LEGISLATIVE COUNCIL

Thursday 16 March 1989

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

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

PETITION: TOXINOLOGY

The Hon. M.B. CAMERON presented a petition signed by 728 residents of South Australia concerning the need for the South Australian Government to set up a position for the treatment of, and research into, the bites or stings of venomous creatures, including snakes and spiders, and praying that the House will ask the Government to set up a fully paid position in toxinology within the South Australian Health Commission.

Petition received.

The Hon. M.B. CAMERON: I should point out that a further 1 300 signatures were not on the correct form.

PAPER TABLED

The following paper was laid up on the table:

By the Attorney-General—(Hon. C.J. Sumner):

Friendly Societies Medical Association Inc.—General Laws, November 1988.

QUESTIONS

ST JOHN AMBULANCE

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Minister of Tourism, representing the Minister of Health, a question about the St John Ambulance.

Leave granted.

The Hon. M.B. CAMERON: Members will be aware that there has been a set-to industrially within the St John Ambulance Service. It appeared that in the early stages the Minister of Health was giving full support to the St John board and to the volunteers in providing that service. I understand now that, following some discussions that the Minister has had with the union, the paid staff have withdrawn their bans and are going back to the Industrial Court. It appears that there is to be some further expenditure of money by the Government, as a result of the withdrawal of the bans, in order to provide additional paid staff and to reduce the hours of some paid staff in country regions.

My questions to the Minister of Health are as follows: What was the content of the discussions that he had with the union when he met representatives to discuss the lifting of the bans? I note that the union indicated that it is not proceeding with an attempt to have volunteers taken out of the service at this stage. It uses the words 'at this time'. When will the union indicate for how long this withdrawal of bans and industrial action will apply? Is it intended to start the action again immediately after the next election, and was that part of the discussions with the Minister?

An honourable member: A hidden agenda.

The Hon. M.B. CAMERON: A hidden agenda at this time. Will the Government reject completely demands by the Ambulance Employees Union for a Government inquiry into St John, (I would have thought we had already had enough of them), the sacking of the Ambulance Board and its senior officers, and the commitment that volunteers will not do the work of paid staff during any further industrial action? Will the Government also give an absolute guarantee that it has not reached a secret agreement with the union that the question of integration of paid officers at the expense of volunteers can be re-opened after the next election?

The PRESIDENT: I point out that the Hon. Mr Cameron's aside, 'I would have thought we had had enough of them' is an opinion and as such is not permissible. The rest of the question is certainly permissible.

The Hon. BARBARA WIESE: Ms President, I have not been party to any of these discussions and it is not possible for me to give any information about them. I will refer those questions to my colleague and bring back a reply.

NATIONAL PARKS AND WILDLIFE ACT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Environment and Planning, a question about the administration of the National Parks and Wildlife Act.

Leave granted.

The Hon. L.H. DAVIS: Madam President, in November 1987 this Council debated the National Parks and Wildlife Act Amendment Bill. Schedules 7, 8 and 9 attached to that Bill listed endangered, vulnerable and rare species of animals and birds. At that time the Council will recall there was widespread criticism from conservationists, birdwatchers and members of the South Australian Field and Game Association that the schedules were grossly inaccurate and that there had been an absolute lack of consultation between the National Parks and Wildlife Service and the people in the many regions of South Australia who were in the best position to make a judgment about the proper rating for those various animals and birds.

Madam President, I have received a letter recently from someone in the Murray River area who has drawn attention to the problem that has been created by this lack of accuracy, and I quote that letter, as follows:

> In December in the Berri court a person was fined $400 plus costs for doing what growers have had to do from Cadell to Cooltong for decades, that is, to shoot Regent parrots to lessen damage to fruit trees.

What happened was that the Regent parrot had been upgraded on the schedule from 'rare' to 'vulnerable'. The fine had been increased and this fruitgrower had been fined $400 for shooting the parrot. The writer goes on:

> It can be safely predicted that much of the grower co-operation carefully nurtured by others and me will evaporate as a result of this heavy handed exercise, but worse may endure. The shooting will henceforth become even more a clandestine with poisoning a possibility, by growers fearful of shooting and desperate to try to save their crops. Has not the service shot itself in the foot?

The background is that, because the Regent parrot was upgraded on the schedule when there is an argument to say that it should not have been, fruitgrowers in the Riverland, faced with perhaps total destruction of their crop, are being fined, as the Council can see from this example, for shooting the Regent parrot to protect the crop. The fact is that the Regent parrot is a pest in Western Australia; it is certainly common in Western Australia. In South Australia it is concentrated in the Murray River area.

What disturbs the many people involved is that the Government of the time, through the then Minister (Hon. J.R. Cornwall), representing the Minister for Environment and Planning, gave an undertaking that the schedules would be revised in the face of strong criticism. In a discussion, the

Hon. Dr Cornwall gave an undertaking that that would occur.

That has not occurred and is a cause of great concern to many people in the Riverland and, I suspect, in other regions of the State. My question to the Attorney-General is: will the Government undertake to revise the schedules attached to the National Parks and Wildlife Act to ensure that they more accurately reflect the true position and so not to disadvantage people such as the fruitgrower who was fined $400 quite recently?

The Hon. C.J. SUMNER: I will refer the question to my colleague and bring back a reply.

AIDS LEGISLATION

The Hon. K.T. GRIFFIN: My question is to the Attorney-General. Following the controversy in Victoria earlier this week in relation to amendments to equal opportunity legislation to prevent a hospital from denying access to AIDS sufferers, does the Government propose to introduce the same stringent obligations without exception upon the providers of medical and other services in South Australia?

The Hon. C.J. SUMNER: No amendments are envisaged to the equal opportunity legislation which would touch upon this topic. A Bill will be introduced later today, but it does not deal with those matters.

LOCAL GOVERNMENT ELECTIONS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about election postponement.

Leave granted.

The Hon. I. GILFILLAN: This matter was raised constructively by a question from the Hon. J.C. Irwin on 7 March and answered, again constructively, by the Minister. I wish to quote from an article in the *Advertiser* of 6 March in relation to the question of delay in council polls. That article states:

> Local government elections in five metropolitan councils may be postponed if amalgamation proposals before the Local Government Advisory Commission are successful.
>
> A decision on proposals to form a new council at Blackwood Hills, from sections of the Mitcham and Happy Valley councils, and to amalgamate sections of Henley and Grange, Woodville and West Torrens councils is expected by the end of this month.
>
> Local government elections are scheduled for 6 May but it could take up to six months for any new council boundaries to come into force. The Local Government Minister, Ms Wiese, may decide to use her power to postpone the elections until the boundaries are completed.
>
> The Local Government Advisory Commission received a record number of 18 amalgamation proposals last year—compared with only six in 1987. The Blackwood Hills Policy Group has proposed severing ties with the Mitcham council to form its own council. The proposal is for the formulation of a new council made up of the existing Mitcham council wards of Craigburn and The Parks.
>
> The Happy Valley council has in turn proposed severing Craigburn and The Parks wards and the portion of Babbage ward which is bounded by Shepherds Hill Road, Main South Road and the Sturt River from Mitcham and annexing it to its own area. In a countermove, the Mitcham council has proposed taking over Coromandel Valley, which is at present part of the Happy Valley council.
>
> Last year the Henley and Grange council also lodged a proposal to take in portions of Woodville and West Torrens. However, both West Torrens and Woodville have opposed the moves and lodged amalgamation proposals of their own which would effectively eliminate the Henley and Grange council.
>
> Hearings into all the proposals were completed last month and the commission is expected to present its findings to Ms Wiese by the end of this month.

I interrupt my quote to emphasise 'hearings into all the proposals were completed'. I continue:

> Hearings into a proposal by the Glenelg council to annex part of Marion and Brighton councils are continuing and Marion council is expected to lodge a counter-proposal within the next few weeks.

Apart from being rather confusing, in that the article states that 'all proposals were completed' but continues that two are ongoing, it is misleading in light of the answer that the Minister gave to the Hon. J.C. Irwin. In an article in the Belair/Blackwood edition of the *Messenger* as of yesterday, the issue of the elections is raised again under the heading 'Elections still on'. That quoted the Mayor of Mitcham, Ossie Goldsworthy, as saying:

> Despite reports in the media that elections might be delayed it was business as usual for Mitcham council. But Blackwood Hills Policy Group spokesman Gordon Russell said he was disappointed Local Government Minister Barbara Wiese had no power to postpone the elections.

The Minister's answer to the question of the Hon. J.C. Irwin indicated that there could be a good case for having an amendment to the Local Government Act so that the Minister could have the power to postpone elections under circumstances other than simply amalgamation of councils. To many people in the local government area that has merit, and I think that that opinion is shared by many members of this place. The Minister stated:

> I am currently reviewing that matter, but I shall consult local government on it before I take any action.

Because I believe that there is sympathy for its intent, and that it is possible to treat an amendment expeditiously, I ask the Minister whether she is now in a position to indicate her opinion in relation to amending the Act (in terms of the major changes that were outlined in particular for the Mitcham and Blackwood areas which could result in a very expensive double election and completely different boundaries if a dramatic proposal was accepted), and whether she thinks the necessary amendments are advisable? If so, will she consider introducing such amending legislation into this Parliament in time for it to have effect before the next scheduled local government elections?

The Hon. BARBARA WIESE: As I indicated, I do think the proposal has merit and I would want to consult with local government before any legislation to amend the Local Government Act was introduced. However, it would not be possible to effect such a change, if there was general agreement about it, before the next round of council elections because, in fact, nominations for the next council elections have already opened and will close at the end of this month. Therefore, it would not be possible at this stage to interfere with the election process, and I feel that it would be undesirable in the middle of an election process to change the circumstances under which elections are called. If such a change were to be made, then I would envisage it occurring perhaps in the budget session of Parliament, or next time the Local Government Act is opened up for some purpose.

In relation to the article that appeared in the *Advertiser*, I agree entirely with the comments that were made by the honourable member in that the story was rather confused. Unfortunately, the journalist did not, as I recall, check with anyone in my office before the article was written about the powers of the Minister of Local Government in this matter. In fact, the information contained in that article, as I have indicated in this Parliament, is incorrect. Currently I do not have the power to defer elections for councils unless there is an amalgamation proposal, and currently proposals for boundary change are not sufficient grounds for the deferral of elections.

Since that article appeared a member of my staff has been in touch with the journalist concerned in order to set her straight about the facts of the matter. I hope that in any subsequent coverage of the issue the true situation is reported. I repeat: I do not think it is appropriate or possible to amend the legislation at this time in order to affect the outcome of the next round of local government elections.

The Hon. I. GILFILLAN: I have a supplementary question. I put it to the Minister that there might be 18 applications—a record number. Does she believe that there could be an extraordinarily high number of duplicated elections and that that could justify a transitional situation which really does allow for the postponement of elections in short-term legislation?

The Hon. BARBARA WIESE: I have already indicated that I do not think it is appropriate to intervene in an election process once that has begun. For that reason I would be most reluctant to do so, unless some very good evidence is presented to me that is not before me at present, that the circumstances should be different.

ABORTION CLINICS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question on abortion clinics.

Leave granted.

The Hon. DIANA LAIDLAW: Over the past few months Ms Jocelyn Auer, on behalf of the South Australian Health Commission, has been seeking to find suitable sites in metropolitan Adelaide for the establishment of one or more pregnancy advisory centres, commonly referred to as a free-standing abortion clinics. I understand that Mareeba, in close proximity to the Queen Elizabeth Hospital, has been proposed by the Health Commission as a suitable site to provide such a service. I have no doubt that most honourable members would be aware that the Queen Elizabeth Hospital already conducts a third of the 4 000 or so abortions recorded in South Australia each year. This fact is one of a range of reasons why the executive of the Medical Staff Society of the Queen Elizabeth Hospital is opposed to the use of Mareeba as a pregnancy advisory clinic. In a letter dated 10 March 1989 the Secretary/Treasurer of the Queen Elizabeth Hospital Medical Staff Society informed Mr D.J. Coombe, the Chief Executive Officer of the Queen Elizabeth Hospital, that the executive of the society was 'seriously opposed to the use of Mareeba to provide such a service'. The letter stated:

> We believe that Mareeba is seen as part of the QEH Campus and that the public's perception will be that this service is being provided by the QEH. At present, the greatest deficiency of abortion services is for the population living in the north and south of the city, and making a further large service available in the western surburbs appears to be entirely inappropriate. The Medical Staff Society endorses the attitude of the obstetricians and gynacologists of the hospital, and feel that all major metropolitan hospitals should be required to provide services for the population in their area.

I therefore ask the Minister:

1. What are the intentions of the Government or the South Australian Health Commission concerning the establishment of pregnancy advisory centres or abortion clinics in the Adelaide metropolitan area?

2. Does the Government propose to take account of the fact that the greatest deficiency in abortion services appears to be for the population living in the north and south of the city and not in the western suburbs, which are already well catered for by the services provided by the QEH?

3. Does the Government propose to establish pregnancy advisory centres in all major metropolitan hospitals to provide services for the population of their area?

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

LEGISLATIVE PROGRAM

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about the legislative program.

Leave granted.

The Hon. M.J. ELLIOTT: At the beginning of this session—seven months ago—I sat through the Governor's speech listening with much anticipation to what would happen this session. Following this speech I noted down all promised legislation for this session. Fourteen pieces of legislation were promised. I presume that they were considered to be the more important matters. Having gone through that list only this morning, I found that nine have not yet arrived in this place.

I refer to amendments to the Apiaries Act, the Swine Compensation Act, the Cattle Compensation Act, the Stock Foods Act and the Mental Health Act, as well as alterations to guardianship legislation and the Equal Opportunity Act dealing with intellectual impairment. We have not seen legislation to make it an offence to obtain access to or to enter a computer system nor legislation revising the Community Welfare and Local Government Acts. Does this mean that we are in for a rush of legislation within the next two weeks or have the wheels fallen off?

The Hon. C.J. SUMNER: A large number of matters, many of considerable significance, have been dealt with since the Governor's speech. One on the Notice Paper at present is the Pastoral Land Management and Conservation Bill. Another one that is coming up is the amendments to the Industrial Conciliation and Arbitration Act. The honourable member will note on the Notice Paper (if he has read it today) that the Equal Opportunity Act Amendment Bill will be introduced today. A number of other important initiatives have been undertaken by the Government during this period.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Governor's speech is important in setting the general legislative program for the Government during the parliamentary sitting, but the honourable member, if he goes back and researches the matter to any great extent, will find that not every matter that is mentioned in the Governor's speech is automatically brought up in Parliament in that session. That just happens to be a fact of life. The reality is that some issues, depending on what they are, have their relevant Bills drafted and circulated for comment, but sometimes they are not finalised for introduction. I do not have details of the specific matters to which the honourable member has referred, but I will examine them. With respect to the Equal Opportunity Act—an important piece of legislation—the honourable member can be put out of his misery by reading the Notice Paper.

GOVERNMENT EMPLOYEES

The Hon. J.F. STEFANI: I seek leave to make an explanation before asking the Minister of Ethnic Affairs a ques-

tion about the Government's policy of equal opportunity in employment.

Leave granted.

The Hon. J.F. STEFANI: On 14 February 1989 the Minister of Ethnic Affairs tabled the annual report of the South Australian Ethnic Affairs Commission, which is under the general control and direction of the Minister. The report clearly identifies many areas of concern, including:

We have one major concern in relation to equal employment opportunities activities.

The report goes on to say:

Apart from once only voluntary surveys, which have been conducted in a few departments, there is no service-wide data collection on work force participation by public servants of non English speaking background.

This is indeed in contrast to what the Minister led us to believe his Government was doing when he declared in this Chamber on 16 February:

The Government's policy has been to ensure that ethnic affairs or multiculturalism becomes an integral part of the delivery of services throughout the Government's departments.

The commission's report is obviously saying that this is not happening, because the Government does not employ more public servants from ethnic backgrounds who are better equipped to serve South Australia's multicultural population.

That leads me to the practice of equal employment opportunities by this Government and its departments. Recently I have had a number of Government employees from non-English speaking backgrounds approach me about the treatment they have received as employees of the Government. One such employee, having worked in a Government department since 1983 as an occupational therapist (Grade 2), was transferred to another position within the Public Service. Following his transfer he was advised that, by reason of a mental or physical illness or disability, he should consult a speech pathologist. This was arranged by the Government department and, after assessment and one subsequent treatment session, a report was submitted to the department by the speech pathologist. I read in part from the report as follows:

Inder has lived in Australia for 10 years. He is married to an Indian wife and has two children.

The Hon. R.I. Lucas: He is Indian himself.

The Hon. J.F. STEFANI: Yes. The report continues:

He tends to socialise mainly with Indian friends. On assessment Inder presents with a marked Indian accent.

A remarkable discovery! The report states:.

He tends to use a retracted tongue carriage, which slightly distorts vowel production. The following consonant sounds are difficult for Inder: 1. 't' in the initial position of words (e.g. 'time', which Inder produces as 'dime'); 2. 'r' in the initial position of words (e.g. 'red' which Inder produces as 'hred'); and 3. 'th' voiced and voiceless in all positions (e.g. 'think' and 'these', which are produced as 'tink' and 'dese' respectively). Inder is aware of the request of his workplace to reduce his accent and improve his speech clarity.

The Hon. R.I. Lucas: How do you feel, TC?

The Hon. J.F. STEFANI: It makes me feel a bit nervous, too. The report continues:

Satisfactory change could be achieved in six to eight sessions if Inder practises the techniques. I have suggested Inder practise in the car on the way to and from work.

This is incredible.

The PRESIDENT: Order! No opinions please.

The Hon. J.F. STEFANI: The report continues:

To date Inder has shown interest and willingness to practise. I understand Inder has also been referred to the South Australian College of Advanced Education to undertake a course of English for migrants with overseas qualifications. I have spoken at length to Inder, both personally and on the phone, and I have never had any difficulty in understanding him.

I have been informed that, in view of this scandalous position and blatant worker discrimination by the Government, Inder has suffered greatly, and has been on special stress leave since 15 December 1988. My questions are:

1. Will the Minister advise which of the Government departments employ senior public servants from a non-English speaking background to more effectively serve the total South Australian community?

2. How many bicultural public servants have been appointed to senior positions within Government departments since this Government has held office?

3. What will the Minister do about the Health Commission's requiring workers to undertake speech therapy because of their accent?

4. Does the Government intend making the foreign accent remedial policy a criterion for future employment of non-English speaking public servants?

The Hon. C.J. SUMNER: The honourable member comes into this Chamber and presents a partial case which he argues gives support to certain propositions he has put forward. Of course, the simple thing he could have done, but has not done, and would not do, because he wants to get his little bit of amusement out of the Parliament—and that is the only thing he is interested in—was refer the matter to the Commissioner for Equal Opportunity.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: But not the Hon. Mr Stefani. He would not think to advise this person to take such an obvious course of action.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Has it been to the Commissioner for Equal Opportunity?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: You did not even suggest it go to the Commissioner for Equal Opportunity. You wanted to have your day in the Parliament. That is fine. You have your day in the Parliament, but in the final analysis the matter has to be resolved through the proper procedures. One would have expected that if you had any genuine concern about this individual—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —you would have taken up this matter up with the appropriate statutory person, who is the Commissioner for Equal Opportunity. But you did not do that.

The PRESIDENT: Order! I ask the Minister to address his remarks through the Chair and that all interjections cease, particularly those on my left.

The Hon. C.J. SUMNER: The honourable member made a second reading speech as a prelude to asking his question and in that made a number of assertions. I suppose that if I give a reply that is just as lengthy honourable members will whinge and complain about the fact that I am taking up their question time.

The reality is that this Government, over the past five or six years, has made strenuous efforts to ensure that multiculturalism is part of mainstream activity in the Government sector.

The Hon. J.F. Stefani: That is not what the commission says.

The Hon. C.J. SUMNER: The commission says and accepts that. I certainly do not accept the Hon. Mr Stefani's complete distortion of what the Ethnic Affairs Commission said in its report. Anyone who reads the report and looks

at the achievements in this area over the past six years will see that they have been considerable. With respect to many Government departments, we have developed multiculturalism or ethnic affairs management plans. In education, welfare and health, for example, specific task forces have come out with specific recommendations, many of which have been implemented.

Through education for a cultural democracy, we have made a commitment that by 1995 a second language will be available to South Australian children. That is a commitment made by this Government, not by any previous Government, and certainly not made by the Tonkin Government. The Tonkin Government wanted to stick ethnics in a box outside the mainstream of society. It wanted to have these people doing folk dancing. It did not want them to be involved in anything that the Government was doing.

An honourable member: What about Dunstan?

The Hon. C.J. SUMNER: Ask any person of ethnic minority origin in this community and he will definitely assert that Don Dunstan was one of the first politicians in Australia to assert the rights of people of ethnic minority origins. That is why he was so popular in his electorate. He can be proud of it, and I can be proud of having accepted—

An honourable member: He didn't observe what you are talking about.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: He did. You should know what attitudes were like in the 1960s and early 1970s towards people of ethnic minority origins. They were appalling. You had Don Dunstan accepting the challenge of multiculturalism. He was one of the first politicians in Australia to do it, so do not mention his name in this context.

An honourable member: Murray Hill took it on from there.

The Hon. C.J. SUMNER: Murray Hill did not really take it on from there. He stood still on the topic.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Liberals were interested in trying to ensure that people of ethnic minority origin could have a bit of cultural fun—a few folk dances. The Liberal Party has always been patronising to ethnic minority groups. You know that as well as I do.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It is incredible. When we move from the State Liberal Party's performance in this area and go over to Mr Howard, we find that he is not even interested in multiculturalism. He does not want to know it. He has written it out of the Federal Liberal Party's platform. It has gone; it is finished; there is nothing there.

The Hon. J.F. Stefani: Calm down.

The Hon. C.J. SUMNER: The Hon. Mr Stefani comes into the House and prattles and bleats away about this Government's attitude to multiculturalism as if he could do any better. He could not.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The fact of the matter is that he is a member of the Liberal Party led by John Howard, who does not want to know about multiculturalism. If a Howard Government gets into power in Canberra, there will be an enormous reduction in funds and programs in this area.

Members interjecting:

The Hon. C.J. SUMNER: I am not interested in what the Hon. Mr Davis said he did or will do in this Parliament. The fact is that he is completely irrelevant to the activities in this Parliament. The Liberal Party cannot make out where it wants to put him. He cannot make up his mind whether he is a wet, a dry or somewhere in between. Half the time he asks questions which indicate that he is a wet. The next minute he asks questions which indicate that he is a dry. He does not know where he is. The Hon. Mr Olsen in another place—

The Hon. M.B. CAMERON: On a point of order, Madam President. I do not know what Standing Orders say about answering questions, but I imagine they say that the Minister has to stick to the question. The question was about an Indian with an accent. Somehow the Minister seems to have broadened the subject somewhat.

The PRESIDENT: To respond to the point of order, there are far fewer controls in Standing Orders on an answer than on a question. The only Standing Order which refers to an answer says that in answering a question a member shall not debate the matter to which the same refers. I would, however, point out that the Hon. Mr Stefani requested permission to make an explanation relating to the Government's equal employment opportunities policy. It was not a question relating to the employment of a particular individual.

Members interjecting:

The PRESIDENT: I beg your pardon! I wrote down what the Hon. Mr Stefani said. He asked for leave to explain a question about the Government's equal employment opportunities policy. In consequence, the Minister's reply can refer to the equal employment opportunities policy of the Government. That is what Mr Stefani received leave to ask a question about. I would ask that interjections cease and that the Minister give his reply through the Chair without pointing a finger at the Opposition.

The Hon. C.J. SUMNER: The only reason that the Hon. Mr Davis got into the matter was by interjecting during the course of my answer.

The PRESIDENT: I would remind the Minister that the speaker on his feet does not need to take any notice of interjections if he does not wish to do so.

The Hon. C.J. SUMNER: I understand that, Madam President. On the other hand—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: On the other hand—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, Mr Davis!

The Hon. C.J. SUMNER: On the other hand, Madam President, if honourable members do interject and make points that require answers, I feel compelled to respond.

The fact of the matter is that the Hon. Mr Stefani's question was a long one. It covered a number of issues, and I am replying to those issues. If honourable members would like me to summarise them, I will do so.

First, with respect to the individual case that the Hon. Mr Stefani has brought up, I do not know any details, but if it is referred to me specifically I will examine it and would be prepared to refer it to the appropriate statutory authority—the Commissioner for Equal Opportunity to examine it. She has jurisdiction in the Government with respect to these matters. If there are problems about discrimination on the grounds of race or ethnic origin—

The Hon. J.F. Stefani: It's a Government department, and problems can be examined by the Commissioner for Equal Opportunity.

The Hon. C.J. SUMNER: Of course, if there are complaints, that is the most practical way to help the individual. If the honourable member is prepared to give me the details

of the case, I shall be happy to refer it to the appropriate body—the Commissioner for Equal Opportunity.

Already in existence in this State is the Equal Opportunity Act, which covers and binds the Government. As to the second point, the Government has taken a large number of initiatives over the past six years to improve opportunities for people of ethnic minority origin in the Public Service. I mentioned the initiatives taken through the task forces in education, welfare, health and other areas. The Government is, and remains, committed to a policy of multiculturalism, as opposed to the policies of the Party of members opposite who have excised multiculturalism at the Federal level from their policy.

The reality is, whether members opposite like it or not and whether the Hon. Mr Stefani likes it or not, Mr Howard has jettisoned multiculturalism as a policy for his Party. In fact, he is quite proud of it, and I suppose one can give him credit at least for being prepared to stick up for his policy. However, I cannot have Mr Howard jettisoning the policy and then have the Hon. Mr Stefani coming in here and using the Liberal Party to say that they would be better on multiculturalism than would the Labor Party. The Liberal Party has dumped the policy. Madam President, I repeat that, if the honourable member is prepared to give me the details of this case, I will examine it and refer it to the appropriate authority.

STIRLING COUNCIL

The Hon. J.C. IRWIN: My questions are to the Minister of Local Government. Is it true that the option of using the South Australian Grants Commission for part funding of the Stirling council's bushfire liability has been abandoned? Has the Local Government Director resumed full departmental responsibilities, or is she still declaring a conflict of interest as a Grants Commissioner? What arrangements has the Minister made to help resolve the Stirling bushfire funding problem?

The Hon. BARBARA WIESE: The answer to the first question is 'No'. The Government has not abandoned its suggestion about referring the issue of Stirling council bushfire funding to the South Australian Grants Commission. What has occurred is that there are other issues relating to the Stirling council bushfires matter which are being discussed first with a view to clarifying the issue of quantum in the matter of the Stirling council's liability before the question of determining from which sources money should come to meet the ultimate liability.

At this stage, although the Government has not abandoned its suggestion that we would approach the Grants Commission, there has been no such approach whilst the outcome of other negotiations takes place. Discussions are continuing with the various parties and the Government is acting in the role of what one might call an honest broker in the matter by talking with the parties who are involved, namely, the Stirling council and the plaintiffs, or at least their legal representatives, with the view, if at all possible, to reach an agreement on a fast track method for determining the outcome of claims so that we can reach agreement as early as possible on the question of quantum for the Stirling council's liability in this matter.

At the same time a study is under way to determine the capacity of the Stirling council to meet at least some of the eventual liability, and those discussions are continuing. Hopefully, before too much longer, we will have reached some agreement with the council as to its ultimate capacity to pay. Until those issues are resolved it is difficult for all parties who are involved in the matter. I might also add that the Local Government Association has been playing a prominent role in all discussions that have taken place. It is very difficult to determine just how the final liability might be met.

As to the role in this matter of the Director of the Department of Local Government, as I have indicated previously, because she is a member of the South Australian Local Government Grants Commission and might at some stage in the future be in a position of having to make a judgment about any proposal that may be put to the commission on this matter, she therefore has not been involved in any of the discussions or negotiations. Rather, other officers of the department have been involved in that process.

The Hon. J.C. IRWIN: I desire to ask a supplementary question. Under what arrangements has Mr Michael Lennon, former Deputy-Director of the Local Government Department, been seconded to help resolve the problem with the Stirling issue?

The Hon. BARBARA WIESE: As the honourable member is aware, Mr Lennon has taken leave without pay from the South Australian Public Service to take up an opportunity in the private sector. Because of the very extensive role that he has played to date in attempting on behalf of the Government to resolve the issue with respect to the Stirling council, it certainly seemed desirable to me that at this stage of the process and, in view of the negotations that are continuing, it would be desirable for his input to be retained. For that reason I have an agreement with Mr Lennon that he will continue to be involved in discussions and negotiations on this issue. I understand that he has made some arrangement to that effect with his new employer.

AIDS COUNCIL OF SOUTH AUSTRALIA

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the AIDS Council of South Australia and other related activities, direct and indirect.

Leave granted.

The Hon. R.I. LUCAS: This financial year the Government, through the Health Commission, has allocated $769 000 to spend on AIDS-related services. I understand that about $280 000 of this is going to the AIDS Council. The council's address is 130 Carrington Street in the city. Its telephone number is 223 6322. Both this address and telephone number are quoted in association with certain activities promoted in the March issue of a publication called *Catch 22* which describes itself as 'South Australia's own gay magazine.' In particular, the AIDS Council telephone number is given as a source for more information and a registration form for what is advertised as the 'Men's Autumn Gathering'. An advertisement in *Catch 22* describes this event as follows:

> A celebration of men close to men, a time for relaxation, fun, exploration, pleasuring and time out.

It is to be held at a camp site at Stirling from 7 April to 9 April. Two other activities advertised in *Catch 22* are actually to be held on the premises of the AIDS Council. One is called 'Eleven Men—a group for gay and bi-sexual men' and is advertised as a free course of five weeks duration. The advertisement states:

> This group is about:
> - Self love
> - Self respect
> - Humour

- Personal power
- Positive support
- Sexuality
- Deeper quality relationships

The second activity is the gay and lesbian theatre project, which, according to *Catch 22*, is supported by the AIDS Council, the Department of the Arts and the Health Commission. The magazine states:

> Since late last year a plot has been afoot to produce a theatre piece for gay and lesbian audiences, designed to offer high quality entertainment which affirms the positive aspects of our life-styles.

A brochure published by the AIDS Council describes its aims, as follows:

> Prevent the spread of AIDS, assist people with AIDS or AIDS-related conditions, and play a part in educating the public about the disease.

I am sure that most members and, indeed, most of the community would support those objectives of the AIDS Council. It is certainly difficult to comprehend how the activities I have mentioned could be helping to meet those objectives. Will the Minister initiate discussions with the taxpayer funded AIDS Council of South Australia to determine whether all the activities associated with the council, including those that I have indicated, are consistent with the prime aim of educating the public about AIDS and preventing the spread of this disease in the community?

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

GOLDEN GROVE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister representing the Minister having the administration of the Golden Grove Indenture Act 1984 a question about O-Bahn buses.

Leave granted.

The Hon. J.C. BURDETT: Prior to asking this question, I made inquiries from the Parliamentary Library Service as to who was the Minister having the administration of the Golden Grove Indenture Act 1984 and was told that there was none but that it was likely to be allocated by Cabinet in the near future. Last Sunday at the Golden Grove show a constituent came to me and told me of an advertisement situated on the road through the Golden Grove development close to the information centre. I subsequently drove through the area and saw a very large advertisement which said, 'Yes—the O-Bahn comes to Golden Grove'.

It does not, and it will not. The O-Bahn at present goes to the Paradise interchange; it will go to Tea Tree Plaza, which is some kilometres away from Golden Grove; and a bus which runs on the O-Bahn track goes off and goes through Golden Grove. I live about the same distance from Tea Tree Plaza as is Golden Grove, and the bus goes right past my door. I would not dream of saying that the O-Bahn comes to my house, because it does not. The Golden Grove development was a joint venture between a private developer and the Government, and the private developer (Delfin) is the agent. The Government must have some responsibility for this as it is a joint venturer in the overall project.

As I said, the advertisement says 'The O-Bahn comes to Golden Grove' when in fact—and this is not an opinion—it does not. My question to the Minister, whoever he or she is, is: will the Government ensure that advertisements in regard to Golden Grove are factual and that this advertisement is removed?

The Hon. C.J. SUMNER: I have not seen the advertisement, Madam President. I am not sure that it is within the Government's power to remove it, in any event, but I will refer the question to the appropriate Minister and bring back a reply.

EMU WINERY DEMOLITION

The Hon. I. GILFILLAN: Has the Attorney-General an answer to my question of 22 February about demolition at the Emu Winery?

The Hon. C.J. SUMNER: The Minister of Labour has provided the following answers:

1. The Department of Labour is already giving priority to work being carried out by contractors who have a tendency to work on the border of the legislative requirements. Because of the difficulties experienced previously with Mr M. Bramley, before work started at Emu Winery a visit was made to the site by representatives of the Department of Labour and the South Australian Health Commission. During that visit, the proposals for handling asbestos cement and the asbestos lagged pipe were discussed with Mr G. Bramley (brother and partner of the now deceased Mr M. Bramley). It was made clear at that meeting that the procedures in the Worksafe Code of Practice for the safe removal of Asbestos were to be followed and that the asbestos lagged pipe could only be removed by a licensed asbestos removalist.

The demolition took about 100 days from start to finish. During that time, Department of Labour inspectors made over 90 separate visits to the site, and with one exception when a building was pulled down contrary to the code of practice (a process which, in the circumstances, the inspector considers to be safer than that recommended by the code) and the use of explosives without approval, all work was carried out within the letter of the law and without placing any person outside of the site at risk. To allay fears that had been expressed concerning the risks to health of staff and students in adjacent schools and kindergarten, Sacon arranged for air samples to be taken at the boundary of the site: 410 samples were taken, only one of which was above the level of detection and that single reading was .02 fibres per ml., i.e. one-fifth of the level considered acceptable for workers to be exposed to eight hours a day, five days each week for a working lifetime.

2. There is no demolition company. The work was carried out by two brothers working in a loose partnership. There has been full investigation of the unauthorised use of explosives. Mr M. Bramley was licensed to purchase explosives and held a current shot firer's certificate. He had not sought permission to use explosives on the Emu Winery site and was certainly in breach of the prescribed procedures for the safe use of explosives when he was killed. The surviving partner, Mr G. Bramley, denies all knowledge of the removal of the asbestos lagged pipe, which disappeared within the four days following his brother's death. There were two breaches in the fence surrounding the site which occurred in the same period and despite questioning and searching it has not been possible to determine who removed the pipe, and it has not been possible to gain sufficient circumstantial evidence to warrant a prosecution. The Department of Labour inspectors have no reason to suspect that any asbestos cement was removed or disposed of in an unsafe manner.

3. At Emu Winery there was regular liaison between the Government departments concerned and the South Australian Institute of Teachers, schools—kindergarten. The high school additionally made the effort to contact Mr M. Bramley and stated that the co-operation it obtained could not

have been better. Whilst such matters will continue to be closely monitored, it is not at present considered necessary to enact such legislation.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Metropolitan Taxi-Cab Act 1956. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to amend the Metropolitan Taxi-Cab Act, 1956 to give the Government more choice with respect to the method of issuing new taxi-cab licences and the use to which the funds generated from the issue of new licences can be put.

Over recent years various reports have drawn attention to the need to issue new taxi-cab licences to keep the number of taxi-cabs broadly in line with demand and population growth. In 1985, the Select Committee of the Legislative Council on the Taxi-Cab Industry in South Australia recommended that any new taxi-cab licences issued by the Metropolitan Taxi-Cab Board in the future should carry a market value and that the revenue raised from the sale of licences should be used to set up a taxi industry development fund. The select committee proposed that this fund be devoted to the development and promotion of the industry and driver training.

The review of regulation of the taxi-cab industry in 1986 undertaken by Mr Shlachter recommended that new licences should be made available under a leasing arrangement and the proceeds from leases should be used for the benefit of the industry.

The Metropolitan Taxi-Cab Board as part of its response to a report by Travers Morgan in 1988 has proposed that more taxi-cab licences are needed, that issue should be by public tender, and that the money obtained from the issue of new licences should be placed in an industry development fund.

Under current legislation, tax-cab and hire car licences are issued for a prescribed fee recommended by the Metropolitan Taxi-Cab Board. Given the current market value of around $90 000 for taxi-cab licences, windfall profits would accrue to any successful applicant for a licence.

The Crown Solicitor has advised that the Act should be amended to clarify licensing processes, particularly with respect to auctioning or tendering and leasing. This Bill clarifies these processes by empowering the board, after consultation with the Minister, to issue licences in a manner determined by it from time to time. This could include sale at a fixed price, auction or tender and lease.

The Bill also amends the Act to set up a fund to ensure that the money generated by the issue of new licences is applied for the industry as recommended by the select committee, Mr Shlachter's review and the board. The amendment clearly spells out the safeguards which exist to ensure that the fund is used for the benefit of the taxicab industry and demonstrates that it is not the Government's intention to use funds generated by taxicab licences for other purposes.

As mentioned, the Bill will allow for a variety of methods for issuing new licences. It will also empower the board to determine the maximum number of licences to be issued. I would like to foreshadow the Government's intention to issue up to 20 taxicab licences during 1989 at a fee yet to be determined. Experience through close monitoring of levels of services provided by the new licence holders will assist in determining suitable long-term approaches to enable Government to balance the industry's requirements for a stable and predictable business environment, and the public's need for a high quality and reliable taxicab service in South Australia. I commend the Bill to members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement of the measure on a day to be fixed by proclamation. Clause 3 amends section 2 of the principal Act by inserting a definition of 'the fund'.

Clause 4 repeals section 17 of the principal Act and substitutes a new provision. This section requires the board to receive and recover all fees and other amounts payable under the Act and to pay out of that money the costs of administering the Act. The new section provides for amounts received in respect of taxicab licences issued according to a special licence allocation procedure specified in the regulations to be paid by the board to the Minister for the credit of the fund.

Clause 5 inserts new section 24a into the principal Act. Subsection (1) establishes the Metropolitan Taxi-Cab Industry Research and Development Fund. Subsection (2) makes the Minister responsible for the administration of the fund in consultation with the board. Subsection (3) provides for the fund to consist of amounts paid in respect of taxicab licences issued according to a special licence allocation procedure and income paid to the fund from investment of the fund.

Subsection (4) requires the fund to be kept in a separate account at the Treasury. Subsection (5) authorises the application of the fund by the Minister for the purposes of research into and promotion of the metropolitan taxicab industry and any other purpose beneficial to the industry.

Subsection (6) authorises the Treasurer to invest any money standing to the credit of the fund that is not for the time being required for the purposes referred to in subsection (5). Subsection (7) provides that income from investment of the fund must, at the direction of the Treasurer, be paid into the fund.

Clause 6 repeals section 30 of the principal Act and substitutes new sections 30 and 30a. New section 30 deals with the taxicab licences. Subsection (1) empowers the board to issue a taxicab licence in accordance with the regulations to any fit and proper person who complies with the prescribed conditions. Subsection (2) authorises the holder of a taxicab licence to use a taxicab for the purpose of carrying passengers for hire or reward in the metropolitan area.

Subsection (3) provides that a taxicab licence is subject to such conditions as are prescribed and remains in force for such term as is prescribed or determined by the board. Subsection (4) provides that the board may, from time to time, after consultation with the Minister determine the maximum number of taxicab licences to be issued by the board in any given period and that particular taxicab licences will be issued according to a special licence allocation procedure specified in the regulations.

Subsection (5) provides that the board may, as required for the issue of particular taxicab licences according to a special licence allocation procedure, determine the term of licences and any amount or amounts to be paid in respect

of the licences. New section 30a reproduces the existing provisions of section 30 relating to the issue of taxicab driver's licences.

Clause 7 amends section 35 of the principal Act to expand the regulation-making power to provide for the prescription of special licence allocation procedures which may be used for the issuing of taxicab licences and for the recovery by the board of any amount payable in respect of a taxicab licence issued pursuant to a special licence allocation procedure.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

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

That this Bill be now read a second time.

In recent years, some local authorities, with assistance from the Department of Transport, have been undertaking local area traffic management schemes. Such schemes have arisen primarily from the concern, expressed by residents, relating to the perceived dangers associated with an unacceptably high speed of vehicles in their area.

Physical devices, such as road humps, plateaus and roundabouts installed in local streets are effective in reducing vehicle speeds and tend to discourage a proportion of through traffic from using local streets. A natural adjunct to these local area traffic management schemes is a lower speed limit within the treated area.

Existing legislation under the Road Traffic Act does not provide for the application of a speed zone over an area such as a residential precinct. Speed zones can only be applied along a length of road.

To provide for the speed zoning of a local precinct would, under present legislation, require each street to be zoned individually with speed restriction and end restriction signs at the beginning and end of each street, and after every intervening intersection or junction.

Under the proposed concept, speed restriction signs with appropriate symbols need only be installed at access points around the perimeter of the area. The treatment at the perimeter will also indicate to drivers that they are entering a different driving environment. End precinct signs will be installed at all egress points with appropriate physical devices strategically located within the precinct to induce lower operating speeds.

Before local area traffic management schemes incorporating lower speed limits are implemented, councils will be required to consult with ratepayers, emergency services, public transport operators and the like and to submit detailed proposals to the Minister. Councils cannot introduce speed limits over an area without the specific approval of the Minister of Transport which will only be given when all appropriate traffic management measures have been taken.

Whilst initially it is likely that the areas zoned would be residential, the proposed legislation also provides for area speed limits to be imposed for other types of precincts, that is, industrial areas and recreational areas.

In all cases, the proponent would be required to consult with residents and major users of the facility before seeking approval from the Minister. The purpose of this Bill is to provide the legislative framework to enable the Minister of Transport to approve a common speed limit for all roads within a designated area. I commend the Bill to members. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the Act will come into operation on a day to be fixed by proclamation.

Clause 3 amends section 5 of the principal Act which is an interpretation provision. The definition of 'speed zone' is expanded to include a speed zone established under section 32 of the principal Act.

Clause 4 repeals section 32 of the principal Act and substitutes a new provision. The new section provides that the Minister may designate an area as a speed zone. The Minister may also fix a speed limit for a designated area, as well as for a road or portion of a road, or a carriageway or portion of a carriageway. Speed limit signs erected for a designated area must be placed at or near the boundary of the area on every road providing entrance to or exit from that area. In any other case they are to be placed at or near the beginning and end of the speed zone and all speed limit signs are to comply with such requirements as are prescribed.

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

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 2)

The Hon. Barbara Wiese, for the **Hon. C.J. SUMNER (Attorney-General),** obtained leave and introduced a Bill for an Act to amend the Equal Opportunity Act 1984. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

The Bill (among other things) seeks to amend the Equal Opportunity Act 1984 by extending the ambit of its protection and rights to those who have an intellectual impairment.

During the course of preparation of the Bill for the principal Act it became apparent there was an emerging groundswell of opinion that the benefits it would confer should be extended to the intellectually disabled. However, the momentum of opinion gathered very late in the process of drafting the original Bill and, it was considered, if the Act was to proceed without further or inordinate delay, the position of the intellectually disabled should receive separate and mature consideration. To this end, in November 1984 (that is, even before the principal Act itself was assented to) the Government established a working party whose primary term of reference was:

To formulate and prepare guidelines for legislation:

(a) that will proscribe discrimination and discriminatory practices against people who have intellectual disabilities; [and]

(b) that will promote equal opportunity for people who have intellectual disabilities.

The working party was convened by the Disability Adviser to the Premier and comprised representatives of the Intellectually Disabled Services Council, the Commissioner for Equal Opportunity, the Department for Community Welfare, the Health Commission and the Department of Technical and Further Education.

It was charged with the task of inviting comments and submissions from interested persons and organisations. In May 1985 the working party issued a discussion paper can-

vassing proposals for reform. A substantial number of persons and organisations made submissions to the Working Party as well as comments on the discussion paper itself.

The working party prepared its final report in August 1985 and, again, consultation has continued both with regard to that and an early draft of this Bill. As can be readily seen, the amendments have the effect of extending the protections afforded by Part V of the Act to the intellectually impaired. Thus, with respect to all matters that are the subject of proscription, the adjective 'physical' is deleted and the word 'impairment' is left to do the work because it is now defined to mean both intellectual and physical impairment.

In turn, 'intellectual impairment' is defined by reference to an imperfect development or permanent or temporary loss of mental faculties resulting in a reduced intellectual capacity, otherwise than by reason of mental illness. Such a definition appears better to reflect current thinking on, and terminology in the area of, intellectual disability.

It was also considered important to distinguish such persons from those who suffer from mental illnesses in the strict sense. The working party considered it inappropriate to treat discrimination, in these two contexts, in the same way.

The advisory, assistance and research functions of the Commissioner for Equal Opportunity are commensurately extended and the Bill also enhances the capacity or facility for the making of complaints under the Act, with regard to the intellectually impaired. In this context, the working party's report observed (at p. 57):

> The success of the legislation will depend on several factors including:
>
> There must be a provision enabling someone else to file a complaint on behalf of an intellectually disabled person.
>
> We suggest that anyone who can satisfy the Commissioner for Equal Opportunity that he or she has a proper interest in the care and protection of the disabled person should be able to lay the complaint. This category of complainant is provided for in the Mental Health Act and has proved successful there.

The Government believes that these reforms are both necessary and desirable and, given their period of gestation, ripe for implementation. As the working party noted, there is definitely a momentum which has not existed before. This Bill is a sensible and timely response to gathering community expectations that are legitimate and reasonable. It is time they found expression in the statute law of this State.

It should be noted that substantially similar objectives have already been achieved in the relevant legislation of both New South Wales and Victoria. The Bill also contains an amendment to the principal Act to enable a temporary acting appointment (to the Office of Commissioner of Equal Opportunity) to be made in respect of a public servant. Presently no such appointment can be made and that fact gives rise to some administrative difficulties.

The Bill is also designed to achieve several other important reforms relating both to substance and procedure:

(i) to extend to voluntary workers—as opposed merely to remunerated employees—the protections afforded by the Act against discrimination in employment;

(ii) to deal with discrimination by certain associations on the grounds of marital status or pregnancy, in addition to sex, and to cover expulsion of members on these grounds;

(iii) to provide that authorities or bodies that confer authorisations or qualifications to practise a profession or carry on a trade or occupation will be guilty of discrimination on the ground of race if they fail to inform themselves properly on overseas authorisations or qualifications of applicants for positions;

(iv) to amend section 34 of the Act to refer to 'work' as opposed to 'position', which is considered too narrow. In short, the amendment will have the effect of an employer being required, before dismissing a woman on the ground of her pregnancy, not merely to satisfy himself or herself that no formal vacant position exists, but also that no other duties are available, regardless of whether they are attached to any single, identifiable position. This will therefore enhance the protective ambit of the Act for pregnant women. Employers will need to do more than merely see if an alternative position is available; they will need to see if other duties cannot be performed by a pregnant woman;

(v) to enact a new section which will make it unlawful for employer bodies and trade unions to discriminate on the basis of sexuality. It is considered by the Government that exclusion from such bodies on that ground ('sexuality' means heterosexuality, homosexuality, bisexuality or transexuality) is not uncommon and compounds the difficulties a person may have in social adjustment especially via the enhancement of his or her chances for gainful employment;

(vi) to amend section 66 of the Act which defines the criteria for establishing discrimination on the ground of impairment. A further ground is sought to be added, that is, that discrimination on the basis of physical or intellectual impairment will be established if the discriminator fails to provide special assistance or equipment required by the other person and the failure is unreasonable in the circumstances of the case. In section 66 there is already special accommodation for blind or deaf people who rely on their guide dogs;

(vii) to amend the Act to widen the class of potential complainants. It is in similar terms to section 50 of the Commonwealth Sex Discrimination Act 1984. In short, it will allow for representative complaints to be lodged with the Commissioner;

(viii) to enact a new section which will allow the Commissioner to conduct inquiries. There are checks and balances on the exercise of that power:

(i) it can only be exercised pursuant to a reference by the Equal Opportunity Tribunal; and

(ii) a reference can only arise after the Minister has approved the Commissioner making an application to the tribunal.

Section 52 of the Commonwealth Sex Discrimination Act 1984 is in somewhat similar terms. At present, the Commissioner can only act when a complaint is lodged. There are many cases, where persons are not prepared for a variety of reasons to lodge complaints that could usefully be the subject of inquiry.

Finally, the schedule to the Bill effects formal changes to the principal Act to ensure that the language of the Act is, in all appropriate places, gender neutral in accordance with Government policy on good drafting principles. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement on one or more proclaimed days.

Clause 3 amends the Long Title to the Equal Opportunity Act 1984 (the principal Act), so that this general statement of the principal Act's purposes covers intellectual, as well as physical, impairment.

Clause 4 amends section 5 of the principal Act which is the interpretation provision.

'Employment' is extended to include voluntary work. 'Impairment' is defined to mean intellectual impairment or physical impairment and is the term that will generally be used in the principal Act. 'Intellectual impairment' is defined to mean imperfect development or loss of mental faculties, otherwise than by reason of mental illness, resulting in reduced intellectual capacity. 'Physical impairment' is redefined in consequence of the definition of 'intellectual impairment' and is also extended to cover loss of any part of the body and not just loss of a limb. The definition of 'services to which the Act applies' is expanded to include umpiring services.

Clause 5 amends the general interpretative provision by spelling out that 'treating a person unfavourably' on the basis of a characteristic means treating that person less favourably than some other person who does not have that characteristic is treated. This provision saves considerable repetition in the three later provisions that define discrimination.

Clause 6 amends section 8 of the principal Act; first, to—permit the appointment of a public servant as Acting Commissioner for Equal Opportunity, and, secondly, to make this section consistent with the provisions of the Government Management and Employment Act 1985.

Clause 7 substitutes section 9 of the principal Act. This section, which provides for the appointment of the staff of the Commissioner for Equal Opportunity, has been redrafted in accordance with the Government Management and Employment Act 1985.

Clause 8 amends section 11 of the principal Act which sets out the Commissioner's functions in relation to fostering informed and unprejudiced public attitudes, undertaking research, discriminating information and recommending legislative reforms. As amended, this section will apply in respect of intellectual impairment as well as in respect of other possible grounds for discrimination.

Clause 9 amends section 12 of the principal Act so that the Commissioner will give advice and assistance to persons who are intellectually impaired in the same way as advice and assistance is now provided for persons with physical impairments. Clause 10 repeals section 13 of the principal Act. This amendment is consequential to the amendment of section 11. Clause 11 amends section 14 of the principal Act. This amendment is consequential on the repeal of section 13.

Clause 12 amends section 28 of the principal Act which provides for the appointment of the Registrar of the Equal Opportunity Tribunal. The amendments conform to the provisions of the Government Management and Employment Act 1985. Clause 13 amends the exemption given to employers in respect of pregnant women. It is provided that an employer will not be guilty of discrimination on dismissing a pregnant woman on the ground of safety if there is no other work that the employer could reasonably be expected to offer the woman.

Clause 14 provides that associations with male and female members must not discriminate on the ground of marital status or pregnancy and must not discriminate against a member of the association by expelling the member or subjecting him or her to any other detriment. Clause 15 inserts a new provision making it unlawful for a trade union or employer organisation to discriminate on the ground of sexuality.

Clause 16 removes from the section dealing with the provision of services the limitation that the services must be provided to the public or a section of the public. Clause 17 provides that associations must not discriminate against a member of the association on the ground of his or her race by expelling the member from the association or by subjecting him or her to any other detriment. Clause 18 is a similar amendment to that effected by clause 16.

Clause 19 amends the heading to Part V of the principal Act. This amendment, together with the amendments to be made by subsequent clauses, will have the effect of extending the application of Part V to persons who are intellectually impaired (section 84, however, is not to be amended since it relates to the inaccessibility of premises to persons with physical impairments).

Clause 20 substitutes section 66 of the principal Act and this new section sets out the criteria for establishing unlawful discrimination on the ground of physical or intellectual impairment. It is made clear that impairment includes a past impairment. It is also provided that discrimination occurs where a person treats another unfavourably because the other person requires special equipment or assistance and it is unreasonable for the person to fail to provide that assistance or equipment.

Clauses 21 and 22 remove references to physical impairment from various sections of the Act so that those provisions will apply to intellectual as well as physical impairment. Clause 23 provides that an association must not discriminate against a member of the association on the ground of his or her impairment by expelling the member from the association or by subjecting him or her to any other detriment. Clauses 24 to 33 (inclusive) effect consequential amendments.

Clause 34 repeals the section that exempted discrimination on the ground that a person with a physical impairment needed special assistance or equipment. This section has now been incorporated in new section 66. Clause 35 is a consequential amendment.

Clause 36 redrafts those provisions in section 87 (sexual harassment) that refer to voluntary workers. References to voluntary workers is deleted as the definition of 'employee' now includes a voluntary worker. Clause 37 amends the heading to the enforcement provisions so that it encompasses inquiries as well as complaints. Clause 38 sets out a wider range of persons who may lodge complaints with the Commissioner. Representative complaints are allowed for.

Clause 39 inserts a new provision empowering the Commissioner to apply (with the Minister's consent) to the Equal Opportunity Tribunal for permission to institute an inquiry into suspected discrimination. Clauses 40 and 41 are consequential upon clause 39. It is also provided in clause 41 that a complainant who wishes the Commissioner to refer a complaint to the tribunal must do so within six months of being notified that the Commissioner will not be taking action on the complaint.

Clause 42 is consequential on clause 39. Clause 43 is a consequential amendment. The schedule makes a series of amendments to the principal Act to render the language of the Act 'gender-neutral'. The amendments are not intended to alter the substance of the Act, except in relation to sections 18 and 19 where the opportunity has been taken to delete spent transitional provisions relating to the initial constitution of the Equal Opportunity Tribunal.

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

The Hon. K.T. GRIFFIN: Madam President, I draw your attention to the state of the Council.

A quorum having been formed:

PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 2339.)

The Hon. J.C. IRWIN: I have read the debate so far on this Bill, much of which occurred in another place on amendments thereto. I have listened intently to the contributions made by my colleagues in this place, including that of the Hon. Peter Dunn speaking for the Opposition. I expect that everything that needs to be said has been said. I intend to reinforce some of the points made by my colleagues who, from practice and experience, are experts in understanding the people and lands under discussion in this legislation. They are expert in understanding the arguments put to them on the general and specific thrust of the legislation. My contribution is in no way intended to canvass all the good and bad points of the Bill, but rather to look at some of them. Those who read *Hansard* and have an interest in the legislation may find, if they read my speech in isolation, that I have not covered all the points, arguments and counter-arguments involved. I will not try to pick up everything, members will be relieved to hear.

From my reading of the Minister's contribution and that of other Government members who have dared to get their feet wet by indulging in the debate, I am frightened by the direction in which the Bill is going and its subsequent ramifications for landholders who lease land from the Crown. I am frightened and dismayed by the people who have given advice to the Government. I can only hope that the Democrats in this place can help me bring back a balance to the debate, as we also have a desire to find a way to properly manage the arid pastoral lands, whilst recognising the aspirations and living standards of people who choose to manage and inhabit the remote areas. The ever-present harsh weather patterns cannot, thank God, be changed by Governments and a need exists to sustain the natural flora and fauna, which are themselves a target for constant debate on how numbers should be maintained. It is like a dog chasing its tail.

The pastoralists, in their development of the land and in providing constant watering points, have undoubtedly been responsible for a significant increase in kangaroos. This increase in numbers and the emotional argument put forward that they should not be thinned back to a natural pre-pastoralist number is in itself leading to a degradation of the land. The sooner some people see and understand this point the better. In fact, one wonders how the Government and the Valuer-General will take note of this point in their calculations of rent. So far in the debate the Minister has failed to explain properly how the conflict between pastoralists, the board and Federal decisions regarding kangaroo numbers will be addressed and resolved. I remind the Minister that we have not yet been informed how the Government will solve the problem raised in respect of the capital gains tax for pastoralists who have been deprived of their leases.

It does not take too much imagination to envisage a property running kangaroos, goats, wild horses and rabbits, having a reasonable income and paying no rent at all and causing great damage to the land. That may be said in jest, but I believe that it reinforces my point. In fact, if this Bill passes, any degradation caused from now on will be squarely and solely the Government's responsibility, because it is setting the guidelines. I am hopeful that those guidelines will be softened somewhat by discussions of amendments in this place.

Another point in this vein, which has been bothering me for some time, is that some conservationists are very counterproductive to the cause of conservation. I give two examples. Take the case of the corella, a tightly protected bird which, like the kangaroo, is exploding in numbers in this State. This explosion is greatly helped by the development of the land. The damage done to crops and trees in the South-East is increasing every year. I see that, of course, because I come from the South-East.

Of equal or more importance is the damage done to trees in the Flinders Ranges and near pastoral lands. Because these birds are not allowed to be thinned properly, at least, down to their natural numbers, the damage done is immense and irreparable. This can hardly be called good and productive conservation.

The other area I wish to mention briefly is the unnecessary damage done by fires to parks and the fauna and the flora in them. If the wilful damage from fire which I have witnessed at such parks as the Ngarkat and Billiat parks in the South-East is allowed to occur in the national parks in the rest of the State, then those who manage these parks and those who design the policies are anything but conservationists. Certainly, nature needs fire to continue its wonderful work, but not to the point of a heat explosion that destroys everything in sight. I cannot expand my arguments in this debate but, if these are examples of conservation at work, pity help the pastoral areas in the future.

I have looked in vain in the Minister's second reading speech for any evidence which could support a large increase in rental from pastoral properties, and exactly what it will fund, if there is indeed to be a large increase in rental. I have no problem with rental reviews, and I would suggest that, by and large, pastoralists could agree, if somewhat reluctantly. After all, who wants to pay any more than necessary for anything, especially when other cost factors are destroying the ability of the pastoralists and others to pay?

The operative point should be what the rental income will be used for. For instance, I pay $2.20 per acre per year for some soldier settler leasehold land. I pay a peppercorn rental for my perpetual lease farm holding. I am reasonably satisfied that my rental and the aggregate of others in the non-pastoral areas of South Australia go towards the paperwork required to service those leases. In 27-odd years, I have never been required to talk or negotiate about anything whatsoever to do with these leases. For all I know, the lease money gained does not cover the costs, but at least I am satisfied that lease money does not find its way into general revenue, to service all sorts of other Government activities in the non-pastoral areas of South Australia.

On going through the Minister's second reading speech, I can identify many areas where expenditure—and quite large expenditure—will be required. This includes the board's expenditure in its initial departmental backup (which will be quite large), its ongoing backup, its desktop reviews, its on-the-ground inspections of pastoral lands, and many other initiatives spelt out by the Minister in her speech. The Opposition takes issue with the Minister on the magnitude of the big brother, godfather State approach, no matter how

high are the priority principles of this Bill in relation to strengthening land management and conservation.

As is sometimes usual with this Government when arguing for new and far reaching legislation, there is not one jot of evidence presented to the Parliament that good land management or property conservation is not being practised now. It is not good enough to be blandly told that there are bad practices all over the pastoral lands, and that pastoralists are performing bad conservation practices on their land. That has not been put forward by the Minister. As I said, there is not one jot of evidence presented in any way, shape or form to me as a member of Parliament, to persuade me that what has been happening is bad practice. I could certainly be persuaded to support aspects of this Bill if we were furnished with evidence to do so.

I jackerood in the north of Port Augusta many years ago. I have many friends and contacts in pastoral areas. I have a son and daughter-in-law living east of Burra on a pastoral property. I drive through and fly over these areas, not every day, but certainly frequently enough to know the lands are not falling apart. Virtually, the Minister is saying that the present Pastoral Board is hopeless and has not done its job properly, and that the new provisions will somehow magically put everything right again.

Exactly what is wrong, other than a philosophical paranoia about pastoral people and the fact that, at times, they may make some money out of the land. Thank God they do, because these people produce a product for sale here and overseas, and they pay taxes. Yes, they pay taxes in good years for the Federal Government to redistribute to their mates and the layabouts. Members opposite may be interested, but probably not, in a figure the Parliamentary Library has recently given me. In the agricultural product area for 1986-87, for every dollar spent on wages/salaries and supplements, goods worth $4.55 were produced. In the manufacturing sector for every dollar spent on salaries and supplements a whole 49 cents worth of goods and services were produced. What a glowing result for agricultural producers, and what an indictment for the manufacturing industry with all of the impediments to production. No wonder manufacturing industry has to borrow so much money—like money is going out of fashion. That is what is helping to send this country broke, rather than help resurrect this country.

Opposition members offer themselves to the Minister so that she can take us down to the department, or up to the pastoral land, to show us and convince us that big brother legislation is needed so far as land degradation is concerned. If the Minister will not or cannot do that, I must assume there are other hidden reasons for the attack on pastoral people. The figure of $8 million income from the pastoral area rent in a good year has been bandied about: based on $3.50 per head of sheep and $7 per head of cattle. There are no figures in the Minister's speech, but beyond our wildest dreams we could not envisage more than $2 million needed to fund big brother per year. I hope common sense will prevail, and that rental figures will be centred around the average of other States.

As the Minister said, over the past eight years there have been inquiries into land tenure for pastoral land in most Australian States. The member for Eyre, Graham Gunn, quoted recent figures in his contribution in another place and, to average these figures as they relate to rents, New South Wales averages about 14 cents per head of sheep; Western Australia 3.6 cents per head of sheep; and South Australia about 24 cents per head of sheep. I just want to underline that they are averages from three figures given and they may vary somewhat one side or the other of that. This is not unreasonable. It is reasonable to expect that they should increase with CPI indicators.

These figures are far removed from the ones that I quoted earlier, which I hope will prove to be totally inaccurate—$3 and $7. Is it not fair that pastoralists should have some idea from the Minister of the rents that they will be required to pay and, just as important, what the rentals will fund? The Minister should disclose this now before we proceed any further. If she does not, it will be another valid reason why we should set up a select committee to investigate the matter further.

The Opposition and the Parliament should not give the Minister a blank cheque. This is apart from the breaking and changing of lease arrangements, a matter well covered by other Opposition members. We need to know how much will be bled from the pastoralists to fund the arrangements in the Bill and how much will go into the Government's general revenue.

How will the Government deal with the wildly fluctuating fortunes of productivity of the pastoral lands? If the board is as flexible, together with the Valuer-General, as we are led to believe it is, how will it cope with funding from rents which may be $8 million one year and $1 million the next, or a series of drought years which will produce virtually no rental income? Those who understand the pastoral areas know that a series of drought years is always a reality with that country. I have never known a Government yet that could deal with fluctuating income. Governments only know how to spend on an ever-upward trend line. Will the board be able to invest surpluses from good rental years so that any investment income will offset the need for later rental increases? A select committee could look at this matter if the Minister cannot or will not give us an answer in this debate.

In her second reading explanation, the Minister said:

> A further question has been whether these legislative controls should be applied to all the rangelands or merely to existing pastoral leases . . . The Government has chosen to treat separately the administration of pastoral lease land and all other lease land which forms part of the Crown estate.

What is the next step signalled here and when will it be taken—after the next election, if the Government is fortunate enough to win it? Are the rest of the State leaseholders now on notice that they are the next target for big brother legislation? It is not difficult to see the socialist pattern emerging for the State ownership of the means of production, with people being directed to plant this, not that, to breed sheep here and cattle there. Let us not forget that this is the agenda behind the Bill.

The Minister says that a key objective of the Bill is to enshrine land conservation principles in the management and use of pastoral lease land. This is already being done by self-motivated and extraordinarily unselfish people living in the pastoral lands in South Australia. The Hon. Peter Dunn and others with vast experience of this country have covered that position well.

Is the Minister telling us that the present board and present pastoralists are all hopelessly wrong? How does one enshrine land conservation principles other than by an avalanche of words? What in heaven's name does it mean? It is like trying to legislate for building aesthetics. Such proposals will not and cannot work unless we want a mishmash of boring buildings which will never stand the test of time and be passed as suitable to build by one individual who thinks that he knows more than anyone else. That clearly will not work with aesthetics, and it will not work in this case, however well-intentioned are the conservation principles enshrined in the Act.

Beware, pastoralists! By the stroke of a pen, you are about to be reduced to the lowest common denominator by a couple of bureaucrats who know much better than you do and who have never got their hands dirty, let alone been up to see your lands.

Worse than that for the people of South Australia and all the effort that will be put in by the pastoralists, there is no evidence that vast amounts of money, funding a big brother quango, will give us anything better than we have now. Whether a better situation is achieved must be the test of legislation like this.

Of course, Aborigines from anywhere can travel through the lands. I do not have a question about that, except that, as my colleague Mr Dunn said, this right should be restricted to the people who claim this as their homeland. In addition, tourists will have increased rights, and I would treat those rights with some caution.

Many other comments can be made and assurances and advice drawn from the Minister. I look forward to the Committee stage of the Bill, which will give the Council the opportunity to give and get more information from the Minister. I support the second reading.

The Hon. M.B. CAMERON secured the adjournment of the debate.

HOLIDAYS ACT AMENDMENT BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

The purpose of this amendment is to make provision for the Governor to allow, by proclamation, banks within a specified area to open on any bank holiday or holidays mentioned in the proclamation. In the past some problems have been experienced by banks not being able to offer service during events which have international significance, such as the Grand Prix.

Inconvenience is caused to visitors from interstate, but more particularly from overseas whose banking needs cannot be catered for by automatic teller machines. Whilst the Act permits the Governor, by proclamation, to declare special full or half-days to be bank holidays and further permits him to declare that some other day is to be a bank holiday in lieu of a day listed in the schedules to the Act, there is no power for the operation of the Act to be suspended temporarily.

It is obvious that to require that the Act be amended each time there is a special event where weekend or public holiday banking services are required is inefficient. The amendment will affect banks only and have no impact on retail traders or any other commercial activity. I commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 makes an amendment to section 6 of the principal Act relating to the closure of banks on bank holidays. The present provision requires that banks be closed on bank holidays but makes an exception in the case of any bank holiday occurring during the declared period under the Australian Formula One Grand Prix Act 1984. This exception is replaced with a more flexible exception which would allow the Governor to issue a proclamation authorising the opening of banks within a specified area on any bank holiday or holidays specified in the proclamation.

The Hon. J.F. STEFANI: The Opposition supports the Bill, which will amend the Holidays Act 1910. The purpose of the amendment is to make provision for the Governor, by proclamation, to allow banks within a specified area to open on bank holidays or holidays mentioned in the proclamation. It replaces the existing exception with a more flexible exception. I support the amendment and the Bill.

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 March. Page 2237.)

The Hon. PETER DUNN: The Opposition agrees with the majority of this Bill, although I find confusion with part of it. Up to clause 5 it is relatively clear because fundamentally the clauses deal with structural matters within the commission and the boards. The clauses provide that boards can present their reports and financial statements to the Minister closer to the middle of the year when that information could be used for budgeting purposes, I presume. That is sensible.

I looked at the Bill a moment ago and noticed the reference to December. The present Act was only passed in 1986 and provides that the Minister should receive reports and financial statements in December. That seems silly when budgeting is done the following August. This amendment is reasonable and the Opposition agrees with it. Clause 5 inserts new section 64a, as follows:

Immunity from liability of landowner, etc.

64a. (1) Notwithstanding any other Act or law to the contrary an owner of land, the commission, a control board or any other person who—

(a) destroys an animal or plant;

(b) captures and removes an animal from land;

(c) takes any other action that is a prescribed measure for the control of animals;

or

(d) after an animal has been removed from land, sells or otherwise disposes of the animal,

pursuant to this Act, is not subject to any criminal or civil liability in relation to that action.

(2) The immunity provided by subsection (1) to an owner of land, the commission or a control board extends to a person who acts on behalf of the owner, the commission or the control board.

That last provision delegates power to pest plant officers who may work for a local government authority, the commission or the board. Pest plant boards were taken up with some reluctance by local government but are proving to be relatively effective.

I believe that the Government is once again trying to get out of paying for what is a common liability which, strictly speaking, is its liability. In the original legislation, if there was liability resulting from the action of a person acting on behalf of the commission or one of the control boards, the Crown picked it up. To cover that situation the Government took out insurance cover, which cost about $45 000 a year. In the Minister's second reading speech in another place it appears that the Government is trying to get out of paying the $45 000 annual premium. The Minister states:

. . . annual costs of approximately $45 000 to be borne partly by local government but largely by the State would be incurred for professional indemnity insurance to cover all the boards.

That indicates that the Government is trying to pass the buck and get out of its responsibility to the rural community. We have just heard a rather good contribution by the Hon. Mr Irwin about the Government's trying to pass the buck to someone other than the rural community; that is, the Pastoral Board, to a group of people in the city. This provision is also passing the buck, by saying that the people who work for the boards and the farmer himself—I guess to include the farmer in this provision is just a sweetener, because they are virtually saying that the commission or any member of the control boards—will not be liable if they perform an act which is contrary to civil liability within this State. I have some serious questions about that.

If there have been no claims, as the Minister states in his second reading explanation, since the Act was proclaimed in 1986, why does the Minister wish to worry about taking away the right of civil liability? Why bother to make such a change? Why not transfer the liability just to the Government to pick up, rather than paying a premium to indemnify itself against the claim? No claims are under way now, but there could be claims in the future. Another interesting aspect of this provision is that it deals with animals specifically, and reference is made in the second reading explanation in another place to goats.

I wonder what has happened to involve goats in this way. I am bemused about the whole argument by the Minister in another place, who went to some lengths to talk about goats, yet the Bill distinctly talks about destroying an animal or plant. I can think of situations where this liability has been removed from the farmer or pest plant board or commission. I could imagine a case involving a vexatious person who could create action that would cause damage or cause a neighbour to be severely disadvantaged.

Under this provision such a person could get away with a rather severe act. What about a person who puts out 1080, a very dangerous poison, which now can be mixed only by control boards. In my area it is usually used in conjunction with oats. Farmers, following the instructions strictly, use it to control rabbits. The poisoned oats may be placed along a fence line that could be next to a road. If there is a deluge of rain, as we had last week, which is the time when one puts these things out (just before or after rain), because that is when such animals are most active, the oats could be washed next door and picked up by animals which would be poisoned. Anyone who understands how the system works could easily go out and deliberately put out oats or carrots with the intention of trying to poison a neighbour's animals.

I could see how that could happen. Under this clause a person who committed such an act could not be made liable. Such a provision is wrong. The idea is to cover up for people who may create a problem when spraying roadsides, in the case of control board employees and officers. Really, it just covers the backside of the Government. New section 64a (1) is unnecessary. The Government should pick up its responsibility and run with it. In Committee, I will oppose this clause.

Clause 6 of the Bill (relating to section 70 of the principal Act) is a different thing again. This deals with where a member of the commission creates a problem and perhaps acts outside the specifications of a particular chemical or may act to control a pest of some sort contrary to the directions, where the liability is then picked up by the Government. That is correct, and I would have thought that this provision could cover what is in clause 5 (proposed new section 64a). I am very disappointed that the other provision has been put in, because I consider it has been put there to cover the Government's backside so that it does not have to pay out $45 000 to primary industry in this country.

I do not think that is a very great amount of money to help local government, and I would have thought the Minister in this place (who has control of local government matters) would have objected fairly strongly to that, because it is taking away from her some of the control she has over pest plant boards, which are partly funded by local government—I would estimate about a quarter to one-third of their costs. For those reasons, I agree with the major thrust of the Bill but object to clause 5, with all of the problems that I foresee. Perhaps the Minister can explain. I have read the speeches in the other House, but I cannot, for the life of me, see the answer to it.

The Minister does not seem to understand the Bill. Several questions have been posed by members in the other House, but the Minister has smudged his answers, has not been clear, and has kept referring to the directions which are possibly given on the tin. He talks about goats. Why does this refer specifically to animals? When someone shoots a pest, be it a goat or dog or some other pest on the property, I cannot see what damage that would cause to somebody else. I am confused about that and, having had practical experience in this, cannot understand it. I believe it is a case of the Government wanting to pull back and not pay the $45 000 for indemnity. It seems to me as though it is merely a cost cutting exercise and having another shot at rural producers. However, I support the Bill.

The Hon. R.I. LUCAS secured the adjournment of the debate.

BOTANIC GARDENS ACT

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

That the resolution contained in message number 86 from the House of Assembly be agreed to.

In April 1984 Cabinet approved the disposal of two small parcels of land in section 529, hundred of Onkaparinga, as part of a proposed boundary rationalisation for the Mount Lofty Botanic Gardens. The rationalisation is to reduce fencing costs and maintenance of land which cannot readily be utilised for botanic garden purposes. Cabinet, and subsequently Parliament, also approved the disposal of the house and land, known as *Kooroora* (C.T. 2017/108) as an additional part of this rationalisation.

When the disposal of *Kooroora* was submitted for parliamentary consideration it has been mistakenly thought that the disposal of part section 529 was also under consideration. However, it later came to light that administrative files relating to these two pieces of real estate had been separated and only disposal of the house was submitted for the Parliament's consideration. Under the terms of section 13 (2) *(f)* of the Botanic Gardens Act 1978, Parliament's approval for the disposal of part section 529 is still required.

I commend that this House resolves to recommend to His Excellency the Governor, pursuant to sections 13 and 14 of the Botanic Gardens Act 1978, the disposal of part section 529, hundred of Onkaparinga, designated lots A and B on the attached plan. I point out that, under the terms of the Botanic Gardens Act quoted above, this motion cannot pass both Houses in less than 14 sitting days. I commend it to the Council.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

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

SUPERANNUATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The Hon. BARBARA WIESE: This Bill seeks to expand the membership of the South Australian Occupational Health and Safety Commission from 10 to 12 members and to make the position of chairperson a part-time appointment. These changes have been proposed as a result of representations from the major parties represented on the commission and are seen as necessary in order to achieve a greater degree of effectiveness in the commission's operations.

The proposed increase in the number of commission members is to enable a broader representation of industry interests. This broader representation has been found to be one of the strengths of the WorkCover board and is considered to be appropriate for the commission, given the similar broad industry coverage of its activities. It is clear that commitment to change in this important area is enhanced by the involvement of direct industry representatives on the commission. They act as a conduit of ideas and as a means of effectively communicating with the various major industry groups within the State economy.

This Bill also seeks to separate the functions of the Chairman and the Chief Executive Officer. The Chairman's position is concerned with maintaining the balance of relationships that exist on the tripartite commission. The Chief Executive Officer's role is to manage the commission's staff and to develop and implement the practical administrative arrangements necessary to meet the commission's objectives. The skills required of these two positions are of a different nature, and it is appropriate that the structure be changed to reflect this.

Worksafe Australia, the counterpart national tripartite organisation, as a result of an inquiry into its structure in late 1987, came to a similar conclusion and has separated the two positions. These changes are seen as necessary and are supported by the United Trades and Labor Council and by a number of employer organisations including the South Australian Employers' Federation. The changes contained in this Bill will enhance the direction, efficiency and effectiveness of the commission. I accordingly commend the Bill to the House. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure.

Clause 3 provides for the reconsititution of the commission. The commission will no longer have a full-time member, and the number of members appointed to represent the interests of employers, or employees, is to be increased.

Clauses 4 and 5 make various consequential amendments to sections 9 and 10 of the principal Act.

Clause 6 provides that a quorum of the commission will be seven. In the absence of the presiding officer of the commission at a meeting, the members present at a meeting will decide who is to preside. The person presiding at a meeting will have, in the event of an equality of votes, a second or casting vote. (The Act presently provides that the person so presiding does not have such a vote).

Clause 7 creates the position of Chief Executive Officer of the commission. The Chief Executive Officer will be responsible for the efficient management of the commission's activities and the supervision of staff.

Clause 8 makes a consequential amendment to section 18 of the principal Act.

Clause 9 sets out various transitional provisions associated with the commencement of the measure. Clause 9 (1) expressly provides that the offices of all members of the commission become vacant on the commencement of the Act. The person who was the full-time member of the commission will be entitled to be appointed as the first Chief Executive Officer, and his or her deputy will be entitled to be appointed as deputy to the Chief Executive Officer.

The Hon. J.F. STEFANI secured the adjournment of the debate.

ADJOURNMENT

At 4.22 p.m. the Council adjourned until Tuesday 4 April at 2.15 p.m.