on to say:

He [that is, Mr Bauze] alleges morale problems exist within the hospital and criticises senior nursing administration. 'On committees they (nursing administrators) were impossible,' Mr Bauze said. 'Their stance was so often related to industrial, nursing and feminist power, not related to the needs of patients,' he said.

Mr Bauze made the comments when delivering his farewell speech at the hospital. He recently resigned after running the hospital's Department of Orthopaedic Surgery and Trauma for the past five years.

An honourable member: Is he one of those robber barons?

The Hon. J.R. CORNWALL: All the problems of the orthopaedic surgeons used to be attributed to me single-handedly. Obviously, now the criticisms can be sprayed about.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: They seem to find this hilarious.

The PRESIDENT: You are under no obligation to take any notice of interjections.

The Hon. J.R. CORNWALL: I know. Let me simply say that Legh Davis is the sort of person who gives bow ties a bad reputation. Mr Bauze goes on to say:

I see very little hope for the RAH without massive changes in either attitudes or composition of the board—

this is the board of distinguished Adelaide citizens—

particularly without the addition of certain active and articulate doctors with the necessary additional administration skills.

The report continues:

Commenting on the nursing profession, Mr Bauze said the hospital's registered nurses were 'magnificent'. 'However—

I am quoting these words which were attributed directly to him—

when they leave the wards and move up into the high echelons of administration something happens. So many of them are politicised, radicalised, anti-doctor and anti-male.

This is from a journal in public circulation. It continues:

What power have doctors got when there are four full-time medical administrators and 20 or 30 full-time nursing adminstrators?

Mr Bauze said power was important because the doctor—as the person treating the patient—should be a leader in team management.

Other para-medicals are subsidiary. They must be. To restore power to doctors, for the patients' benefit—because there can be no other reason—will require the development and fearless use of industrial muscle or political power—

one might add, if it were not subjudice, even in the judicial system—

with inevitably some dislocation to service before success is achieved. It will need a board that will stand by the doctors.

And, so it continues:

But to stay and submit to insults and to the nurses' power grab assists the fall to mediocrity of this great hospital.

Leaving aside any legal consideration, that is, of course, a terrible slur on the noble profession of nursing, and I hope that it does not represent the views of orthopaedic surgeons generally. In view of this disgraceful attack on the nursing profession and on members on the board of the Royal Adelaide Hospital, will the Minister of Health ascertain whether the Association of Orthopaedic Surgeons and the South Australian Branch of the AMA are prepared to dissociate—

Members interjecting:

The Hon. J.R. CORNWALL: Order, Madam President.

The PRESIDENT: Order! I suggest that the honourable member ask his question.

The Hon. J.R. CORNWALL: In view of this disgraceful attack on the noble profession of nursing, will the Association of Orthopaedic Surgeons and the South Australian branch of the Australian Medical Association dissociate themselves from the attack on the profession in South Australia, and will the Minister further ascertain if they (that is, the Association of Orthopaedic Surgeons and their officials as well as the officials and executive of the South Australian branch of the AMA) are further prepared to dissociate themselves from the attack on members of the board of the Royal Adelaide Hospital, and to apologise to both the nursing profession and the Royal Adelaide Hospital board unreservedly?

The Hon. BARBARA WIESE: I will refer those questions to my colleague and bring back a reply.

NUCLEAR ARMED SHIPS

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister representing the Government a question on visiting nuclear armed warships.

Leave granted.

The Hon. I. GILFILLAN: I refer to an article in the latest edition of *The Eye* which contains a draft of a press statement issued by the Federal Minister—

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: If you do not know of *The Eye*, you should listen. The press release was issued by the then Minister of Defence, Mr Scholes, on 26 February 1984. It relates specifically to the visits of warships, and it is relevant to introduce it as an explanation to my question. The suggested text is from the American Secretary of State, George Shultz in a telex, the top lines of which are reproduced in this article, states what he wanted the Labor Government to say. The first point states:

The Australian Labor Party and this Government have gone on record as supporting the rountine visits of naval ships of our ANZUS allies, particularly the British.

The Labor Party release stated:

The Australian Labor Party and this Government have gone on record as supporting the visits of naval ships of our ANZUS allies. This policy applies equally to our other friends and allies, particularly the British.

Point 2 deals with some maintenance facilities. Point 3 is relevant. George Shultz's suggested text reads:

Regarding the use of Australian repair facilities, further clarification is in order. Whether our facilities would be appropriate for use in a given situation would depend on technical and safety requirements of both the RAN and the allied navy and would vary from ship to ship.

The text issued by the Labor Government read:

(On) the question of an allied or friendly warship possibly needing to dry dock in an Australian port in the future, it was agreed that each request would have to be considered on its merits taking into account technical and safety factors.

In point 4 George Shultz directed that the Labor Government say:

As a matter of record we wish to state that this Government does not require assurances that allied Governments reveal whether their ships carry nuclear weapons. Both the US and British Governments have a policy of neither confirming or denying the presence of nuclear weapons. We understand and respect the reasons for that policy.

The Labor Government press statement read:

As a matter of record we wish to state that this Government does not require that allied Governments reveal whether their ships carry nuclear weapons. Both the US and British Governments have a policy of neither confirming or denying the presence of nuclear weapons. We accept the reasons for that policy.

Point 5 is a trite motherhood statement repeated word for word from the text that Shultz gave and what the Labor Government stated. As honourable members know, on Saturday arriving in South Australia will be the USS *Brewton*, a Knox class frigate said to carry nuclear depth charges with one kiloton warheads—equal to the power of 1016 tonnes of TNT. On 20 October HMS *Edinburgh* said to carry 5 to 10 kiloton nuclear depth charges is expected to arrive. Today there has been a combined emergency services exercise involving simulated shipboard fires and radiation leaks. That exercise, I understand, has taken place this morning, according to a statement which stated that the emergency services believe they can cope with an accident on board ship.

The concern which has built up in South Australia about the visit of nuclear free ships has been headed by an organisation called 'Warships Initiative Network'; and its spokesman Mr Stephen Darley asked the Minister of Emergency Services, Dr Hopgood, for official observer status at the exercise. Mr Darley said that the first priority of the US Government in a nuclear accident involving the warship would be security and not the welfare of local residents.

Thousands of South Australians are viewing with great anxiety the visit of the US warship on Saturday and the later visit by the UK ship at the end of October. Many members of the Labor Party and the SA Government would share that concern. Will the Minister representing the Government advise whether the Government agrees with the statement issued by the Federal Labor Government on 26 February 1984 regarding the visits of allied warships? Does the SA Government welcome visits of the nuclear armed frigate USS *Brewton* on Saturday and the nuclear armed HMS *Edinburgh* on 20 October? Finally, does the South Australian Government agree with and feel perfectly happy about the statement of the Federal Labor Government that it does not require that allied governments reveal whether or not their ships carry nuclear weapons?

The Hon. BARBARA WIESE: The State Government has no authority over the matters referred to by the honourable member with respect to the defence policies and whether or not nuclear powered ships should enter the port, or indeed whether the position as outlined in the Scholes' press release is an appropriate one or otherwise. That is a matter for the Federal Government to determine and, like all Australian citizens, we are bound by the decisions taken by the Federal Government during the course of its office in those matters where it has authority.

With respect to the forthcoming visit of ships to South Australia, I think that the points I made earlier in reply to the Hon. Mr Griffin's questions stand and, if I can gain any further information from the State Government Minister or Ministers who may have some authority in this matter that I think would be of benefit to the Hon. Mr Gilfillan, I will bring back a report for the honourable member's benefit.

The Hon. I. GILFILLAN: As a supplementary question, would the Minister indicate whether or not the Government welcomes the visit of these nuclear armed warships?

The Hon. BARBARA WIESE: I do not recall the Government's discussing the issue of whether or not we welcomed the visit of the two ships to South Australia, but the fact that the Government has not discussed this issue or its opposition to it would indicate that the Government does not oppose the visits by these ships. I understand that the visit is a part of official bicentennial celebrations and it is something that has been agreed nationally as a proper part of the celebrations of the birth of our nation. Those people who come to South Australia on board those ships will certainly be very welcome tourists, from my perspective as Minister of Tourism, because I know that they will all spend a lot of money while they are in town and many people in this State will be very keen to welcome them to our shores and to host their visit and assist them in leaving behind their tourism dollars.

FIREARMS REGISTER

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Everything a question about the firearms register.

Leave granted.

The Hon. R.J. RITSON: In the 'Letters to the Editor' page of the *News* of 6 September a letter from Mr George Gailis referred to the apparent disappearance of 170 000 firearms. He stated that that number of firearms that was previously on the manual register remains unaccounted for. I do not know the truth of that allegation, but I do know that five months ago I asked that question in this Council. Nearly three weeks ago I made it plain in a further question relating to answers to questions that I have every reason to believe that the answer was drafted for the Minister within 48 hours of my first question, which was asked five months ago.

I still have not received an answer to the question. I notice that, in his letter to the Editor, Mr Gailis commented that the select committee appeared to have glossed over this matter. Further information which was given to me by way of background at the time I asked the question five months ago indicated that the police wanted resources funding to go through that register to try to get their electoral data base in order. In the absence of a Freedom of Information Bill I am trying to find out from the Government whether there is a need for such a course of action, or whether my information is wrong. I think that it is an act of contempt of this Parliament to hide things—there must be something to hide.

The PRESIDENT: Order! Is that not an opinion, Dr Ritson?

The Hon. R.J. RITSON: It is an opinion. I thought that the rules had changed, because other members expressed opinions in their explanations and were unchallenged.

The PRESIDENT: Standing Orders have not changed. I permitted opinions to be expressed by the Hon. Mr Davis in his explanation. You did not challenge that. In the interests of fairness, I then permitted Dr Cornwall and Mr Gilfillan to express opinions in their explanations. Having illustrated the fact that I am quite unbiased in any expression of opinion and having—

Members interjecting:

The PRESIDENT: Order! —been chastised for it through interjections from numerous members, including particularly the Hon. Dr Ritson, I propose to revert to Standing Orders and not to allow opinions.

The Hon. R.J. RITSON: Thank you, Ms President. Might I say that my faith in your unbiased judgment will continue as long as the reversion to Standing Orders does not again extend to the previous latitude when another member wishes to express an opinion. Will the Government please stop treating this Parliament with contempt and answer that question which I asked five months ago?

The Hon. BARBARA WIESE: I presume that this question was directed to me as Minister representing the Minister of Emergency Services and, if that is so, I will be happy to take up the matter again with my colleague, the Minister of Emergency Services, and seek to have a reply brought back as quickly as possible.

FLINDERS RANGES REVIEW

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the Flinders Ranges review.

Leave granted.

The Hon. M.J. ELLIOTT: A fortnight ago I asked the Minister of Tourism a question relating to the possibility of undertaking a full review of the Flinders Ranges so that we can have sensible conservation and development. At that time the Minister seemed to convey to me that it was an interesting idea. Recently I have had some communication to indicate that a review has been conducted for some time and to which Tourism South Australia has contributed some money. Alarmingly, the Minister was not aware of that at the time. In fact, four departments—the Department of Environment and Planning, the Department of Lands, Tourism South Australia and the Department of Agriculture—had all been involved in what was known as the Flinders Ranges Review team. The review was conducted over a period of two years.

I understand that there has been something of a clash between various departments, particularly Environment and Planning and Lands, over exactly what should and should not be done and, as I now understand it, all field work has been terminated. It is not a question that everything supposed to have been done has been done but field work has now been terminated. I am told that a report is now being prepared and that, while it will have some substance, it will tend to gloss over many deficient areas. So far as I understand it, only one third of the Flinders Ranges has been looked at. One report has been released of which I have not yet received a copy—the technical report for area one.

In the light of the questions I asked a fortnight ago, I ask the Minister whether the Government will urgently consider reviving some form of Flinders Ranges review which gets to the heart of the sorts of problems experienced there at the moment, and see whether or not the work that has already been done is of any use.

The Hon. BARBARA WIESE: I believe I recall the question a little better than the honourable member does because what I was referring to in my reply to his question two weeks ago was the idea that there should be a general review of national parks in South Australia with respect to development. While his question originated from his concern about development within the Flinders Ranges area, my reply related to the idea that there might be some place for a review to identify those areas within the State, and particularly within national parks, where development would be desirable. People in the community would then have some idea about the limits of these activities and this in turn would make the task of potential developers much easier because the community would have a clearer idea about whether a particular development was just the forerunner of a larger number of developments in areas that some people in the community might consider inappropriate.

I am fully aware of the broad review of the Flinders Ranges that is being undertaken, and all the various Government agencies and others involved in that review. The tourism review of the Flinders Ranges, to which I referred earlier today in reply to a question from the Hon. Mr Davis, was an integral part of that review. Tourism South Australia (or the Department of Tourism as it was then called) was asked to be part of that broader review. Our major role was to commission the report which subsequently led to the proposal for a resort development in the Flinders Ranges.

The broader review of the Flinders Ranges covers a much wider range of land use and land management issues, amongst other things, and certainly some controversial issues have been dealt with during the course of that review. I understand that the review is continuing and will be brought to fruition as originally planned. In due course, the Hon. Mr Elliott and all other members will have the opportunity to peruse the work of that review team.

EDUCATION POLICY

The Hon. M.J. ELLIOTT: I move:

That this Council expresses its grave concern at the Minister of Education's handling of his portfolio and in particular—

1. His failure to adequately consult school communities, i.e., parents, students and staff, before amalgamation and closure of schools;
2. His proposed school staffing formula for 1989;
3. His proposal to gag school principals and teachers.

I will address two of the issues today and seek leave to conclude so that I may take up the third matter next time we sit. Today I wish to look at the proposed school staffing formula for 1989 and also the proposal to gag school principals and teachers. As a school teacher, I spent nine years teaching in a number of area schools and high schools across the State, and I am gravely concerned by the implications of the Government's proposals. The proposed cuts to staffing are of major concern to me and I believe that the cuts will be destructive to education in South Australia.

In high schools we will see subject diversity lost particularly in years 11 and 12, and subjects which tend to have smaller classes may be slashed. This could see the loss of languages, music, art and, in some of the country high schools, some of the specialised subjects such as maths and science could also disappear. This will create further problems as students either do subjects which close off their

favoured job options, or alternatively they may look to change schools. It may increase the flight to private schools and, of course, one of the things that will happen in that case is that as State schools shrink further, the Government will cut staffing further, and we will find ourselves in a vicious circle that we cannot break. While that vicious circle is proceeding we have increased subject offering cuts.

We may see special classes disappearing something some people might welcome, but not if it places children with learning difficulties into large classes. Schools may decide to reduce student counselling which is becoming increasingly important in the light of the Government's policy to ban the cane. You cannot simply instruct schools to stop using corporal punishment (and support barring it) and not give them resources to cope with some of the problems that can result. Student counselling needs upgrading, but there is a very grave danger that there could be a cut there.

Recently, the Government has boasted about work experience programs in schools. However, this program is extremely demanding of human resources. It takes teachers out of classrooms, and they spend part of their time organising and liaising with employers in the community. Once again that is the sort of program we could see cut from schools as a direct consequence of staff cuts.

I fail to see how Ken Boston can guarantee that 1989 secondary schools will be able to offer the same curriculum as they would normally be able to offer if the schools were to be staffed on a February enrolment. The sort of views and concerns I am receiving from area office staff indicate that they really are wondering how it will be done. The effects of staffing on the April/July average enrolment are clear, and I have already referred to a number. The disadvantaged will become more disadvantaged. Schools in lower socio-economic areas have a bigger decline in numbers than in more affluent areas. Consequently, their staffing is more affected, so they have even less flexibility. Amazingly, the Education Department personnel section informed me that this was not anticipated.

Some schools, such as Goodwood High School, have taken a real 'family' interest to help students gain employment during the year. The staff have actively contributed in a positive and caring way to enrolment decline. These activities will clearly be penalised.

We will be less able to implement the Gilding proposals. Most secondary schools lose students between February and July and these are most often from senior student ranks. As most year 8 to 10 classes are already large, we have to implement any staffing cuts in the senior school staffing. We are already aware that schools have been rationalising and economising staff for years. For example, vertical grouping of years 11 and 12; networking of schools (which is going on right now); cutting out of non-viable class sizes; lunchtime lessons; lessons before school; large class sizes, etc. We have battled to keep some subjects alive, such as music, languages, community studies, registered subjects, or alternatives to SAS and PES year 12 courses. However, the staffing cuts will mean that we will be less able to run these subjects because of smaller numbers in those classes.

Students in the non-SAS/PES courses, or those in community studies courses, are often in smaller groups than, for example, the PES physics or maths classes. If we simply look at class size then the battlers are up against it again. Schools which have been trying to hang on to smaller classes for culturally desirable subjects, in particular, language, art and music, may have greater difficulty in doing so. The Government must understand that if there is less staff, then not as much can be offered. Hence, the schools are less able to offer flexibility.

There are serious concerns about the decline in morale. The vast majority of the teaching force works very hard and they are constantly being asked to do more with less. They were unaware that the 4 per cent wage increase was linked to April-July staffing. Certainly, the Institute of Teachers has been at great pains to make clear that never, at any time, had it agreed that the 4 per cent wage increase needed staff cuts. Teachers are tired of being beaten about the ears by the press, the bureaucracy and the Government. They are not whingers; they are genuinely tired of battling in a profession that is becoming harder every day. They need more support, not less.

Trying to influence people to continue to address new demands and new needs becomes even harder if those people feel used and abused. Genuine hard working people are beginning to draw lines of self-survival. Innovation in schools is becoming more difficult. I know that from among my own friends who are teachers many are starting to get out. They really are questioning the desirability of continuing in a profession to which they have dedicated themselves for many years.

I would like to read to the council some of the large number of letters that I have received on this subject. The letters have been pouring in, particularly over the past five or six days. The first letter that I received came from the High School Staff Association at Wirreanda. They sent me a copy of the following letter addressed to Mr Crafter:

We, the members of the Wirreanda High School Staff Association, call on you to rescind your decision to change staffing practices for 1989, as many schools will be disadvantaged by this new policy.

On the one hand junior primary schools will begin the year with what appears to be an adequate allocation of staff. However, that situation will soon change as, during the year, new enrolments arrive. Consequently, junior primary classes will increase to an unacceptable size.

On the other hand, secondary schools, which traditionally lose students during the year, will begin 1989 considerably understaffed. This means that, at the start of the year, class sizes will be unacceptably large. It also means that curriculum offerings will be limited and that some courses will inevitably be cancelled in order that the reduced staff may be spread more equitably across the school. Students who have enrolled in courses like languages or music, fully expecting to be able to continue those studies into the senior school, may well find themselves disenfranchised by a reduction in staff numbers when they reach year 11 or 12.

Similarly, other subjects which may attract fewer than the Education Department's draconian ideal average class size, may have to be cancelled in the senior school. This will include subjects especially intended to cater for the needs of students attending school beyond the age of compulsion and for whom the present SSABSA courses are inappropriate.

The Government has been so keen to get these people back into schools, has boasted of their success, and is now about to cut them off at their knees. The letter continues:

At Wirreanda, for example, this policy will mean the loss of at least two teachers, despite a projected increased enrolment. Consequently, up to 24 semester units of study will not be offered to students.

The issue is further complicated by the fact that students who do leave during the year will come from a wide range of year levels and disciplines, each of which will, in reality, be only marginally affected by the loss of one or two students. In other words, if 25 classes of 30 students lost two students each, the school will lose two staff members, and yet those classes would still exist with 28 students and require the same number of teachers.

Furthermore, as it is easiest to reduce staff in areas of special need, the wide range of students with differing special needs is likely to be ignored.

It seems to us dishonest and opportunistic to commission studies and reports about broadening educational opportunities (such as the Gilding report) or to encourage students to stay at secondary school for five or six years, only to force schools to cancel promised courses by failing to provide appropriate staff necessary to teach them.

We deplore the effects that such staffing cuts will have on students and reject any suggestions that this policy will increase efficiency in schools.

I had a number of other letters from high schools, but I think we should look at the other end of the scale, that is, what will happen particularly in primary schools and junior primary schools. I quote from the following letter from the Crafers Primary School addressed to Mr Ian Gilfillan, who passed it on to me:

This letter is written on behalf of an increasingly concerned school community over what appears to be the gradual erosion of that standard of education in this State. The likely effects of the average staffing formula on Crafers Primary School next year is a matter of particular concern.

The expected outcome of this formula will be that all our junior primary classes will suffer some degree of disruption in 1989. It is likely that the reception children will face several combinations of teachers and classes in their first year. This will be a most unsettling introduction to their primary school years.

As well, all middle-upper primary school classes are right on quota, or over, with class numbers ranging from 27 to 31. Unanticipated enrolments at these levels may involve class reorganisations which, again, is not very satisfactory once the school year has commenced.

The decrease in the amount of individual attention that can be given to each child as these classes reach maximum capacity is also a cause of great anxiety. As parents, we are keen to ensure that our children are being taught in an atmosphere of stability by teachers who are enthusiastic and confident in their role as educators. However, the effects of this formula can only serve to undermine staff morale and make more difficult the task of effecting and carrying out long term plans due to the uncertainty of staffing. Teachers at our school may also face reduction in, as we see it, a precious amount of non-contact time next year.

The average staffing formula is too rigid to cater for individual school needs, particularly small schools such as ours. It puts added pressure on diminishing resources and in no way enhances the mutual goal for quality education towards which teachers and parents, and presumably Government, strive. Indeed, it would seem that there is a growing trend towards an emphasis on quantifying (number crunching) without regard for quality at all.

That letter is signed by J. Tansing on behalf of the Crafers Primary School Council.

Reidy Park Primary School Council also wrote to me. I will not read the whole letter but in part their concerns are that the cuts:

(a) will lead to a need for class reshuffling to effectively use additional teachers as they are appointed during the school year.

(b) may lead to increased class sizes

(c) may necessitate changes to current reception enrolment timing and consequently increase pressures on kindergartens.

Another point which has not been taken up in letters but of which I am aware is that, if we are to take on teachers during the year as numbers go up, that means that obviously we will be using contract teachers. Contract teaching has already been a problem in this State, but at least contracts have been available for each of the terms or, now, each of the semesters. What will happen now, particularly in the junior primary area, is that contracts will come on stream for the last half of the year. That is a highly undesirable state of affairs. Being a contract teacher is bad enough but, if teachers know that there is work for only half the year, we will lose many of our good staff. The Government, quite clearly, has not thought of those sorts of ramifications of its proposals. The Westbourne Park Primary School Council wrote to me and, once again, I will only quote their letter in part. They passed the following motion:

That this school council proposes that the savings which the State Government claims must be made in the Education budget be made by a reduction in the head office and area offices of the Education Department exactly in line with total student numbers.

The letter states:

We oppose the concept of having a fluctuating, transient and temporary school staff and believe that the stability of schools (the reason why the Education Department exists) is far more critical than the temporary disruptions and upsets which may occur among the adults employed in departmental administration as sections gain and lose staff members annually.

It is apparent from the annual increase and decrease of student numbers (due to continual intake through each year and school leavers leaving predominantly at the end of each year) that such seasonality is not a proper basis on which to organise the long-term progress of education in South Australia.

I have received many more letters from both secondary and primary schools on those matters, and I hope that it is noted that it is not just the teachers who are screaming about the cuts: school councils and parents are also screaming about the cuts. They realise fully the impact, not just upon the comfort of teachers but also upon the quality of education of their children.

The next issue that I wish to address during the debate on this motion is the question of the gag on principals and teachers. If the Minister has any intention of legislating for such a change, I give an absolute assurance here and now that the Democrats will oppose it. I expect, from what has been said by the Liberal Party, that it too, will oppose it, and, as it deserves to be, it will be defeated and that will be the end of it. The current proposal is to place the same sort of limitations that apply under the Government Management and Employment Act to the employees of the Education Department.

I believe it is important in a democracy that there be a full and open debate. To place a gag on those who make such an important contribution to the education debate is both outrageous and foolhardy. I would have expected in an enlightened democratic State that we would, in fact, be freeing all Government employees to speak and contribute, certainly not the reverse. We have a paranoid Government which has been in office for too long. It is making mistakes and, rather than addressing those mistakes, it is trying to shut up the people who are pointing them out.

I appreciate that there are certain areas of Government where a gag is necessary. This may apply in some parts of the DCW and the Police Department from time to time. It certainly has no place at all in the Education Department. Once again, rather than expressing my opinions, I think that what the people across the State are thinking is more important. I quote first from a letter from the Willunga High School Council Inc., which expresses grave concern. That letter, signed by Gordon Smith, Chairman of the school's council, is as follows:

As a body representing the parents of almost 1 000 children we are conscious that we have a very important responsibility. We try hard to exercise that responsibility and depend very strongly on being fully informed on issues by the Principal and teachers of our school.

This year council has asked that each council meeting include two special segments; one where we spend time with the leader of a subject area, being briefed on that subject and the relevant whys and wherefores; the other segment is one where we have asked the Principal to give us a briefing about current developments in regard to the policy and practice of education. We expect that the Principal will give us an honest and complete briefing on all issues and answer any questions. To date that has clearly been the case and as a result we feel better informed and better able to do our job.

We would be most concerned at any moves which might restrict the ability of teachers to discuss issues with us in a frank and open manner. Regularly we are told that parent opinion is important and regulary we are invited to comment on issues and proposals. If we are to be denied access to the information of the leaders and teachers in our school how can we give informed comment? Because on a few rare occasions we have taken issue with Education Department actions that surely should not mean that they fear our involvement and wish to render us powerless. That, however, is what we perceive to be the natural consequence of this proposed action.

We are not a bunch of radicals; indeed, we see ourselves as very normal parents who care enough about our children to be prepared to give up our time to influence how our school operates.

We urge you to use your influence to see that our democratic right to be involved and informed is not put at risk.

Finally I received the following letter from the council of Bordertown High School:

At the August 23 meeting of Bordertown High School Council, the members were unanimous in their strong opposition to the incorporation of section 67 *(h)* of the Government Management and Employment Act into the Education Act.

We strongly believe that such action will stifle active parent participation in educational matters through cutting off the major source of our information. It would make a mockery of the Government's current policy of parent and student involvment in school decision making. We believe that the proposed changes of the Education Act will turn principals and teachers into apologists for Government polices and deny parents real information about their schools and the education system.

We strongly oppose the change to the Education Act by incorporating section 67 *(h)*, believing that this will seriously compromise the professional independence of teachers and, in particular, school principals in maintaining an open approach with their school communities through reports to school councils, school newsletters, and public statements to parents and students. We urge you to see that this amendment of the Education Act is withdrawn.

There is absolute outrage in the community about the proposal to gag the headmasters and teachers in schools. We have in Government a Party which talked about democracy, which talked about open Government, and now is doing the exact reverse. It cannot bear criticism. It cannot admit that it makes mistakes. The sort of move that is being made is a move towards totalitarianism. It is not a move—

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: You can't claim it is anything else. To gag teachers, and principals is a move in the direction of totalitarianism. It is certainly not a move in the direction of democracy or open government, and it is certainly not doing anything—

Members interjecting:

The Hon. M.J. ELLIOTT: They said things about uranium and all sorts of things. I don't rely on the Labor Party for anything. It is a pity the Opposition is so much worse.

Members interjecting:

The Hon. M.J. ELLIOTT: You do tend to keep your promises. Unfortunately, I disagree with them. I would make that concession to you, Mr Griffin: while I disagree with many things that you say, you are a lot more consistent in what you do and say.

Members interjecting:

The Hon. M.J. ELLIOTT: Yes. As I said, the decisions they make are appalling, but at least they are consistent and we know what they are going to do beforehand. Returning to the Government, it was encouraging parents to become involved in the running of their schools and greater autonomy in schools. That autonomy depends on the quality of information on which the decisions are made, and now there is a move to stifle that and to cut off that source of information. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission to the Attorney-General (Hon. C.J. Sumner) and the Minister of Tourism (Hon. Barbara Wiese), members of the Legislative Council, to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That the Attorney-General and the Minister of Tourism have leave to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

CANNABIS RELATED OFFENCES

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

That this Council notes with concern the recent directive to police officers that they may only enter one offence per expiation notice for cannabis related offences and requires the Government to take urgent action to allow multiple offences per notice to apply in future as it has in the past.

From 1 August significant changes have been made to the expiation scheme in respect of reporting offences. Honourable members will all know from my statements at the time that the Controlled Substances Act Amendment Bill was being debated, and subsequently in relation to a motion for disallowance of the regulations introducing the expiation scheme, that the Opposition at no stage supported it. Notwithstanding that, it is currently the law, which we have given a commitment to repeal. As it is the law, we are anxious to ensure that it is properly administered.

Prior to 1 August 1988 more than one offence could be placed on a cannabis expiation notice. The person who is alleged to have been the offender receiving a notice on which more than one offence was recorded could then tick the one which he or she was prepared to pay and forward that notice with payment, with the others then being the subject of court proceedings. That situation has changed. The notice which has been promulgated to come into effect from 1 August still provides for up to three offences to be noted on the one notice, but a direction has been given to the police that the cannabis expiation notice is to be used only in respect of one offence per notice. The instructions allow three offences to be recorded on a traffic infringement notice and only one for a general expiation notice, which of course relates to offences other than those under the Controlled Substances Act, the Road Traffic Act or the Motor Vehicles Act.

So, we now have a situation where there has been a direction to police that from 1 August on any expiation notice for cannabis related offences only one offence is to be noted; on general expiation notices only one offence is to be noted; and for traffic infringement notices three offences can be noted. It is important to recognise that, under the form of the expiation notice which is now required to be completed by police officers who have detected offences, the surname of the offender is required along with the given names, occupation, sex, date of birth, address, post code, the time, date and location of the offence, the offence number, the offence, and the expiation fee together with the time and date of issue of the notice, the issuing member's identification number and a signature. The total expiation fee is also to be included, and such information is quite reasonable. It is basic information to identify the offender, the offence and where and when it occurs.

The difficulty is that police officers out in the field have said that, because of the considerable pressures on them in respect of time, other form filling which is required under a variety of responsibilities that they must exercise (statements to be taken, and reports to be written), the inclination for police officers will be to fill out only one expiation notice for a so-called simple cannabis offence and not to worry about other offences.

The other offences, in addition to possession, may relate to the use, possession of implements or even cultivation. One has to remember that the expiable cannabis offences are as follows: possession of less than 25 grams of cannabis

or less than 5 grams of cannabis resin, whether in public or in private, an expiation fee of $50; possession of 25 to 100 grams of cannabis or 5 to 20 grams of cannabis resin, whether in public or in private, an expiation fee of $150; smoking or consuming cannabis or cannabis resin in private but not in public, an expiation fee of $50; possession of equipment for use in connection with the smoking or consumption of cannabis or cannabis resin, whether in public or in private, if in connection with one of the other offences to which I have referred, an expiation fee of $10 or otherwise $50; and cultivation of small numbers of cannabis plants, an expiation fee of $150.

In the past on a cannabis expiation notice police officers have frequently included an offence of possession and one of possession of equipment for use and cultivation. Now, under the direction which has been given, police officers will need three expiation notices, and on each one they will need all the information to which I referred earlier—name, occupation, address, sex, date of birth, date, time and place of the offence, and so on—and each expiation notice will need to be completed with that information.

Because of the pressures on police officers, it is most likely, according to the information that has come to me from police officers in the field, that they will just record one offence and not worry about the others. That diverts from the objective of the legislation. It means that offences which previously would have been reported before the operation of the scheme and be the subject of action in court will no longer be reported and, more particularly, the data about the extent of cannabis related offences will be distorted. The police directive means more work and a repetition of information required but a distortion of what is happening out in the field.

One has to ask the questions: is this deliberate, or is it inadvertent, because the Government is embarrassed by the increase in drug related offences. Undoubtedly, when it receives the Police Commissioner's report for the first full financial year of the operation of this cannabis expiation notice scheme, it will be embarrassed by the number of offences. I suggest that the decision to change quite significantly he requirements upon police officers in relation to cannabis expiation notices is deliberate and that will have the effect of ensuring that fewer offences are reported. That will then distort the statistics.

The Office of Crime Statistics has prepared a draft report on the first nine months of operation from 30 April 1987 to 31 January 1988. According to that office, in that period there were 3 827 expiation notices for expiable offences and for apprehension reports for non-expiable minor cannabis offences. Those 3 827 expiation notices related to 5 534 offences and 3 563 offenders. One can see from those figures that multiple offences have been recorded on the expiation notices during that period but, as I say, the concern is that from 1 August 1988 the figures will be quite significantly distorted.

It is interesting to note that in his 1988 report the Auditor-General shows that 14 410 cannabis expiation notices were issued. In that financial year the value of those notices amount to $407 000 and the revenue actually received was $244 000, with the expectation that the balance would be recovered through court proceedings. The number of notices issued is quite extraordinarily out of kilter with the figures specified in the draft report from the Office of Crime Statistics.

In relation to the Office of Crime Statistics report, if one were to extend those figures for 1987-88, then in the first full financial year, with 14 410 cannabis expiation notices being issued, we will probably see about 20 890 offences being committed by 13 050 offenders. That represents quite a dramatic increase in the number of offences recorded by the Police Commissioner in his 1986-87 annual report. In 1986-87, 4 225 offences relating to possession or use of drugs actually came to the notice of the police, another 2 752 offences related to the possession of implements of drug use, and about 389 offences related to the cultivation of cannabis, so members can see that the offences referred to in the 1986-87 Police Commissioner's report include not only cannabis but also heroin, LSD, hallucinogens, amphetamines, cocaine and other controlled substances, and also include offences relating to cannabis that are not covered by the expiation notice scheme.

Even taking into account all those matters, it is clear that the number of offences under the cannabis expiation notice scheme for 1987-88 has more than doubled as compared with the previous year and that is quite an extraordinary increase. In fact, one could probably speculate that the figure has almost trebled. That is an indictment upon the Government and, when those figures contained in the 1988 Police Commissioner's report are examined more closely, I suggest that we will see that the situation is now quite alarming.

I seek to draw public attention to the problem, particularly in relation to the new directive to the police and to the distortion of the statistics that will occur as a result of the change. I call upon the Government to allow the position applicable prior to 1 August 1988 to continue. It seems to me that that position prior to 1 August 1988 is reasonable and that it does not prejudice offenders. It still gives them the discretion to decide whether they pay a lot, whether they pay some, whether they go to court on some, or whether they go to court on all offences and the requirement for police to include only one offence per cannabis expiation notice is unnecessarily bureaucratic. I suggest that it will distort the statistical data quite significantly and undoubtedly that will be used for the benefit of the Government. I suspect the motives behind the change and I urge the Government to revert to the position which applied prior to 1 August 1988.

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

ADDRESS IN REPLY

The PRESIDENT: I remind members that His Excellency the Governor has indicated that he will receive the President and members of the Legislative Council at 4.15 today for the presentation of the Address in Reply. I ask all members to accompany me to Government House.

[*Sitting suspended from 4.1 to 4.48 p.m.*]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the speech with which I opened the Fourth Session of the Forty-sixth Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

The Hon. R.I. LUCAS obtained leave and introduced a Bill for an Act to amend the Equal Opportunity Act 1984. Read a first time.

The Hon. R.I. LUCAS: I move:

That this Bill be now read a second time.

The question of equal opportunity in primary school sport has been a controversial one for a number of years in South Australia. There is and has been a fundamental difference between the Liberal Party and the Bannon Labor Government on the issue of equal opportunity in primary school sport.

Put simply, the Liberal Party view (as has been expressed publicly on a number of occasions) is that girls in primary schools ought to have equal access to a range of sports, resources and facilities, including coaches. There should also be equal access to support from the school and the school principal in relation to things like uniforms and a range of other supports which are provided to school sporting teams on various occasions. The Bannon Labor Government view and the view espoused by the Commissioner for Equal Opportunity has been, and continues to be, that equal opportunity in primary school sport means that girls must compete and must be forced to compete with boys in all sports. As I indicated, that is and has been a matter of fundamental difference between the major political Parties in South Australia.

I emphasise that there is agreement on one basic principle—that in the past girls have been disadvantaged in relation to primary school sport, and in school sport generally; and that there has been, and still is, a need for girls to be assisted in some ways in relation to access and provision of sporting facilities and resources in our schools. Our view has been—and I believe it will be the view of the Government—that we need more girls playing more sports for a longer period of time, not only for their own individual benefit but also for the benefit of our community overall. Research is clear that girls do not play the range of sports that boys traditionally play and that they tend to drop out of sport at an earlier age. Research also shows that a healthy lifestyle, involving physical education and activity in a range of sports, not only makes the individual student fitter and healthier, but also assists in the educational success that this student might achieve during the period at primary school and later on at secondary school.

For some time in South Australia there have been problems with the interpretation of our Equal Opportunity Act by the Commissioner for Equal Opportunity and others in our schools. There is a conflict between the interpretation of the legislation and what many of us believe the Equal Opportunity Act actually lays down as a framework for equal opportunity in South Australia.

The South Australian Primary School Amateur Sport Association (SAPSASA) has always wanted to run parallel competition in some sports in our schools in South Australia. Indeed, initially parallel competition in some sports was a part of the SAPSASA sporting program in our South Australian primary schools. However, at the start of last year SAPSASA, and others associated with the organisation of primary school sport, were issued with a directive from the Commissioner for Equal Opportunity (Ms Josephine Tiddy). I would like to quote from a letter dated 2 February 1987 from the Commissioner for Equal Opportunity to Mr Neil Brook, the Executive Officer with SAPSASA. The letter states in part:

> You suggested that events in each age group should be duplicated, that is, each event be offered to boys and girls separately. Organising events in this way would, in my opinion, breach the Equal Opportunity Act and the Commonwealth Sex Discrimination Act. It is my view that, in doing so, complaints could be laid against SAPSASA if a boy was refused entry in a girls event and *vice versa.*

I wish to quote from some other sections of that letter from the Commissioner for Equal Opportunity but at this stage I say that that paragraph in the directive from the Commissioner for Equal Opportunity, is the very essence of the problem which exists in our primary schools at the moment and which is directly addressed by the Bill now before the Legislative Council. The letter continues:

> One option which has been tried elsewhere is to conduct events in open and girls categories. As you know this has led to considerable disquiet and accusations of discrimination against boys by those who do not fully understand the issues involved. In light of that, a common sense approach would be to have a gradual changeover period to phase in mixed competitions, commencing this year with only one open category competition for under 10s and separate events for girls and boys in the under 11 and under 12 age groups. In 1988 the open category would move up with this year's under 10 entrants and the under 11 category would revert from separate categories to one open category for all children. This gradual changeover would provide an opportunity to monitor the changeover and collect relevant data.
>
> To avoid contravening the legislation, it would be necessary for SAPSASA to apply for an exemption to conduct separate under 11 and under 12 events for girls and boys in 1987 and separate under 12 events in 1988. Applications for exemptions should be submitted to the Equal Opportunity Tribunal ... I would be happy to support an application for exemption of this nature.
>
> During this changeover time I ask that you arrange to collect data of this swimming carnival and other such events, on the comparative times for boys and girls events and the number of entrants in each separate event. This would be very useful information and will assist in evaluating performance trends. Moreover, it will provide a basis upon which to assess if any other special measures are necessary.
>
> Thank you for your inquiry. Please do not hesitate to contact me again if you feel I may be of further assistance.

That letter from the Commissioner for Equal Opportunity, disagreeing firmly and strongly with the wishes of SAPSASA, was the reason why SAPSASA, through 1987, had to turn on its head its sporting policy for primary schools.

I highlight one other issue raised in the letter. It is quite clear that the instruction from the Commissioner was for a phase-in of completely open competition in primary schools by a certain period, and that information and data was to be collected. The reason for any review or collection of data was, for example, 'if any other special measures are necessary', to quote the words of the Commissioner, 'in the implementation of a completely mixed sporting program in primary schools'.

As a result of that letter, and other meetings with the Commissioner for Equal Opportunity, SAPSASA developed what is now its Six Year Plan for Sport and Equal Opportunity in Primary Schools in South Australia. The subtitle of that document is 'The Rationale for Various Sports'. The document states:

> All sports will be open to both girls and boys. A SAPSASA working conference of 40 people representing the various sports prepared initial structures for their various sports. These have been modified slightly by SAPSASA in negotiation with the Education Department's Equal Opportunity Unit. At this stage it is anticipated that special measures will be considered over the next few years to slowly incorporate change. Many schools are at various stages of development and it is for this reason that these special measures are being considered. These special measures are:
>
> 1. Open to girls.
> 2. Quota system with division 1 and 2 (reducing in numbers annually).
> 3. Gradual implementation at specific year levels.
> 4. Gradual implementation at different SAPSASA levels (school, district, intrastate, and interstate).
> 5. Special measure expos and lightning carnivals.

We believe that the gradual implementation of change will maintain the interests of both sexes, and allow SAPSASA to undertake a positive development and promotional role as a leader in school sport.

Now, one must bear in mind, of course, that this program was contrary to the original wishes of SAPSASA. The Six Year Plan for Sport and Equal Opportunity then goes through the various sports and the rationale for the introduction of completely open events in all sports. For example, in athletics and swimming, that by the year 1991 all levels of under 10 competition would be completely open; by 1992 all levels of competition for under 11 would be completely open and, finally, by 1993, the end of the six year program, all levels for under 12 and under 13 years competition would be completely open. Therefore, all competition within the school, the district, intrastate and interstate, would be completely open in athletics and swimming. The policy then goes through a range of other sports, with the various special measures that were deemed to be required for each individual sport. I do not wish to take the time of the Council to go through all that detail. However, at the end of the Six Year Plan, under the heading 'Evaluation', the policy states:

It is anticipated that yearly reviews will be undertaken by SAPSASA, the South Australian Primary Principals Association, parent bodies, school councils, SAPSASA district zones, the Education Department Equal Opportunity unit, and other interested parties. SAPSASA executive will continually monitor the program on a continuous basis and reports will be received from interested parties and discussed at the monthly meetings. Special measure programs will be monitored in terms of the number of teams and also with respect to the number of boys and girls participating.

It is expected that schools will support the notion that boys and girls participate in special measure programs, e.g. if a school nominates a boys' softball team, then it is expected that a girls' cricket team would also be nominated.

Changes in the six year plan may be considered necessary on the feedback from interested parties. Suggested changes would be communicated with the appropriate bodies and then discussed with the Education Department Equal Opportunity Unit with a view to seeking approval from the Commissioner for Equal Opportunity. Consultation and review will be vital to the successful implementation of such a policy.

In summary, that was the six year plan developed, as I said, by SAPSASA from 1987 through to 1993 under duress from the Commissioner for Equal Opportunity and the Equal Opportunity Unit within the Education Department. Some three to four weeks ago a letter from Human Rights Commissioner Brian Burdekin saw the light of day. That letter, to the Minister for Education and Youth Affairs in New South Wales (Hon. Dr Terry Metherell), in part touched upon this controversial area in South Australian primary schools, namely, the provision of equal opportunity in primary school sport. I quote part of that letter as follows:

I wish to make it absolutely clear that this commission [the Human Rights Commission] has advised the Federal Government (most recently in a letter of 29 March 1988 from myself to the Attorney) that, in our view, 'there was no requirement under the legislation to hold open and girls events and that there was no basis upon which separate girls and boys events could not be held'.

That letter is dated 8 June 1988, and is unequivocal. It makes clear that in the view of the Human Rights Commission there was nothing in Federal sex discrimination legislation which prevented sporting competitions being organised upon the basis of separate boys and girls events. In the directive from the Commissioner for Equal Opportunity, dated 2 February 1987, Ms Tiddy said:

Organising events in this way would in my opinion breach the Equal Opportunity Act [the State legislation] and the Commonwealth Sex Discrimination Act.

The Hon. R.J. Ritson: Is she a lawyer?

The Hon. R.I. LUCAS: The Hon. Dr Ritson asks whether she is a lawyer. To be honest, I do not know. I do not think so, but then, neither am I, so I will not hold that against her. It is clear, Ms President, from what Brian Burdekin, on behalf of the Human Rights Commission, has said that it is in conflict with the interpretation of the Commissioner for Equal Opportunity in relation to the Federal sex discrimination legislation. At this stage I add that when I (as a person not having a legal qualification) and other members of this Chamber (some of whom do not have legal qualifications, either) supported that equal opportunity legislation in this Chamber there was certainly no understanding—on my behalf, anyway—that this legislation could be used in any way to ban separate boys and girls events in primary schools in South Australia.

After this Human Rights Commission letter saw the light of day, I hoped that Premier Bannon, the Minister of Education and the Commissioner for Equal Opportunity would accept the appropriateness and fairness of the comments that the Human Rights Commission had made in relation to separate boys and girls events. I was extremely disappointed in the response of all three persons to that letter. They have all persisted in defending to various degrees the existing policy and the existing interpretation of the Equal Opportunity Act. After that the matter was then taken up by the President of the South Australian Primary Principals Association, Mr Alec Talbot, who wrote a forceful letter (as is his wont) to the Premier of South Australia, expressing his concern about the operation of the primary schools sport policy here in South Australia.

The Premier, through the Minister of Education, sought a report from the South Australian Primary Schools Amateur Sports Association (SAPSASA), which comprises the experts in sporting policy and development in our primary schools in this State. As a result of that request from the Premier for a report, the SAPSASA executive met and prepared a 10 to 15 page analysis, review or report on the operation of the primary schools sport policy in South Australia.

At this stage I want to quote at some length some aspects of that report which has been prepared by the experts in the area in South Australia. The report, in the form of a letter to the Minister of Education (Hon. Greg Crafter), states:

Last Tuesday the executive of SAPSASA (21 members), representing principals, teachers, the Education Department and the independent schools met to discuss the issue of equal opportunity and sport... However, we have grave concerns about certain aspects of the requirements expected of SAPSASA. Mr Alec Talbot's letter was tabled at that meeting and I wish to indicate that the executive strongly agrees with the spirit and intent of the views expressed in that letter.

The concerns expressed are basically directed at one specific part of the policy that are causing great problems, namely the implementation stages. SAPSASA has always wanted to hold separate boys and girls competitions (parallel sports) in many of our sports and this was indicated to the commissioner...

The document continues:

Since that time there has been a change in direction given to SAPSASA. Initially separate boys and girls events were acceptable. That part of the policy was changed on a directive from the commissioner, and hence we developed a six year implementation strategy, in consultation with the commissioner's office and Education Department Equal Opportunity Unit... The Australian School Sports Council is aware of the problems each State is having and has written to the human rights inquiry seeking a ruling on this issue, with the recommendation that we return to separate boys and girls events.

It is anticipated that Australian sports bodies will be strongly recommending to all Directors-General, at the next Directors-General conference, that a sensible resolution should be that separate parallel boys and girls competitions be the norm. SAPSASA has been seeking feedback on its interim policy during 1988, as indicated in the original document. We encourage parent participation in decision making and have sought the view of school councils, staffs, sporting and educational communities.

Without fail, all groups have continually and repeatedly expressed grave concerns about the current emerging decline in girls participation rates in sport, the group that this policy was specifically set up to assist.

It is strongly argued by individual principals, teachers and school councils and by the Primary Principals Association that the policy that was specifically set to increase girls participation rates has in fact been counter-productive and is quite clearly disadvantaging girls.

These concerns expressed throughout the State are supported by statistical data gathered and collated by SAPSASA over the past 10 months. For example, basketball was conducted as an open competition, but only 28 per cent of the competitors were girls. In the past the percentage of girls in this sport has been far higher. In tennis, if teams were picked on ability, only 15 per cent would have been girls. Athletics, swimming and cross country, which have been traditionally held as boys and girls events, would clearly favour the boys, should those competitions be conducted as open competitions. We can substantiate the above statement by comparing the times of boys and girls.

In cross country, where the competition was run as an open event, girls were mistaken for boys (and vice versa), and they were humiliated and embarrassed when asked by caring officials and parents to identify their gender. Girls who in the past would have received a placing (first, second etc.,) were in fact finishing 73rd, 91st and 106th. The highest placed girl in an open event was 28th. The girls therefore did not receive the accolades and recognition that they so richly deserved. The general public were most indignant and expressed great concern about this event in particular, and it received critical acknowledgement in the media. In nearly every case the parents of girls are those who are most vocal in their criticisms.

Some of the concerns expressed are that girls are actually dropping out of sport rather than competing against the boys. As an organisation that wishes to increase the participation rates of both girls and boys, this dropping out of sport by girls is not acceptable. In many sports similar trends have occurred. It should be noted that politicians of all political persuasions have verbally expressed grave concerns of the Commissioner's interpretation.

I interpose there to comment on that aspect of the SAPSASA review. SAPSASA is saying that not only has the Liberal Party expressed concern about this interpretation of the Act and this policy by the Commissioner for Equal Opportunity, but also there have been members of the Bannon Labor Government and possibly, by inference, members of the Australian Democrats who have expressed grave concerns about the Commissioner's interpretation of the Equal Opportunity Act. That, indeed, is a very important matter, as it can be clearly seen that this is a matter of concern not only to the alternative Government—the Liberal Party in South Australia—but also to the members of the Parliamentary Labor Caucus in the Bannon Labor Government. The report from SAPSASA further states:

The general public is in our view totally opposed to this section of the implementation of the legislation and many have queried the reasons for such a stand. Little athletics and other parent organisations are presently conducting their sports as separate girls and boys events, and conducting them on the school grounds. These same parents are involved in both SAPSASA and little athletics events, and express extreme annoyance about the different systems, as their child may compete in two completely different formats over the one weekend. Catholic education groups and most independent schools continue to conduct separate boys and girls events. Parents continually see SAPSASA as the social change agents for this legislation, as other bodies and schools continually conduct separate boys' and girls' competitions.

Again I interpose and indicate that SAPSASA has in effect been the meat in the sandwich in relation to this policy. As I indicated earlier, quite contrary to its original and present wishes, it has been trying to oversee this new policy in our schools. It is seen by parents and school communities as being the one pushing for this policy. Therefore, the criticism has, unfairly, been directed at the representatives of the SAPSASA organisation. The review further states:

Parent groups such as SAASSO and SASPAC have invited representatives of our organisation to speak to them at their conferences. At the recent SASPAC conference delegates from all areas of the State were highly critical of the direction given by the Commissioner with regard to open events. The various adult sporting organisations responsible for junior sport throughout the State have expressed concerns about the need to run open competitions.

We believe that the great majority of these bodies are continuing to run separate boys and girls competitions on Saturdays and Sundays, for example, swimming, athletics, tennis, table tennis, basketball, etc. We understand that the majority of schools still run separate boys and girls competitions in most sports, and they have indicated that they would wish to continue with parallel sports.

At the recent principals conference held at Barmera, certain recommendations were given to the meeting, and these were most favourably supported. Even equal opportunity equity subgroups were expressing strong support for reverting to boys and girls sports.

Again I interpose that the equal opportunity equity subgroups of the Principals Association are at the forefront of the criticism of this policy and are of the view that it is not supporting girls but rather disadvantaging them in primary school sport. Again, not just the Liberal Party but activists within primary schools know what is going on and are concerned at the implications.

The review of primary school sport that SAPSASA conducted, having outlined all the problems and criticisms of the policy, then makes a series of recommendations. They are significant recommended changes to the operation of this policy in our schools.

I do not have time to go through all the recommendations but, put simply, SAPSASA is recommending to the Minister of Education and the Bannon Government that, in some sports, for example, cross country, table tennis, basketball, softball, netball, athletics, swimming and hockey, there be separate boys and girls competition in primary schools. SAPSASA also recommends that open competitions remain for some sports, for example, football, cricket, volleyball and other sports such as golf and surfing. SAPSASA is not recommending, nor are we as the Liberal Party recommending, a complete reversion to separate boys and girls events. SAPSASA is recommending that in certain sports it is appropriate that boys and girls competitions be maintained. I have indicated those sports.

In other sports such as football, SAPSASA is recommending (and I personally agree) that it would be foolhardy to say that we should have a separate girls football team, because many primary schools would not be able to organise a separate girls football team. Not enough girls would be interested in playing competitive football on a regular basis. However, if girls are interested and have the ability to play primary school football, they ought to be allowed to do so. I have no opposition to a continuation of an open sporting policy in sports such as football. SAPSASA is being sensible and is not recommending a complete reversion to single or separate boys and girls events. It has gone through the individual sports and recommended those sports where separate boys and girls competitions should continue, and it has recommended the sports where the competition should remain open. The final quote I wish to make from the extensive review from SAPSASA is the conclusion, which states:

In conclusion it should be noted that SAPSASA has been a leader throughout Australia in trying to implement this legislation. We have been open minded and positive in our appraisal of the statistics and comments given to our organisation. We have spent 11 months trialling the implementation, but in the area of parallel sports we believe we can no longer jeopardise the opportunities for girls to be involved in sporting activities.

If one of the outcomes of the legislation is that sporting competitions are to be judged on merit alone, then it is our strong view, and a view that is supported by the vast majority of the public, and the competing children, that girls are and will continue to be disadvantaged. SAPSASA is committed to increasing sporting opportunities for both girls and boys and not decreasing them.

It continues:

We therefore would be seeking the endorsement of the above recommendations by the Director-General of Education and yourself.

It is signed by Peter Burgan, President, and Neil Brook, the Executive Officer, both from SAPSASA.

There is the evidence and there are the reasons for this Bill, which is a very simple one and which really has only one operative clause. I refer to new section 48 (1) *(b)*, which provides:

This Part does not render unlawful the conducting of separate competitive sporting activities for boys or girls of or below primary school age.

Parliamentary Counsel has recommended a definition clause to define what we mean by 'primary school age'. That operative provision just indicates to all people involved in primary school sport that the conducting of parallel competitions in some sports is not contrary to the Equal Opportunity Act.

I again stress that the Bill will not force separate boys and girls competitions in all sports in all primary schools. It will allow the SAPSASA and the Education Department experts flexibility, so that they may decide which sports should be separate boys and girls sports and which sports should continue to be open sports for both sexes. This Bill cannot, and should not, be misinterpreted by those who might seek to oppose the legislation.

I now refer to the general question of equal opportunity and equal opportunity legislation. I believe that in South Australia the Liberal Party has a very good record in equal opportunity legislation. A former Liberal Premier of South Australia (Hon. David Tonkin) first introduced equal opportunity legislation into the State Parliament as a private member. When the most recent equal opportunity legislation was passed in 1984, it was supported by the Liberal Party in South Australia. This legislation establishes a framework for the operation of equal opportunity policies in our schools and community. Whilst I support much, or indeed most, of the policies implemented under equal opportunity legislation, in some areas people and groups sometimes go too far and try to take equal opportunity to absurd and extreme lengths. I believe that this issue of equal opportunity in primary school sport is one area where the Commissioner for Equal Opportunity and the Equal Opportunities Unit in the Education Department have gone too far.

Further, I believe that the interpretation and implementation of the legislation has gone too far in one or two other areas, but I will not address those matters on this occasion. However, one of the problems I see is that, in this case, the many important and respected sports administrators and sports participants and commentators have not been prepared to stand up and put their views publicly when the equal opportunity steamroller has come down their particular road. There is nothing wrong with organisations, sporting administrators and participants expressing a view which is different from those being espoused by the Commisisoner for Equal Opportunity and the Equal Opportunities Unit. If sports administrators and the community leave the interpretation of the legislation to the Commissioner for Equal Opportunity, we will get into a similar mess as has occurred in relation to primary school sport. It is the responsibility of those involved in the organisation of sporting competitions and those who have been participants at the higher grades in these sports to stand up and be counted when these policies are recommended by people like the Commissioner for Equal Opportunity.

In this case, with a few exceptions, sporting administrators and commentators have not been prepared to stand up and, in effect, have rolled over and allowed the equal opportunity steamroller to have its way in relation to this primary school policy, to the ultimate disadvantage of boys and girls in our primary schools. We see exactly the same thing occurring with respect to the anti-competition wave in primary school sport, and that is closely linked to this equal opportunity question in primary school sport. On many occasions I have expressed the view that there is nothing wrong, in particular in the later years of primary school, for competitions such as netball and football having things like best player awards or most improved awards and to have things like finals and premiership lists.

There is nothing wrong in having competition in our sports, in particular in the later primary years, but some respected sporting administrators and commentators, when asked to comment on the effects of policies like these on sporting and personal development in our schools, have not been prepared to stand up to the equal opportunity steamroller. In particular, I refer to the National Football League, the South Australian National Football League and also the Victorian Football League. Some sporting administrators and officials from those bodies have agreed to change the football rules for our 12 and 13 year old boys, and in some cases girls, who go on to secondary school where they have to play football in accordance with senior rules.

Sporting administrators have accepted the argument that we ought to run our football competitions on the basis of 15 person teams, with no finals and things like that. If they accept the argument to abolish rucks, ruck rovers and rovers from our upper primary school competitions on the basis of some of these policies which are being pushed by some of these people in the name of equal opportunity and anti-competition, I believe that they deserve everything they will get from the implementation of such policies. I hasten to say that I have no objection to modified rules, in particular for the junior primary grades where they should concentrate on the development and acquisition of skills.

The Hon. M.J. Elliott: That is what West Adelaide needs.

The Hon. R.I. LUCAS: I agree. However, once we get to the upper primary grades, to the 11, 12, and 13 year olds, there is nothing wrong with boys of that age playing senior rules, with virtually only minor adaptation, in relation to sports like football. When parents become aware of the actions of the South Australian National Football League and the National Football League in relation to organisation of football in our upper primary grades over the next few years as it is phased in, there will equally be a massive outcry from parents of boys who are involved in upper primary football competitions.

So, there are two areas where those who have different views on sport and what is going on in sport in our primary schools ought to stand up and be counted and put a different view, if they so believe, about the operation of organised sport, not only for the personal development of those students, but also for the future sporting developments for our communities, our State and our nation. With those words, I urge all members of this Chamber to support this very simple Bill to amend the Equal Opportunity Act.

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

BUILDERS LICENSING ACT AMENDMENT BILL

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend the Builders Licensing Act 1986. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

In speaking to the second reading, I remind members of the circumstances which prompted this legislation to come forward. It was in July that a company known as Leader Builders Pty Ltd, owned substantially by the Blaess family, left a considerable number of houseowners with partly completed homes. The indemnity for that circumstance covers only the completion of the house. Homeowners had paid up front money in progress payments, and that money had not been paid to subcontractors and to those who had provided material. So, there was a hiatus with a large number of homes being stalled through workmen's liens. Homeowners were left with debts not covered by the Housing Industry Association indemnity insurance which covers the completion of such homes.

It may be a help if I read a couple of paragraphs from some of the press items of that time to explain some of the background. Mr Cummings, who is the Executive Director of the Housing Industry Association (HIA), was quoted in an article in the *Advertiser* in July which stated:

Mr Cummings said the HIA had received numerous queries about the company, but association officials had been unable to contact the firm's directors.

He said that if construction work on a house had been halted by bankruptcy, owners were covered by the compulsory HIA administered indemnity scheme.

But no indemnity could take place until a company was officially declared bankrupt.

The assistant secretary of the Building Workers Industrial Union, Mr Terry Carroll, said he was told on Friday by a BWIU member, a ceiling fixer subcontractor, that he was owed $30 000.

A further article in the *Advertiser* in July refers to the Builders Workers Industrial Union as follows:

But the Building Workers Industrial Union advised its members who were owed money by Blaess Enterprises Pty Ltd to place holding orders on properties where they had not been paid for their work.

The union's secretary, Mr Terry Carroll said one wall board fixer was owed $33 000 by the company for work on up to six houses.

'We will be making sure that any money owed to subcontractors will be forthcoming,' he said.

Earlier yesterday a spokesman for the Corporate Affairs Commission described the Blaess family's behaviour as odd but said that there was no evidence at this stage that Blaess Enterprises had committed an offence.

In fact, there does not need to have been an offence for the quite unacceptable circumstances which occurred on this case to take place, where there is a shortfall of money to pay subcontractors for progress payments on a house in the course of construction.

A report in the *Advertiser*, again in July, under the heading 'Union defends housing decision', states:

The Builders Workers' Industrial Union has reacted angrily to criticism over its decision to place holding orders on partly finished houses following a liquidation application yesterday by Leader Builders Pty Ltd.

Earlier in the day, the BWIU secretary, Mr Terry Carroll, reacted angrily to criticism by the Housing Industry Association's chief executive, Mr Don Cummings.

Mr Cummings described as irresponsible a BWIU directive—to members who were owed money by Leader Builders—to place holding orders on properties they had not been paid for work on.

A little further on the article states:

Mr Carroll said on Monday that one BWIU member was owed $33 000 for work he had completed on Leader houses.

A spokesman for Mr Sumner said builders licensing legislation had been tightened in 1986 by the introduction of annual auditing of builders' finances and the introduction of indemnity insurance.

'That compulsory indemnity scheme will save many of the customers of Leader Builders,' he said.

'The problem with the subcontractors is that the legislation is not designed to cover them.'

The spokesman said subcontractors had other avenues to recover debts, including the placing of holding orders on unpaid jobs.

Members will note that in fact the spokesman for the Attorney-General gives advice to the subcontractors to place holding orders on unpaid jobs, the very action recommended and acted on by the Builders Workers Industrial Union, and that action was criticised strenuously by the Housing Industry Association. That is not altogether surprising, since the Housing Industry Association really comprises the builders and tends at least in some instances to have a biased view of what is fair play.

The Australian Democrats applaud the previous amendments to the Act and the institution of the indemnity scheme, which has provided security for home owners who find that the company building their home goes into liquidation and they are left to look for someone else to complete the house. The actual completion is covered and any money paid in relation to deposit for work not yet completed and organising the completion of the house are, in fact, covered.

However, the dilemma, where people have been left severely economically disadvantaged, as in this case, where work has been completed, building has reached a stage at which progress payment was due and payable and, in fact, had been paid and money had not then been paid to the subcontractor or to the suppliers of material is that, there is nothing in the current legislation to provide payment for those moneys. That then leaves the home owner in the invidious position of having to either pay the same money twice or to enter into conflict with the building contractors or the providers of material. It really is a very unacceptable situation for the housing industry to continue to tolerate.

We have had discussion with the Housing Industry Association. An earlier proposal of mine was that the building companies be required to establish an account, similar to a trust account, into which progress payments would have to be made, and such an account could only be drawn on to cover the amount owing to contractors, suppliers of material and employees involved in completing the building to the progress payment stage.

It seemed difficult to guarantee that that would, in fact, be complied with. I must confess that I frightened the HIA somewhat by suggesting that every cheque should be countersigned by the home owner or an agent. I believe that this certainly concerned the industry, and I am not surprised, because it would impose quite a cumbersome procedure. However, I think that the Bill that I have introduced is a modification of that and that it is eminently workable. It does depend on compliance with the legislation by the builder but it would not impose the necessity for double signatories. However, there would be the right for a home owner who suffers loss to seek compensation from the builder.

Therefore, Ms President, in moving the second reading of this Bill I urge the Council to look at it as a procedure which, I hope, will be necessary only in very few instances to go to the point of prosecution of the builder or the reclamation of damages for injured parties. However, it does add security to the home owner who, until now, has taken a risk in making progress payments to builders.

The only alteration I can foresee that may occur from my initiation of the draft of the Bill is in the interpretation clause (clause 2) where the word 'bank' is defined as 'including a building society or a credit union'. The Housing Industry Association has asked that I consider adding 'or approved trust account under the Housing Industry Association' to that definition. I indicate that I would have no objection to that. The association seems to have the credibility and the status of a bank in the terms of reference of this legislation.

Clause 3 of the Bill proposes that, where a building owner pays moneys to a builder under a domestic work building contract before completion of the work in respect of which the money is paid, the builder must immediately pay the money into a special bank account. Specific work will not be taken as completed until the price of materials used for the work has been paid, subcontractors have been paid for their share of the work, and employees' wages have been paid. Money may be withdrawn from the account for specified purposes, in particular, for the builder's own labour. He or she can take reasonable wages plus a 15 per cent commission on the aggregrate of all those amounts paid out to cover the completion of the house to that stage, but no more.

The builder holds the money in this account on trust for the building owner. I believe that that is a key factor in this legislation and a change from the current practice. It recognises the fact that the money does not belong to the builder. It is, in fact, a payment for the house by the building owner to those who were involved in building the house to that stage. New subsection (5) in the Bill provides that building materials purchased with money withdrawn from the special account become, on purchase, the absolute property of the building owner. A builder who fails to comply with, or breaches, the section will be guilty of an offence and the penalty in the Bill is $20 000. As I mentioned before, the builder will also be liable to compensate the building owner for any loss that the building owner suffers as a result of the builder's default.

In conclusion, in moving the second reading of this Bill, I repeat that I am convinced that in its present form the Bill is not an onerous imposition on the building industry at all. A builder of integrity who recognises responsibility in taking the home owner's money to be used for fair and justifiable debt incurred in building that home owner's dwelling can have no objection to this legislation or to complying with it. Those builders who do, and who have possibly been traditionally running on very precarious overdraft and debt structures, and who are using progress payments to service previously accumulated debt, may find it awkward in the first instance. However, my feeling is that it is to their advantage, as well as to that of home owners, because it does place an incentive and obligation on them to become more financially stable and balanced and, therefore, more secure. Notwithstanding that fact, it would be a once up for even those companies because, if they could establish their finances so that they could work the money into the trust account, it would only be for the period that they went through that hiccup that there would be any stress on them financially.

Madam President, I hope that in the three weeks or more that we have before we address this Bill again that both the Government and the Opposition will take particular note of it. I am encouraged by some conversations that I have had with its officers that the Department of Labour has been taking this matter seriously. I trust, and I have no reason not to expect, that the Opposition will also take it seriously. I intend to have further discussions with both of the unions involved and the home protection action group which has been prominent in promoting concern over this matter. Indeed, I hope to have discussions with the Government in the interim. I hope that this Bill will get a speedy passage when we resume early next month.

The Hon. G.L. BRUCE secured the adjournment of the debate.

ADJOURNMENT

At 5.58 p.m. the Council adjourned until Thursday 8 September at 2.15 p.m.