HOUSE OF ASSEMBLY

Wednesday 10 June 1981

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: PEDESTRIAN CROSSING

A petition signed by 460 residents of South Australia praying that the House urge the Government to install a pedestrian crossing across Sturt Road, Seacombe Gardens, between Diagonal Road and the Marion Medical Centre was presented by Mr Glazbrook.

Petition received.

MURRAY RIVER WATER

Mr BANNON (Leader of the Opposition): I do not rise to ask a question at this point but to move:

That Standing Orders be so far suspended as to allow the House to debate and vote on the following motion:

That this House:

1. calls for the urgent establishment of a national authority to control the Murray River and its tributaries;

2. as an interim measure, calls for an immediate extension of the powers of the River Murray Commission to include controlling water quality;

3. opposes any upstream development in the States of New South Wales and Victoria which affects the quality and quantity of South Australia's water resources;

4. calls on the Federal Government to make an immediate vote of funds to implement the proposals of the Maunsell Report for the control of salinity in the Murray River; and

5. calls on the Premier to lead an all-Party delegation to meet with the Prime Minister and the Premiers of New South Wales and Victoria to express a united South Australian view and seek appropriate action on this resolution.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole, I accept the motion. Is it seconded?

The Hon. J. D. Wright: Yes.

The SPEAKER: The honourable Premier.

The Hon. D. O. TONKIN (Premier and Treasurer): The Leader of the Opposition has been here long enough now to know perfectly well—

The SPEAKER: Order!

Mr BANNON: I would like to speak to my motion.

The SPEAKER: By precedent of this House, when the mover of the motion has returned to his seat, there has been no other opportunity to speak to the motion. I can assure the honourable Leader that that has been the case in this House on a number of occasions.

Mr BANNON: I seek your indulgence, Mr Speaker, and that of the House. I returned to my seat because you were, in fact, calling for a seconder to the motion. It was not my intention to give my place on the floor. If I transgressed some matter of procedure I would respectfully ask you, and the House, to allow me the opportunity.

The SPEAKER: Order! I make the point again that it has been the precedent set in this House over a long period where the mover of the motion (and it is a requirement that the Speaker shall count the House to determine whether the whole number is present) has been denied the opportunity to proceed. It may well be that it is a fault of the Standing Orders as they exist, but I am quite sorry that I cannot do other than draw the honourable Leader's attention to the situation as it is.

Mr BANNON: Could I make one further point of order? I understood it to be the Standing Orders of this House that when the Speaker is on his feet no member shall be standing in his place. You, Sir, rose to count the House and I resumed my seat, as I believe is the practice of the House. It was not my intention to give away my right of reply. I would be amazed if the Premier denied me that right, anyway.

Mr MILLHOUSE: I take a point of order, and I do it with deference to you, Sir, that in the circumstances of this motion the Leader is entitled to speak to it. I was watching what happened. He had absolutely no opportunity whatever to speak; none at all. He moved over while you were counting and he was in his place waiting for the call. For some reason, probably because he mistook the situation, the Premier rose to his feet and started speaking. In all those circumstances, I do take the point of order that the Leader of the Opposition is entitled to be heard. That is apart from the subject matter of this motion, which is of the utmost importance to the State.

The SPEAKER: Order! I had had two points of order put to me. I must restate the situation, as the precedent of this House provides. There have been occasions when leave has been granted for a person having lost the opportunity to explain the question. I have had no indication that that is the case. There shall only be two speakers. I called the Premier. The Premier did not rise without the call.

The Hon. J. D. WRIGHT: I rise on a point of order. I want to know from you, Sir, how the Leader could possibly have had the opportunity to speak at all. There was no opportunity given him under the way this conduct was managed in these circumstances. The Leader was clearly waiting for the call from you. You rose and counted the House to see that the correct number of people was here. The Leader had to return to his seat. In those circumstances, Sir, I believe that you had the right to call the Leader back to his feet as he paid you the respect that you deserve and sat down while you were standing. It was on that occasion that you failed to call him, but called the Premier. In those circumstances, I think that you should reverse your decision.

The SPEAKER: I cannot uphold the point of order. Again, acting on the precedent, I draw members' attention to Standing Order No. 463, which states:

> The mover shall in every case be limited to 10 minutes in stating his reasons for seeking such suspension and one other member may be permitted to speak, subject to a like time limit but no further discussion shall be allowed.

I can assure the House that as the recipient of such a direction in the past the course of action I am drawing to the House's attention is that which is the precedent of the House.

Mr MILLHOUSE: I disagree with your ruling, Sir.

Mr BANNON: Could I crave your indulgence, Sir? I think it would make it much simpler, and I am sure that there would be no objection from the Government, if I sought leave of the House to make the speech in the normal way. You, Sir, have indicated that that would be acceptable to the Chair. I request that that leave be granted to me.

Mr MILLHOUSE: Mr Speaker, I must move, regretfully, to disagree to your ruling on this matter.

The SPEAKER: I will hear the honourable member for Mitcham after I have dealt with the point that has been raised by the Leader. The honourable Leader does not make a point of order as such. He made a plea to the

Chair. I make the point that the Chair is unable to accede to his request on the authority that it has.

Mr MILLHOUSE: In that case, Sir, I must move to disagree to your ruling. Do you want me to bring it up in writing?

The SPEAKER: The honourable member will know that that is the course of action that is required.

The Hon. J. D. WRIGHT: Could I raise a further point of order?

The SPEAKER: Order! There is a matter before the Chair. I will hear the honourable member after the document has been delivered to the table. The honourable member for Mitcham has requested the Chair to consider a matter.

The Deputy Leader of the Opposition rose on a point of order whilst I was waiting for the document to come from the honourable member for Mitcham. If I deny the Deputy Leader the opportunity at this juncture to state his point of order, the likely opportunity of his coming to that point of order will be some 20 minutes away. I intend to hear the point of order that the Deputy Leader wishes to raise, but there will be no debate on it.

The Hon. J. D. WRIGHT: My point of order follows the last point of order made by the Leader, wherein he requested you to seek the leave of the House to allow him to proceed to debate this motion, and you ruled that you have no authority to give that leave. I respect that ruling, but I think that you have the right to ask for leave of the House and then it is in the hands of the Government whether the leave is granted. I ask you to rule on that point.

The SPEAKER: I do not uphold the point of order. There was no move from any person in the House—

An honourable member: There was. That is what he said. He did.

The SPEAKER: Order! There was no move from the House to seek the leave that the Deputy talks of or that the Leader talks of from a source from which action could be taken.

The motion moved by the honourable member for Mitcham is as follows:

> I move to disagree with the ruling of the Speaker that the Leader of the Opposition not have an opportunity to speak to his motion to suspend Standing Orders, on the ground that the Leader should be given an opportunity to explain the reasons for his motion.
>
> Robin Millhouse,
> Member for Mitcham

Is the motion seconded?

Honourable members: Yes.

Mr MILLHOUSE: It is, I think, to the regret of all members of the House and no doubt to your own regret that this unhappy situation has blown up so unexpectedly. I believe I can give my reasons for moving this motion quite briefly, and I hope that other members will be able to support me. I had no idea that this motion was to be moved. When I heard it read out, I approved of the substance of the motion and then, as I saw it, you, Mr Speaker, counted the House to see that there was an absolute majority present, as you must if there is to be a suspension of Standing Orders, there was a majority present, and for reasons that are unclear to me, the Premier blundered to his feet and started to speak. There was physically no opportunity between your counting the members in the House, the Premier's getting to his feet and your stopping him for the Leader of the Opposition to get to his feet to explain his motion.

I cannot remember this situation ever having come about in the House previously. It might have: there are a lot of things that I forget, as members know. I certainly cannot remember a similar situation and I would have thought that, if there were to be such a blatant denial of an opportunity by the mover of a motion to explain the reasons for it, especially a suspension, I would remember such a thing. In all fairness, because, after all, we are here not to debate procedures but to get on with the business of the House (and I propose to support a suspension, I may say, because of the gravity of this matter), the Leader should be allowed 10 minutes to explain why he wants to suspend. Then, the Premier will have a like time, if he wants, to oppose the motion.

I hope the Premier will not oppose the motion, but I am afraid that he was about to oppose it before he even heard the reasons for it. I hope he will rethink the situation in view of the gravity of the matter. Surely, in this place, justice and fairness should be done and members should be allowed to explain why they desire to move a motion, especially a motion such as this. I understand that Standing Order No. 463 is at issue. It states:

> The mover shall in every case be limited to 10 minutes in stating his reasons for seeking such suspension and one other member may be permitted to speak . . .

There is no guidance to indicate that the mover should be on his feet, or stay on his feet, and that if the Speaker does not see him he loses his chance. It is a perfectly straightout, commonsense Standing Order and, with great deference, I simply cannot see the reason behind your ruling, Mr Speaker, and that is why I have had to move to disagree with it.

The SPEAKER: I draw to the attention of honourable members Standing Order 164, which states:

> If any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once and not otherwise; having been stated in writing, the motion shall be made, which, if seconded, shall be proposed to the House and debate thereon shall be limited to 10 minutes each for one speaker in favour and one against the motion. The Speaker shall be entitled to make a statement in defence of his ruling and then the question shall be put forthwith.

I must presume in the circumstances that prevail that the Leader does not intend to speak against the motion that has been put by the member for Mitcham. I therefore call the honourable Premier.

The Hon. D. O. TONKIN: Thank you, Mr Speaker. This situation is another indication that the Leader would do well to examine the Standing Orders of this place. It would hardly be proper for him to stand up and oppose the motion that he has been supporting. The member for Mitcham said he did not know anything about the motion that was to be moved, and he was not alone in that. The Government and no member on this side of the House knew about the motion. What is more to the point, the honourable member says he was surprised when this matter blew up unexpectedly. I am not surprised, because it was obvious that in trying to flout Standing Orders, the practices and conventions of this House, the situation would blow up, and I suspect the member for Mitcham knows that very well indeed.

The honourable member says that he cannot remember a similar situation happening before. I can speak from personal experience, because it certainly happened to me on one occasion, and I think that you, Sir, would also have some personal knowledge of exactly the same situation arising. The fact is that the Government will support the ruling that you have given, because we will uphold the normal practices and procedures of this House. Sir, your action when you received the motion for the suspension of Standing Orders was to count the House. You rose and you counted the House, and the Leader of the Opposition, very properly, resumed his seat. Then you, Sir, asked

whether the motion was seconded; it was, and I then rose to my feet and the Leader of the Opposition did not rise to his feet at that stage, and you called me before he got to his feet.

Mr Bannon: You were on your feet. It's a trick.

The Hon. D. O. TONKIN: The whole point is that the Leader has missed his chance. He was trying to pull a swifty and he missed his chance; he bungled the whole thing. There are several avenues open to the Leader to raise the matter he wishes to raise. He could have done it by way of a letter of a matter of urgency which he could have delivered to you, Mr Speaker.

Mr Keneally: Two months ago I wrote to you on the same issue.

Mr SPEAKER: Order!

The Hon. D. O. TONKIN: I suggest that the member for Stuart should refresh his memory of Standing Orders if he does not know that before a matter of urgency can be raised notice must be given to the Speaker by way of a letter.

The SPEAKER: Order! I would ask the Premier to come back to the reason for the motion before the Chair.

The Hon. D. O. TONKIN: Yes, Mr Speaker. What I am saying is that you acted perfectly in accordance with the Standing Orders, with the practices and precedents of the affairs of this House, when you gave the ruling that you did. The Leader of the Opposition, I suggest, has been here long enough to know what is the correct situation. The Government's attitude on this matter is not in any way a reflection of our attitude to the substance of the motion that the Leader of the Opposition has raised. But, the Government cannot allow the Standing Orders, the practices and conventions of this House, to be ignored at the whim, it seems, of the Opposition's suddenly wanting to make a point, and the matter is particularly hollow when one considers the time wasted on the first day of this two-week sitting.

The Hon. PETER DUNCAN: On a point of order, Mr Speaker. The Premier is clearly debating the substantive matter and not the point of order, and that is against Standing Orders and shows that he has got no regard for the Standing Orders at all.

The SPEAKER: Order! The point that the honourable member for Elizabeth makes is correct. I have already drawn the Premier's attention to the need to come to the motion which is before the Chair, and I ask him to come back to it now.

The Hon. D. O. TONKIN: I repeat what I last said, namely, we cannot allow the Standing Orders, the practices and conventions of this House, to be ignored at the whim of the Opposition.

Mr HAMILTON: On a point of order, Mr Speaker. The Premier said that he would repeat what he had just said. I understand that repetition is out of order.

The SPEAKER: Order! There is no point of order. The honourable member fully knows that turns of phrase can be taken in a series of ways. It is the other substance which the Premier was putting together which ruled him out of order.

The Hon. D. O. TONKIN: In those circumstances, Mr Speaker, I believe that your ruling and your actions were entirely proper and in keeping with the dignity and authority of the Chair, and, I oppose the motion moved by the member for Mitcham.

The SPEAKER: Order! The honourable Leader will please resume his seat. I have already pointed out to the House that Standing Orders do not permit further discussion on this matter, other than from the Speaker himself.

Mr Bannon: I don't wish to discuss it, Mr Speaker.

The SPEAKER: Order! I would make only one point. I would trust that the words which were uttered by the Leader of the Opposition during the course of the Premier's statement, namely, 'It is all a trick', were not meant to be a reflection on the Chair.

Mr Bannon: It was on the Premier, Mr Speaker.

The SPEAKER: I make the point that I trust it was not meant to be a reflection on the Chair, because the Chair, whilst I have jurisdiction of it, will not be party to any trickery.

Mr BANNON: I seek leave to make a personal explanation.

The SPEAKER: The Chair will hear the honourable Leader after the motion has been put and decided.

The House divided on the motion:

Ayes (20)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hopgood, Keneally, Langley, McRae, Millhouse (teller), O'Neill, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Ayes—Messrs Hemmings and Payne. Noes —Messrs Allison and Mathwin.

Majority of 2 for the Noes.

Motion thus negatived.

The SPEAKER: I indicated to the Leader that I would hear his personal explanation after the vote had been concluded. I draw his attention to the fact that it is not the usual practice, nor do I intend to allow it at this moment, to interrupt a speech which is already in train. As soon as the Premier has concluded his remarks, I will hear the Leader before putting the motion.

The Hon. D. O. TONKIN: As I was saying earlier, I oppose the suspension of Standing Orders. I do so because to agree to that suspension without any prior notice, and without the courtesy of prior notice being given either to the Government or other members of the House, is wrong. There were various ways in which this matter could have been raised without the suspension of Standing Orders.

Mr Keneally interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: One could have been without suspension of Standing Orders, and that would have been to deliver a suitably worded letter to you, Mr Speaker, before the appointed hour of 1 p.m. expressing concern at the matter that needed to be debated.

Mr Keneally: Tell us whether you—

The Hon. J. D. Wright: Tell us about the resolution.

Mr Bannon: You know that the Speaker has ruled that—

The SPEAKER: Order! The honourable Premier has the call and I ask all members to hear him in silence.

The Hon. D. O. TONKIN: I find the Leader's interjection that you have already ruled that you would not accept such a motion as a matter of urgency quite remarkable. I have heard nothing of that. You have made no announcement about that. I can only presume that the Leader is jumping to conclusions and, if he did not use the proper steps to bring up a matter of urgency, he must have considered it not very urgent.

Mr Keneally: Do you or do you not want the matter debated in Parliament?

The SPEAKER: I warn the honourable member for Stuart. He will not be warned again; he will be named.

The Hon. D. O. TONKIN: That did not happen, and I

repeat that it can only give some substance to the thought that the matter the Leader wishes to raise is not considered particularly important. The second way in which this matter could have been raised simply required a telephone call to the Government, to the Leader of the House, the Deputy Premier, expressing the desire to debate this very important motion, and the suspension would have been agreed to.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: The Opposition seems to think that it can run the affairs and business of this place. It is quite clear that it is about time it learnt that it cannot do things just because it wants to.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: If it is prepared to follow the normal practices, courtesies and conventions, the Government will co-operate because it is a matter which concerns all of us.

Mr Keneally: Well, let us debate it.

The SPEAKER: Order! I name the honourable member for Stuart for flagrantly breaching the direction given by the Chair. Does the honourable member for Stuart wish to make an explanation?

Mr KENEALLY: Certainly I do. The Premier has been given the opportunity in this motion to debate an issue of very great importance to South Australia. Two months ago I wrote to the Acting Premier asking that this matter be debated.

The SPEAKER: Order! The honourable member, in speaking in his own defence, may raise only those matters which relate to the reason for which he was named, not the subject matter under discussion.

Mr KENEALLY: I was named because I was objecting to the Premier's statement that we have not given the Government any opportunity to debate this matter. That statement obviously is false and misleading to the House. He was given the opportunity to debate this matter. He was given the opportunity to debate this matter in a letter I wrote to him two months ago, to which he replied a few days before Parliament recommenced. He said that he did not think it was important enough for a debate in the House. In response to the Leader's motion, the Premier has consistently stated that that opportunity was not given to the Government. I quote from the reply that I received dated 27 May 1981, as follows:

> Whilst it is appreciated—

The SPEAKER: Order! I draw to the honourable member's attention again that he is called upon to defend the reason why he flouted the ruling of the Chair and the warning given by the Chair, and must not debate the substance of the motion which was to have been the motion before the House.

The Hon. PETER DUNCAN: On a point of order, Mr Speaker Standing Order 171 quite clearly states that the member who has been so named shall be heard in explanation and then, following the hearing of that explanation, the House has the opportunity of either accepting the explanation or not. I put it to you that in those circumstances—

The SPEAKER: Order!

The Hon. PETER DUNCAN: — the member has the right to say what he likes about the matter.

The SPEAKER: Order! There is no point of order. The honourable member will rise to defend the situation which caused him to be named, not to introduce new material relating to a matter which might have come before the House.

Mr KENEALLY: Sir, I appreciate your ruling. If I contravened the ruling of the Speaker it is because I was provoked by the Premier in his statement that no opportunity was given to him, in relation to this matter, when quite clearly the opportunity was provided by me. I have stated this in the House, and the Premier's action today is a denial of what I have been doing in the past two months. If I contravened your order and was consequently named, it is because I was sorely provoked. That is the situation, and I do not resile from it, unfortunately.

Mr BANNON: I move:

> That the explanation of the honourable member for Stuart be accepted.

The SPEAKER: Does the Leader intend to speak to the motion?

Mr BANNON: Thank you, Mr Speaker. In speaking to this motion, I think it is quite extraordinary that the forms of this House are being used by the Government in this way to attempt to provoke a situation whereby a member of this House is at risk of being suspended from the service of the House. I think the member for Stuart made quite clear the sequence of events which caused him to interject in a manner that resulted in his being named. The first part of that was the refusal of the Government to allow this vital matter to be debated, and he pointed to correspondence he had had with the Premier in which he had asked the Premier that time be allowed for such debate, and the Premier had rejected that. The Premier's precise words are these:

> I feel that little would be gained in discussing the finer points of this matter in the House.

That was the situation facing the member for Stuart and the Opposition which made him so concerned about this matter and therefore liable to behave in a way that resulted in your warning him and subsequently his naming. All the things the Premier was saying which so provked the member for Stuart were patently false. He had said in his correspondence that he rejected time being made available. He suggested that the Opposition should move an urgency motion, and the House well knows that such motions are not subject to a vote. They are talked out, and we get no opinion of the House as a result. The question of whether or not you, Sir, in the light of the ruling given some time ago, would feel inclined in this situation to rule that it was a matter of urgency was in question, so that course was not open to the Opposition in this instance.

The Hon. D. O. Tonkin: You didn't try.

Mr BANNON: We tried to introduce this grave matter in the only way we could. The member for Stuart was well aware of our frustration, and well aware that this morning the Premier made a statement to the media in which he attacked the Opposition for not dealing with the matter at its Party conference and not having any concern about South Australia's interests or this issue. Our motion was aimed at producing a bipartisan approach and a scheme of action in which the Opposition and the Government could join. The member for Stuart, facing this frustration and seeing how the Premier was acting, obviously had to respond. Further, what made the situation much more tense and difficult was the ruling that was given and the way in which the Government behaved on that ruling which prevented me from speaking to the motion. I am not canvassing the rights or wrongs of that, but simply saying that the Premier, by his action, by attracting the attention of the Chair and speaking, in a way got around the Standing Orders and put you in a very difficult position indeed. That sort of ploy ill befits this Parliament.

The Standing Orders are rules of procedure, but surely it is more important for the people of South Australia that these issues are debated and that we do not resort to minor technicalities. The Government's behaviour was very

shabby, and naturally the member for Stuart was outraged by it. This explanation has been perfectly in order. It has been put in the right context. The honourable member has shown how he feels about the issue, what he wants to do, and how the Government's behaviour provoked him. I ask the House to accept his explanation, which is perfectly proper and in order, so that we do not lose the services of this member during the next few hours when I hope we will debate this important motion.

The Hon. D. O. TONKIN: I cannot accept that the member for Stuart's explanation is satisfactory.

The Hon. PETER DUNCAN: I rise on a point of order. The Standing Order quite clearly states:

> . . . such member shall have the right to be heard in explanation or apology and shall, unless such explanation or apology be accepted by the House, then withdraw from the Chamber.

That Standing Order says nothing about—

The SPEAKER: Order! The honourable member for Elizabeth should read other than the one Standing Order. The honourable member may be heard; it is then proper for a member of the House to move that the explanation be accepted. That matter may be debated. If it is refused, the member will withdraw from the House and other action will be taken. I do not want to use this opportunity to alert members to this fact, but there is no limit to the number of members who may speak. Honourable members will note that I asked the Premier to return to his seat while I checked whether the motion was seconded. No member sought to rise to speak at that juncture. The Premier, having risen, was then asked to speak. Other members are not denied the right to participate in the debate should they desire, but again I stress that that is not an invitation that they do so.

The Hon. D. O. TONKIN: I am not convinced that the explanation of the member for Stuart was satisfactory. There has been a good deal of fudging of the issue. The explanation of why he should not be named has been far from satisfactory. The facts are quite simple. The honourable member introduced additional matter, suggesting that there was no opportunity for the Opposition to move and discuss a suspension of Standing Orders and to discuss the matter of Murray River water quality. The honourable member knows perfectly well that a number of avenues were open to the Opposition and that the Government, I repeat, would have co-operated if the normal courtesies and conventions had been observed.

Members interjecting:

The SPEAKER: Order! I ask the Premier to come back to the explanation that was given by the member for Stuart.

The Hon. D. O. TONKIN: Yes, Mr Speaker. Instead of explaining why he persistently contravened your ruling, Sir, the honourable member introduced additional matter that I will no longer touch on. The facts of the incident are quite clear. The member for Stuart persistently interjected; he was warned, and he proceeded to interject further; and he was warned again, as I recall. Once again he resisted that ruling that you, Sir, gave and persisted in interjecting. If every honourable member acted in such a manner, this Parliament would not be workable, and I believe that is quite clear. I cannot in any way accept the explanation that has been given.

Mr MILLHOUSE (Mitcham): It may seem strange that I should speak to this motion (and I speak in support of it), because I was out of the Chamber when the incident developed, so I cannot seek to excuse whatever the member for Stuart did, although I am prepared to accept that it was not of a particularly serious nature. I do not base my support for the motion on that ground: there is another ground on which I ask that the honourable member's explanation be accepted and that he, therefore, be allowed to remain in the Chamber, and that is that, while the matter of the Murray River is of paramount importance to the State and members on this side are most anxious that we should debate this matter—

The SPEAKER: Order! I ask the honourable member to come back to the motion that is before the Chair.

Mr MILLHOUSE: —there is another very important matter which I expect that the member for Stuart would raise if he is given an opportunity today in the House, and that is the question of the prisons situation at Yatala. As you know, Mr Speaker, he has had the carriage of this matter for the Labor Party. The fact that he and I are more or less *ad idem* on this one (we have more or less the same ideas) does not matter. However, it is a very important, topical and urgent matter, and the member for Stuart is the member from the Labor Party who is likely to deal with it. If he is out of the House, it cannot be dealt with.

The Hon. J. D. Wright: That's why they want him out.

The SPEAKER: Order!

Mr MILLHOUSE: They want to put him out, I know they do. I accept that this whole unhappy situation has developed—

Members interjecting:

The Hon. J. D. Wright: I told him not to get chucked out.

The SPEAKER: Order! I have warned the Deputy Leader of the Opposition for the last time this afternoon, and I also point out to the Deputy Premier and the Minister of Industrial Affairs that they are not assisting the conduct of the House either.

Mr MILLHOUSE: I accept that this whole unhappy situation has gone from bad to worse, and quite unexpectedly. None of us expected it to get to this, so I certainly do not impute any long-range motives on the part of the Government trying to get rid of the member for Stuart. However, that is the effect of this motion. He will not be able to raise, on behalf of his Party, a very important matter, and I hope I will be allowed to go as far as to say that you know, Sir, as we all know, that a number of people in the gallery and in the building are most anxious to hear this matter debated in the House.

The SPEAKER: Order! I bring the honourable member for Mitcham back to the subject before the Chair.

Mr MILLHOUSE: I hope that this is spot on the subject, because I am saying (and I will not say it again except to emphasise this) it is the member for Stuart who is expected to raise the question of the prisons matter and he will not have an opportunity to do that if he is thrown out of the House, and there are many people who want to hear the matter raised and debated. I rest my support for the Leader's motion on that ground, not on the grounds as to whatever conduct he may have been guilty of, because I do suggest that that ground alone would be justification for excusing whatever he said in the heat of the moment.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I speak for one reason only, and that is to say what absolute nonsense is the argument of the member for Mitcham. He is suggesting that a member of this House can openly flout the authority of the Chair because in the judgment of the member for Mitcham that member wants to say something later in the afternoon. That is an absurd argument. The member for Mitcham will excuse any defiance of the Chair simply because a spokesman for the Labor Party wishes to play some part in the later deliberations of the House. I believe that, if we accept that, we are accepting an argument for chaos. The fact is that the honourable

member openly flouted the authority of the Chair, and he did not see fit to apologise; he sought to ramble off into an irrelevant argument, and in those circumstances no right-minded person could accept that as an explanation.

Members interjecting:

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: For the member for Mitcham, who was not even in the House and did not witness the deliberate flouting of authority, to suggest that, because in his judgment this member has got something to contribute later, that gives that member *carte blanche* to defy the authority of the Chair is plain nonsense.

The House divided on the motion:

Ayes (20)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hopgood, Keneally, Langley, McRae, Millhouse, O'Neill, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Ayes—Messrs Hemmings and Payne. Noes—Messrs Allison and Evans.

Majority of 2 for the Noes.

Motion thus negatived.

The SPEAKER: I call on the honourable member for Stuart to please leave the Chamber.

There being a disturbance in the Galleries:

The SPEAKER: Order! The House will come to order.

The Hon. D. O. TONKIN: I move:

> That the honourable member for Stuart be suspended from the service of the House.

The House divided on the motion:

Ayes (22)—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Noes (19)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hopgood, Langley, McRae, Millhouse (teller), O'Neill, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Hemmings and Payne. Noes—Messrs Allison and Evans.

Majority of 3 for the Ayes.

Motion thus carried.

The SPEAKER: Order! I draw to the attention of all honourable members of the Chamber and those who are visiting the provisions of Standing Order 81, which states:

> At the request of any member, or at his own discretion, the Speaker shall order strangers to withdraw, immediately upon which order all strangers shall withdraw.

I want no further participation from the galleries, or it will be necessary that all persons in the galleries be asked to withdraw.

The Hon. D. O. TONKIN: It seems a little while ago that I began this speech, but I sum up by saying that the Opposition had every opportunity to have this matter raised in the proper way. It could have called on a motion of urgency simply by delivering a letter to you, Sir, and to presume that you would have ruled it out of order seems quite ridiculous. Secondly, if, as frequently happened in the days of other Governments, notice had been given that there was a desire to suspend Standing Orders to discuss this matter, I repeat that the Government would have agreed, because it is a matter which concerns us all.

Members interjecting:

The Hon. D. O. TONKIN: It would have taken nothing more than a telephone call, and the Leader of the Opposition well knows that. I suggest that he goes back to the records of the Dunstan Governments and looks at the procedures of the House which applied then. The Premier of that day made it quite clear that he would not entertain any motion for the suspension of Standing Orders unless there had been consultation and notification beforehand. That is exactly the practice that this Government has always adopted, a practice that it will continue to adopt.

I make the final point that, if the Opposition felt so strongly about this matter, it could well have taken the opportunity that presented itself at the opening of this two-week session to bring up a matter of urgency or even of no confidence, if it wished, instead of wasting the time of the House with a duplicated debate on financial matters, knowing full well that a financial Bill was to come into the House and be debated the following day. That was its choice. The Opposition has chosen to act in the way that it has. I can only say that its tactics as an Opposition are lamentable.

The Hon. J. D. Wright: They've upset you, though.

The Hon. D. O. TONKIN: They have not upset me one little bit. I feel very sorry indeed for the Opposition, operating under the handicaps it has at present. Finally, it was quite clear that, when the Leader thought that he had introduced this bombshell into the House and taken the Government by surprise, he was so pleased with himself that he sat in his seat grinning when he should have been on his feet at the same time as I was, and then he would have got the call. There is no way that the Government can agree to the suspension of Standing Orders when none of the prerequisites, traditions and conventions of the House have been complied with. I suggest that the Leader should have a few words with the member for Hartley, who will put him right on the matter.

The SPEAKER: The question before the Chair is the motion for suspension. For the question say 'Aye', against 'No'. There being a dissentient voice, there must be a division.

The House divided on the motion:

Ayes (19)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hopgood, Langley, McRae, Millhouse, O'Neill, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Ayes—Messrs Hemmings and Payne. Noes—Messrs Allison and Evans.

Majority of 3 for the Noes.

Motion thus negatived.

The SPEAKER: So that there may be no misunderstanding, I point out that Question Time commenced at 2.5 p.m. The one hour allotted for Question Time having expired, call on the business of the day.

PERSONAL EXPLANATION: OPPOSITION MOTION

Mr BANNON: (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr BANNON: The personal abuse that the Premier stooped to in his speech when eventually that speech came on has heightened and added to the reasons why I wish to

make a personal explanation in this matter. I believe we have raised a matter of considerable importance. Certainly, there was no presumption on our part that the Government would allow debate, but we hoped that our reasons in support of the motion would in some way give the Government cause to consider it. I was personally—

The Hon. D. C. BROWN: I rise on a point of order. The Leader has been speaking for some time and nothing that he has said so far relates to a personal explanation: he simply seems to be debating the entire last one hour.

The SPEAKER: I uphold the point of order in so far as it is necessary in giving a personal explanation that a matter must specifically relate to an honourable member or to members of his family and an assertion that he has been misrepresented or otherwise maligned.

Mr BANNON: Thank you, Mr Speaker. I do not know for how long we will have to put up with the nonsensical procedural objections that have come from the Government side. It is plain that the Government has been trying to stifle any discussion. I believe I have been personally misrepresented in the remarks made by the Premier, in particular.

I would also like to explain why we dissented from your ruling, Mr Speaker. When I rose to move the motion, I fully expected and intended to get the call to continue with my remarks. In fact, having moved the motion, I began to commence my remarks and you, Sir, rose to count the House. In deference to the Chair and quite appropriately in terms of Standing Orders, I resumed my place, fully expecting that, at the end of that count, a constitutional majority being found in the House, I would be called to give that explanation. Instead, as I rose in my place, the Premier was already on his feet talking and attracted your attention, Mr Speaker, and your call. I realise the difficult position in which you, Sir, were placed. In view of the abuse that has been levelled against me personally in terms of the Standing Orders, I can only say again that the Opposition intended to discuss two important issues—the River Murray Commission and the Murray waters and the prisons issue. The opportunity to debate both those issues has been denied because of the way in which the Government has carried on. The Opposition has even lost its spokesman because of it.

The SPEAKER: Order! The Leader knows full well the limitations placed on a personal explanation. He is going far beyond those limitations at this juncture.

PLANNING BILL

The Hon. D. C. WOTTON (Minister of Planning) obtained leave and introduced a Bill for an Act to provide for planning, and to regulate development, within the State; to repeal the Planning and Development Act, 1966-1980, and the Control of Advertisements Act, 1916-1935; and for other purposes. Read a first time.

The Hon. D. C. WOTTON: I move:

That this Bill be now read a second time.

It is designed to give effect to the Government's policy of ensuring that planning and environment management requirements and procedures reflect the wishes of the community. In particular the Bill, and the complementary Bill to amend the Real Property Act, aims to simplify the existing planning laws, integrate planning and environmental decision-making, streamline the decision-making processes and provide more flexible methods of regulating development in both urban and rural areas.

This Bill and the complementary Bill to amend the Real Property Act are being introduced today so that there can be an adequate period for consultation. Copies of the Bills together with explanatory material will be mailed to local councils and other interested organisations and individuals. The Government hopes that local councils, through the Local Government Association, and others will take the time to contribute to the successful introduction of the new development management system.

The Bills will be reintroduced in the next session of Parliament following consideration of the need for amendment in the light of the submissions received. The changes proposed in the two Bills achieve the Government's objectives by:

(1) Replacing the 11-member State Planning Authority by a commission of three persons and a Minister's advisory committee of eight persons.

(2) Establishing uniform but simple administrative procedures to be used by all councils when dealing with development applications.

(3) Ending the temporary 'interim development control' presently administered by over 80 councils.

(4) Establishing a system for formulating development policies which is responsive to changing circumstances.

(5) Providing for decision-making on local matters at the local level and giving councils better enforcement powers.

(6) Integrating development and land division decisions (involving a consequential transfer of powers to the Real Property Act).

(7) Enabling the environmental impact of significant projects to be assessed with the final decision being made at the State level.

(8) Introducing conferences prior to formal appeal hearings.

The basic concept is that a person wishing to undertake development will apply initially to the local council. Applications of local significance will be determined by the council. Advice will be sent to the council on those applications in which Government departments have an interest before the council makes its decision.

Applications for projects having more than local significance will be forwarded by the council for decision at State level. The decision will normally be made by a small commission in lieu of the State Planning Authority. Proposals of substantial importance and those of a highly controversial nature will be determined by the Governor. Any application of major importance may, at the discretion of the Minister, be the subject of an environmental impact statement.

The council and the new commission will be required to make decisions on applications in accordance with policy set out in the relevant authorised development plans which will be consolidated and referred to collectively as the development plan. The advisory committee representing various interest groups will advise the Minister on changes of policy to be incorporated in the development plan.

The present Planning and Development Act has been both praised and criticised by the Judiciary. The basic framework of the Act is reasonably simple, but the many amendments and the array of subordinate legislation have led to criticism.

The Act has been amended by 23 Acts since coming into operation 14 years ago and there are 165 separate sets of regulations, plus 49 sets of amending regulations. There are confusing differences in the powers operating throughout the State. These differences have arisen due to councils gradually recognising the need to exercise some control of development since the Act came into operation in 1967. The quite separate powers and procedures relating to the division of land add to the confusion.

The completion of development plans for the settled parts of the State and the now widespread adoption by councils of interim controls, which begin to expire in December 1982, provide the opportunity for a comprehensive State-wide re-appraisal. The Government, through this Bill, is now proposing the integration of controls of private development. A person wishing to undertake a project may not be aware of all the permits required, all the bodies to be approached and all the procedures to be followed. Ideally, a person wishing to undertake a project should be able to obtain one basic approval and know that all the fundamental aspects have been considered.

This Bill establishes the basis of the new system. Planning controls in their various forms are now being applied in most parts of the State, so the merits of introducing one set of simple and uniform administrative procedures should be recognised. Having established sound basic planning legislation, a progressive reassessment can then be made of the overlapping controls of private development outside the present Planning and Development Act. Thus, further rationalisation can be achieved.

Administration: At present, the State Planning Authority formulates development policies, regulates development, and buys land for open space and redevelopment.

On taking office, the Government, as a matter of priority, assessed the responsibilities of the State Planning Authority. The Government is satisfied that restructuring of the administration of planning at the State level is necessary to ensure better accommodation of the community's wishes.

An advisory committee is proposed comprising a Chairman and seven other members representing local government, commerce and industry, conservation interests, the rural sector, housing and transport. Its role will be to advise the Minister of amendments for the policies expressed in the present development plans.

The body to make decisions on those development applications referred to the State and to report on development by Crown agencies is to be called the South Australian Planning Commission. It will comprise a full-time Chairman with two part-time members, one knowledgeable in local government and one experienced in administration, commerce, industry, or the management of natural resources. The present land holdings of the State Planning Authority and the legislative provisions relating to finance, land purchase and the development will be transferred to the Minister to achieve greater flexibility and simpler administration.

Policy documents: The present Planning and Development Act enables development plans to be prepared for various parts of the State. The development plans and their reports include both development proposals by public bodies and matters to be taken into account by councils and the authority when considering applications from private developers. The Act says that development plans shall be of a 'general' nature.

The matters to be taken into account when determining applications can be expressed in more detail in planning regulations, for example, the regulation maps which accurately define the boundaries of zones. The procedures for making both development plans and planning regulations involve public exhibition.

A number of councils are now actively wishing to amend the general development plans or their more detailed planning regulations. Having to amend both documents involving two public exhibitions is a cumbersome procedure and confuses the public. There is also difficulty in deciding whether a proposed amendment to a planning regulation can proceed without first amending the general development plan.

The Bill proposes that the two procedures be combined, enabling development plans to contain the detailed policy presently contained in planning regulations. The concept of planning areas in the Planning and Development Act has served its purpose and is to be dispensed with. This will enable all the present development plans to be considered as parts of one plan, to be known as the development plan. Broad changes of policy encompassing the whole State, or large parts of the State, can then be introduced more easily. Provision is also made for development plan documents to be edited and consolidated.

Replacing Interim Control: The temporary control enabling development to be controlled while planning regulations are being prepared, known as interim development control, was initially restricted to a maximum period of five years. The time was later extended to eight years and more recently to 10 years. The control is exercised by over 80 councils, mainly in country areas. Under the Planning and Development Act, each council must introduce separate planning regulations before the interim period expires, otherwise the power lapses. The introduction of such regulations would involve substantial financial and manpower resources and take considerable time. Many councils have also found the interim powers to be adequate.

The opportunity is to be taken, therefore, to help councils operating interim controls, by legislating for one common set of uniform administrative procedures which will replace the temporary powers. Those 29 councils, mainly metropolitan, with their own zoning regulations will be required to adopt the same uniform administrative regulations while still retaining their zones and standards which will form part of the development plan. It will then be possible to make procedural amendments uniformly and thus avoid the confusing differences that now exist due to some councils operating different versions of regulations recommended by the State Planning Authority. Several councils are considering amending their present regulations and wish to identify administrative matters separately.

The proposed uniform administrative regulations will deal only with definitions and procedures. The principles upon which decisions will be based will be those contained in the relevant part of the development plan. Discussions on the broad outline of the proposed uniform administrative regulations have already taken place with local government officers.

Council responsibilities: The resources available to councils to control development in their areas vary considerably. Some councils are not sufficiently well staffed to administer all existing powers effectively. In addition, complex development applications are received from time to time in sensitive areas of the State where councils are ill-equipped to deal with them. On the other hand, there are many minor matters which are dealt with at the State level which should only require council attention. There are also many councils that are willing to accept more responsibility and have the capacity to do so. A better sharing of responsibilities is needed between local and State Governments.

The proposed uniform administrative regulations will be drafted so that the varying resources of councils and the varying significance of development applications can be recognised. Classes of development to be referred for decision at State level or for State Government advice will be capable of variation between councils and between different zones in a council area.

Land division: Confusion arises from the present planning legislation due to the different powers and procedures that apply to the control of building development and the control of land division. The effect of approving a subdivision plan is simply the granting of authority to the applicant to dispose of the land in separate titles. Yet the considerations the approving body keeps in mind when deciding the application are concerned with the likely future use of the land. If the use of the land for houses, shops, roads or factories is acceptable, then the issue of separate titles is of lesser importance. Thus, approval of the use of the land should come first and the issue of separate titles should be related to that approval. At present, two quite separate approval systems operate.

The present method of controlling land division, involving decisions both by the Director of Planning and by councils, also means that the Director and the staff assisting him are involved in a large volume of minor matters which could and should be dealt with by councils only. In addition, many of the present provisions in the Act relating to land division govern the procedures of the Lands Titles Registration Office and are more appropriate in the Real Property Act.

The integration of development and land division controls is to be achieved by a simple procedure of requiring the applicant, wishing to deposit a plan in the Lands Titles Registration Office, to accompany his application by certificates. The certificates will certify that the use proposed for the land is permitted or has been approved, the area and dimensions of the allotments are satisfactory, and requirements regarding road works, services and open space payments have been met. The procedure will be similar to that presently operating for the issue of strata titles.

Impact assessment: The Government is aware of the potential conflict if new and separate controls are introduced relating particularly to environment protection and coastal management. The present environmental impact assessment procedures are operated under a Cabinet directive. The procedures are applied to Government projects and to some local government and private projects. They are administered by the Minister of Environment and Planning through the Department of Environment and Planning. They work well, but some legislative backing is needed.

Administrative and legal complexities arise when assessment procedures are made a separate statutory requirement which can be imposed at will on any private development. In such circumstances, the developer is faced with uncertainty, delays and added costs. If the assessment procedures are integrated with the planning procedures, then one system of administration can apply.

When councils make day-to-day decisions on local matters under the planning legislation, they need to be satisfied that adequate safeguards for protecting the surroundings of the proposed development are incorporated in the design. Additional information should accompany some applications, and the new commission, with advice from the new Department of Environment and Planning, will issue guidelines to councils on the form and content of the information which should be supplied. No further law is required to introduce this concept.

Major and controversial development applications referred by councils for decision at the State level may warrant special consideration of the environmental, social and economic factors involved, making an impact assessment of all those aspects justified. It will be possible for the final decision on such applications to be made by the Governor or by the new commission. A separate procedure is included in the Bill for assessing the environmental impact of important new mining operations.

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

Leave granted.

Remainder of Explanation of Bill

Appeals: The Government believes that there should be a conference of the parties immediately following the lodging of an appeal. The purpose of the conference will be to explore the possibility of reaching a settlement without the need for a formal hearing, or to define, and if possible reduce, the issues to be dealt with at a hearing. Such conferences are not likely to resolve major matters under dispute, but where the disagreement is over minor matters then expensive formal hearings may be avoided.

At present an appeal to the Planning Appeal Board is heard by a judge and not less than two Commissioners. If the parties agree, a lesser number of members may hear the appeal, but this rarely happens. The Bill enables the number of members who hear an appeal to be varied. Some savings should result. The board will, in future, be known as the Planning Appeal Tribunal.

Enforcement: Better powers to enforce planning decisions have been sought by councils for some time. Enforcement will be aimed at preventing unauthorised development proceeding and securing remedial works rather than, as at present, only punishing the defendant for a criminal offence. Proceedings will be, first, by means of orders granted by a judge of the District Court with penalties for failure to comply. Secondly, there will be prosecutions for breaches of the law. The prosecution proceedings will be separate from the District Court's proceedings, and will be dealt with by magistrates.

The Crown: Parts of the present Act bind the Crown, others do not. The situation needs to be clarified. It is a general rule that the Crown is not bound by a Statute unless named in it, or unless it otherwise appears that it was the intention of the Legislature that it should be bound. Even if a Statute states that the Crown is bound, questions arise frequently as to whether a particular instrumentality is the Crown. A number of cases show that a body may be the Crown for one purpose and not another.

Administrative and legal problems arise when legislation authorises one arm of Government to carry out a public work, yet other legislation gives another arm of the same Government a discretionary power to approve or refuse the work with rights of appeal to an administrative tribunal and the courts. It is difficult to prosecute the Crown. Both the public and the private sector should be required to comply with the same development standards but it is inappropriate for an appointed commission, a council or an appeal tribunal to be able to determine whether Government work should proceed.

A separate procedure is incorporated in the Bill for specified instrumentalities of the Crown. The procedure requires that, instead of seeking a formal approval, the named instrumentalities will submit their work proposals to the new commission and to the local council for report. Consultation with other departments will be carried out administratively and the present environmental assessment procedures of the Department of Environment and Planning will continue. If the work proposed is seriously at variance with the policy contained in the development plan, the matter will be referred to the Governor. Any instrumentality not named in the legislation will follow the same procedure as a private developer and have appeal rights to the Planning Appeal Tribunal and the courts.

Mining Operations: At present a mining operator usually has to obtain a lease and approval of a working programme under the mining legislation, and a separate approval under the planning legislation before proceeding. The law is in urgent need of clarification but it is essential that the control of this important use of land forms part of the integrated system of controlling development.

The Mining Act provides security of tenure by a sequence of tenements which allows a mining operator to proceed from the exploration stage through to the mining of the deposit. However, private mines proclaimed under the Act are not subject to the tenement provisions. The Mines and Works Inspection Act is concerned with safeguarding the health and safety of workers, preserving amenity and securing rehabilitation of worked sites.

The Planning and Development Act is designed to secure the orderly and economic use of land. It establishes a method of determining land use policies, power to control the use and division of land and includes powers to purchase land. Collectively, the legislation provides a complete system for the security of tenure and management of mining operations, rehabilitation of the site and protection of mineral resources. However, overlap and conflict arise due to separate approvals being necessary under both mining and planning legislation involving different policies and procedures. The procedures are to be simplified by:

(i) excluding from the normal control procedures under the planning legislation any mining operation subject to the issue of a claim, lease, licence or permit under the Mining Act (this means prospecting, exploration, proving and production activities);

(ii) causing the Minister of Mines and Energy to refer to the Minister any application for a mining lease of a class, or in an area, prescribed by regulation;

(iii) requiring the Minister's concurrence to the issue of the lease or in the event of non-concurrence, the matter to be resolved by the Governor;

(iv) requiring separate planning consent to be obtained for any future mining operation on a private mine not being effectively operated (such consent would be required now under the present legislation).

Complementary provisions in the Petroleum Acts will ensure a uniform system of administration. New mining operations of major importance will be subject to more detailed environmental impact assessment. The Minister responsible for this Act will be directly involved in determining the content of the impact statement and its assessment.

Other matters: The Planning and Development Act presently provides for the control of State heritage items by the State Planning Authority. A recommendation on each application has to be obtained from the Minister administering the Heritage Act. The authority has delegated most of the control to councils. The procedure for considering heritage applications is separate from the other control procedures in the Act. In future the control of heritage items will be incorporated with other controls in the uniform administrative regulations.

Outdoor advertising is presently controlled under six Acts. The fragmented and unco-ordinated nature of the controls, the lack of clear and common policies and the lack of adequate rights of appeal are matters of concern to the industry, local government, traffic authorities and conservation bodies. Separate legislation for advertising would proliferate the many controls already existing. There is a need to simplify the controls rather than add separate administrative machinery dealing with one particular class of development. The Bill enables the control of advertisements to be introduced, except for the structural aspects which will remain in the Building Act.

The present Planning and Development Act includes a regulation—making power to control the felling of trees. The new legislation will enable the control of tree felling and vegetation clearance to be introduced where necessary.

The control of the demolition of buildings is not specifically included in the present Planning and Development Act except for State heritage items. There has been some demand for such a control to be introduced, apart from the safety provisions contained in the Building Act. Demolition is controlled under the City of Adelaide Development Control Act. A State-wide control of all demolition would be onerous but there would be merit in having the power to introduce such a control selectively as the principles upon which the control is to be exercised are determined. The Bill enables this to be done.

There has been a growing interest in voluntary agreements as a means of ensuring sound land management. The present Act does not provide for making legal agreements which are binding on present and subsequent owners. Some so-called gentleman's agreements have been made, and the Heritage Act has been amended to enable agreements to be made relating to matters relevant to that Act. Agreements afford a means of enlisting the co-operation of a landowner in pursuit of a particular objective. The Bill enables councils and the new commission to enter into agreements and also to ensure that agreements apply to successors in title. The power will enable agreements to be made on a wider range of matters than that contained in the Heritage Act, and will be useful in redevelopment areas.

Clause 1 is formal. Clause 2 enables the whole, or parts, of the new Act to be brought into operation on dates to be fixed. Clause 3 gives the arrangements of the new Act. Clause 4 contains definitions necessary for the purposes of the new Act. Clause 5 repeals the Planning and Development Act, provides the necessary transitional powers and vests the landholdings of the State Planning Authority in the Minister. Clause 6 enables parts of the State to be excluded from the operation of the Act or parts of the Act. Clause 7 provides that the commission will report on development by the Crown and the Governor will resolve matters of conflict. Clause 8 provides that council development proposals shall be dealt with by the commission.

Clause 9 establishes the South Australian Planning Commission. Clause 10 provides for the commission to be of three persons, a full-time Chairman and two part-time members. Clause 11 deals with procedures of the commission. Clause 12 deals with the validity of the commission's proceedings. Clause 13 gives the general functions of the commission. Clause 14 enables the commission, with the approval of the Minister, to delegate any of its powers.

Clause 15 establishes the Advisory Committee on Planning consisting of eight persons and chaired by the full-time Chairman of the commission. Clause 16 gives the functions of the committee. Clause 17 deals with staff to serve the commission and the advisory committee.

Clause 18 continues the Planning Appeal Board in existence, which will be known as the Planning Appeal Tribunal. Clause 19 establishes a Chairman of the tribunal. Clause 20 provides for judges of the Local and District Criminal Courts to be judges of the tribunal. Clause 21 provides for full-time or part-time Commis-

sioners of the tribunal. Clause 22 deals with the validity of the tribunal's proceedings. Clause 23 disqualifies a judge or Commissioner from hearing a matter in which he has an interest. Clause 24 provides for a Secretary to the tribunal. Clause 25 makes the Chairman responsible for the administrative arrangements of the tribunal. Clause 26 provides that the tribunal shall comprise a judge and not less than one Commissioner, except that a judge or Commissioner or the Secretary may deal with minor matters. Clause 27 requires that a question of law shall be determined by a judge.

Clause 28 requires that a conference of the parties shall precede the formal hearing of an appeal and the tribunal can issue orders giving effect to any compromise or settlement reached. Clause 29 deals with the principles governing hearings. Clause 30 lists the powers of the tribunal in relation to witnesses and production of documents. Clause 31 enables the Minister to intervene in the proceedings if a question of public importance is involved. Clause 32 enables the tribunal to make orders for costs in accordance with a scale to be prescribed. Clause 33 provides that hearings before the tribunal shall be in public. Clause 34 enables rules to be made governing the proceedings of the tribunal. Clause 35 provides for appeals from the tribunal to the Land and Valuation Court. Clause 36 enables the tribunal and the Land and Valuation Court to deal with irregularities and modifications to proposals subject to appeal.

Clause 37 deals with the district court orders and interim orders requiring that works done in contravention of the Act be rectified. Clause 38 provides that proceedings may be commenced within 12 months after the date of alleged contravention of the Act or, with the authorisation of the Attorney-General, within five years. Clause 39 provides for appeals against district court orders to the Land and Valuation Court. Clause 40 provides that offences against the Act shall be dealt with summarily.

Clause 41 establishes the development plan comprising all development plans authorised under the present Act and those parts of present planning regulations which express policy. Clause 42 enables the development plan to be amended by supplementary development plans. Clause 43 enables coastal management plans to be incorporated in the development plan. Clause 44 enables controls to be exercised on an interim basis while a supplementary development plan is available for public inspection. Clause 45 provides for copies of the development plan and amendments to be available to councils and the public.

Clause 46 provides that development shall not be undertaken contrary to the Act. Clause 47 provides that no development shall be undertaken without the consent of the relevant planning authority other than where it is permitted by the principles of development control contained in the development plan. Clause 48 requires the Minister responsible for State heritage items to report on development applications relating to those items.

Clauses 49 and 50 provide that the Governor may declare that specified development of major social, economic or environmental importance requires the consent of the Governor. Clause 51 deals with the preparation of environmental impact statements, which the Minister may require or prepare in relation to development of major social, economic or environmental importance. The Minister may amend statements prepared under this section after receipt of public comment.

Clause 52 enables the Minister to require the preparation of an environmental protection agreement instead of an environmental impact statement. The agreement can specify conditions which will ensure against environmental damage. Clause 53 provides a right of appeal against a decision of a planning authority.

Clause 54 extends to third parties the right to make representations concerning an application for approval and requires the planning authority to give notice of its decision to the third party, who may then appeal to the tribunal. An appeal of this type can be pursued beyond the conference stage only by the leave of the tribunal. Clause 55 specifies the powers of the tribunal to confirm, reverse, vary or give effect to the decision subject to appeal. Clause 56 deals with the control of advertisements, enabling the repeal of the Control of Advertisements Act. The new provisions are similar to those of the repealed Act.

Clause 57 provides for the continuation of uses existing at the date on which the Bill is to take effect. Provision is also made for the planning authority to declare that a land use which has been discontinued for six months or more ceases to be a valid use. Such declarations are made the subject of appeal. Clause 58 establishes that the law to be applied to an application shall be the law in force at the time the application was made. Clause 59 provides for the interaction between this Bill and certain other Acts in relation to the demolition of buildings and the felling of trees.

Clause 60 deals with mining operations. It provides that the Minister of Mines and Energy will give public notice of applications for the grant of a mining tenement. He may, and when prescribed shall, refer applications to the Minister of Environment and Minister of Planning for advice, and the Minister may then require the preparation of an environmental impact statement. The Minister of Environment and Minister of Planning will advise the Minister of Mines and Energy whether or not the application should be granted. Where the Minister of Mines and Energy does not agree with this advice the matter shall be referred to the Governor for his determination. Clause 61 provides that the Planning Act will not affect operations carried on in pursuance of Mining Acts, except as provided in clause 60.

Clause 62 enables the Minister to enter into agreements relating to the preservation or development of land and enables councils to enter into similar agreements in relation to land within their areas. Clause 63 enables the Governor to proclaim land as open space on application of the owner and prevent use of the land for any purpose other than that of open space. Clause 64 provides that the Minister may prepare development schemes under whch approved authorities may acquire, develop, manage or dispose of land. Clause 65 enables the Minister to purchase land by agreement for public purposes.

Clause 66 deals with the reservation of land for future acquisition, by means of proclamation by the Governor. Compensation for land so reserved is to be paid subject to determination of the amount of compensation by the Valuer-General. The owner of land, so reserved, may require the relevant authority to acquire the land, with compensation to be assessed on the basis of the value of the land had it not been reserved.

Clause 67 establishes that the moneys required for the purposes of the Bill shall be paid out of moneys provided by Parliament for those purposes. Clause 68 provides for the continuance of the planning and development fund and establishes the type of payments that may be made to the fund. Clause 69 enables the Minister to borrow money for the purposes of the Act on terms approved by the Treasurer. Clause 70 details the purposes for which money standing to the credit of the Planning and Development Fund may be used.

Clause 71 requires the Minister to keep proper, audited accounts. Clause 72 requires the preparation of annual

reports by the commission and the tribunal. Clause 73 provides members of the commission and tribunal, together with persons authorised by the Minister or by the commission or tribunal, to inspect land and premises. Clause 74 contains a prohibition on the increase of the total number of allotments in the hills face zone. Clause 75 contains the power of the Governor to make regulations.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

The Hon. D. C. WOTTON (Minister of Planning) obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886-1980. Read a first time.

The Hon. D. C. WOTTON: I move:

That this Bill be now read a second time.

It complements the Planning Bill, 1981. Both Bills are designed to give effect to the Government's policy of simplifying the existing planning laws, streamlining the decision-making processes and providing more flexible methods of regulating development. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The broad outline of the changes proposed by the Government is given in the explanation of the Planning Bill. This Bill, to amend the Real Property Act, is primarily concerned with changes to the system of controlling the subdivision of freehold land.

The report by Mr S. B. Hart on the control of private development in South Australia, July 1978, describes how the control of land subdivision has evolved; it details the extent and complex nature of the procedures presently operating and recommends that changes be made.

Briefly, the Hart Report points out that the history of land subdivision control is one of constant change of powers and procedures. The dual control exercised by the State Government and local government has existed in various forms since 1887 and the control has evolved independently of land use and building controls.

The effect of approving a subdivision plan is simply the granting of authority to the applicant to dispose of his land in a number of separate titles. However, the considerations the approving body keeps in mind when deciding the application are concerned with the likely future use of the land. For example, whether the land is to be used for houses, flats, shops or factories. If the use of the land is acceptable, then the form of tenure is of lesser importance. Thus, approval of the use of the land should come first and the issue of separate titles should be related to that approved use.

Under the present Planning and Development Act the controls and the administrative procedures governing the use of the land and the division of the land differ considerably and are quite separate. It is proposed that the types of building to be erected and the use of the land be determined at the same time as boundaries for ownership purposes are considered. This will be done by regarding land division as a form of development and requiring that, before separate titles are issued based on new boundaries, the appropriate authority is satisfied with the use proposed for the land.

Thus, an owner wishing to divide his land will apply in the first instance to the local council for consent to divide the land and to use it for a specified purpose. This application will be made under the planning legislation in the same way as application is made for consent to any other form of development.

Consultation by the council with State Government agencies and other standard procedures will then follow and the applicant will receive a decision on his development application under the Planning Act, with rights of appeal to the Planning Appeal Tribunal in the case of a refusal. This decision will be equivalent to what is now commonly known as the 'Form A' approval.

The present method of controlling land division, involving decisions both by the Director of Planning and councils, means that the Director has to make decisions on a large volume of minor applications which could and should be dealt with by councils only. In future, councils will receive advice from State Government agencies, but as with other classes of development application dealt with under the planning legislation, only the controversial or complex cases will be decided at State level. Advice will of course be sought from the council in such cases.

An applicant in receipt of consent under the planning legislation will then proceed to obtain separate titles by completing all the necessary road and drainage works and making any open-space payments required. The applicant will obtain two certificates, one from the relevant local council and the other from the new planning commission stating that the manner of dividing the land and the proposed use of the land are approved, the works are completed and all payments have been made. There will be a right of appeal against a refusal to issue a certificate.

The applicant will then present his plan and certificates to the Registrar-General, who will issue titles for the new allotments created. The procedure will be similar to that presently used for the issue of strata titles. Many of the present provisions of the Planning and Development Act relating to land subdivision govern the procedures of the Lands Titles Registration Office. The opportunity is being taken to incorporate them in the Real Property Act.

Details of road construction and other works requirements will be contained in regulations made under this part of the Real Property Act. Councils will be able to accept money in lieu of land for open space and the amount of payment will be indexed based on data supplied by the Valuer-General. The basic payment of $300 per allotment is to be increased to $500 and the same payments and system of indexation will apply to the issue of strata titles.

The Bill provides a simple method of amalgamating allotments into a single allotment. At present, this has to be done by a complex and expensive procedure. Persons wishing to amalgamate allotments will be free to do so with the minimum of requirements.

Clause 1 is formal. Clause 2 enables the amendment Act to come into operation on a date to be fixed. Clause 3 is formal. Clause 4 repeals section 101 of the Real Property Act. Clause 5 amends section 220 of the Real Property Act to enable the Registrar-General to exercise his discretion on the correction of errors in certificates on the register.

Clause 6 inserts new Part XIXAB into the Real Property Act. New Part XIXAB contains sections to be numbered 223la through to and including 223lo in the Real Property Act; 223la contains definitions necessary for the purposes of new Part XIXAB; 223lb deals with the unlawful division of land; and 223lc restricts the application of part XIXAB by excluding from its ambit Crown transactions and land within the City of Adelaide.

Section 223ld will enable the registered proprietors of land to apply to the Registrar-General for division of the land and specifies the manner in which the proprietor must

do so. It requires him to obtain certificates of approval from the relevant council and the commission and 223le provides for the deposit and registration of plans of land division in the Lands Titles Registration Office and makes provision for the vesting in councils or the Crown of land shown on such plans as roads or reserves.

Section 223lf will enable persons who wish to divide land to apply to a council for a certificate of approval as required by 223ld. Before issuing a certificate the council must be satisfied that a number of requirements relating to the provision of easements, open space, roads and other matters have been met.

Section 223dg provides that a person who proposes to divide land may apply to the commission for a certificate of approval as required by 223ld. Before issuing a certificate, the commission must be satisfied that certain requirements relating to water and sewerage easements and provision of water supply and of open space have been met.

Section 223lh requires a council or the commission to furnish applicants for certificates of approval with a list of the requirements that must be met if a certificate is to be issued and 223li specifies the amount of open space which must be vested in the relevant council and provides for monetary payment to councils in lieu of provision of open space. Moneys paid to a council in this manner are to be applied by the council for the purpose of acquiring and/or developing land as open space.

Section 223lj requires a council or the commission to give notice to an applicant of refusal of a certificate; 223lk establishes a right of appeal to the tribunal in respect of the refusal of a certificate; 223ll deals with the amalgamation of contiguous allotments; 223lm establishes transitional provisions relating to plans of land division lodged prior to the enactment of new Part XIXAB; 223ln deals with easements and provides for works to be carried out on land the subject of an easement for the purpose of the easement, namely, sewerage, water supply, electricity supply and drainage purposes; and 223lo is a regulation-making provision.

Clause 7 amends section 223md of the Real Property Act in relation to the open-space provision payable in respect of strata developments.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June. Page 4055.)

The Hon. D. J. HOPGOOD (Baudin): The Opposition supports this Bill, though it has some questions it will ask of the Minister during its passage, which I would hope will not be unduly delayed. The hills face zone is a product of a union, a somewhat passionate union, between geology on the one hand and human desire on the other. The Flinders-Mount Lofty area of South Australia is characterised by a series of up-faulted and down-faulted regions which I believe the geologists call horsts and grabens. The up-faulted areas tend to have steep escarpments on their western side where there has been rapid erosion in geological time, and this presents a series of bold faces to the various parts of the Adelaide Plains. I say bold faces because what one gets is not an uninterrupted skyline but a series of escarpments which follow the major faults so that, for example, the constituents of the member for Elizabeth can gaze upon the front escarpment of the Para fault, whereas people further south would rather be associated with the Eden or Clarendon faults or even the Willunga escarpment for the people living in the Aldinga and McLaren Vale areas. We have not a continuous unbroken frontage of the hills to the Adelaide Plains but a visual impact of a series of relatively steep but not high escarpments which have been created by the up-faulting which has occurred at least since the Pliocene.

The human desire side of this relates to the fact that people have long regretted the visual impact of three things, I would suggest, on the hills. The first is quarrying (however economically necessary some of that may be); the second is the intrusion of suburbia on to parts of the hills face; and the third is the rather bare appearance that portions of the hills face present possibly as a result of deliberate clearing, and possibly as a result of pasture in earlier years. The concept of the hills face zone in some sort of orderly fashion was first mooted in the Adelaide Town Plan report of 1962, and it was adopted when Don Dunstan introduced the Planning and Development Act in 1966 or 1967 as the, in effect, authorised development plan for this part of the State, the metropolitan area.

It is significant that it has always been the State Planning Authority which has had the planning control in this area, although the area abuts other areas where the specific planning controls are delegated to local government. I think it is important that whatever replaces the present centralised planning apparatus (and the Minister has just introduced a substantial legislative scheme to which I will not refer, because I do not think I am able to do so under Standing Orders), whatever form of centralised planning control persists as the result of the way in which this House may vote in the new session on that legislative plan, that should continue to have controls over the specific aspects of planning within the hills face zone, whatever else we might do, however else we might decentralise the controls in relation to other things. It is important, too, that there be no weakening of the controls which currently exist in relation to the hills face zone.

The definition of the hills face zone was always a little vague. One can draw lines on a map and say that what is inside that boundary is what will be considered as the hills face zone for planning purposes, but that is to beg the question of the justification of the position of that boundary. The town plan said that it would take into consideration such factors as the visibility from the extended Adelaide Plains, to which I addressed myself earlier, and, secondly, the difficulty of servicing the areas.

As I recall, some sort of rule of thumb was that, where there was a slope of greater than 1 in 4, you were dealing with a situation in which the provision of services was quite uneconomic and, that being the case, it would act as the basic definition of the hills face zone. But, also, its actually facing the Adelaide Plains was most important indeed.

The zone having being defined, alleged anomalies almost immediately started to show up. People came forward from time to time requesting that amendments be made to it. In some cases, these people were speaking out of self interest. That was not, of itself, sufficient reason for rejecting their submission, but it was sufficient reason to look very carefully at what was being proposed. Eventually, the former Government asked Mr Justice Roder to report.

Mr Millhouse: He is Judge Roder.

The Hon. D. J. HOPGOOD: Yes, Judge Roder. I do not stand too much on ceremony in these matters, any more than I do in relation to other more ceremonial aspects of our society. The report was duly delivered to this

Government, and now the Minister is legislating for it. He is providing the Government with a power to make a regulation in respect of this report. He could have amended the Act itself and written what we might call 'the Roder definition' into it, but he has chosen instead to bring down a regulation, and then under that regulation subsequently the new proposal will be gazetted.

I support that piece of machinery, provided that we are not giving the Minister any more power than he represents himself as seeking in this Bill. I remind him that it was made clear by the previous Government that this was to be merely a correcting of anomalies, and that there should be no substantial change to the hills face zone. I take that to mean that where the changes were sufficiently substantial as would allow wholesale subdivision, or even significant additional subdivision, to go on, that would be beyond the terms of reference of the inquiry.

So, it really boils down to these two things: first, did the inquiry in any way go beyond its terms of reference, and should we make some comment on that matter; and, secondly, whatever the inquiry did, is the Minister seeking to do more than was in it? This is where I think we need a little more advice from the Minister. I support the piece of machinery which he is adopting, because, following the passage of this Bill, the Minister will gazette the new regulations and table them in this place. They will be subject to searching inquiry by the Joint Committee on Subordinate Legislation, and be subject to possible disallowance in this or the other place.

The joint committee can give these proposals far more searching examination than I think would be proper here, where we are dealing with Acts rather than regulations and where we have to deal, necessarily, with the broad brush. So, I accept the procedure which the Minister is asking us to adopt. But, as I say, these two things remain. It is unfortunate in one respect, although I give the Minister his due—he came to see me during Question Time yesterday requesting the Opposition's co-operation in suspension of Standing Orders so that he could introduce the Bill after dinner last night. But this has meant, given that it is necessary for one to have some sleep (and I had a Party meeting this morning), that I have been unable, in that short time, to go right through the report of the learned judge to determine for myself whether the terms of reference were carefully complied with.

On several occasions Judge Roder suggests that some minor amendment to the hills face zone boundary would allow a minor resubdivision to take place. I have looked at those few examples and flipped the pages up to about 190. The Minister would agree that it is a voluminous report, as it contains 436 pages. As far as I have been able to go, there are several recommendations which would allow minor resubdivision, such as one block into three, or something like that. So far as I can see, that is within the spirit of the terms of reference. However, I do direct the Minister's attention to recommendation 73 on page 167 of the report, as follows:

> Part 4: area to the east of Wyfield Street, Wattle Park.

Then follows a recommendation for the incorporation of an area currently in the hills face zone as a residential 1A zone. It appears from this that it will be possible for some subdivision to occur in that area, limited though it may be. Judge Roder says on page 168 of the report:

> On the evidence before me, for all practical purposes services would be available so long as houses are erected no higher than the 248-metre contour.

If one looks at the map on the next page, one can see that the 248-metre contour is well to the higher side of the area to be incorporated in the residential 1A zone. It would leave possibly a quarter, at most, of the area which could not be subject to a plan of subdivision. The remainder could be an extension of the residential 1A zone.

The people who put in the submission referred to an extension of Wyfield Street to form a cul-de-sac. I assume that we are referring here not only to the existing 1A zone but also to the servicing of allotments created in the new area of the R1A. So far as I have been able to go through the report, that is the only example of a new subdivision, albeit a very limted one, in the hills face zone, which would be allowed by the machinery with which we are dealing today. The dilemma in which the Opposition finds itself is whether it should seek to oppose the Bill altogether on the grounds that there could be some breach of the terms of reference of the report, or simply that we do not like this sort of thing happening, or do we rather leave it to the Joint Committee on Subordinate Legislation, knowing that it is possible to move in either House for the regulations to be disallowed when the regulations come down?

On balance, I do not think that there is enough here to justify the Opposition in actually opposing this Bill outright. In other respects there are advantages to be gained from passing the legislation. The Minister reminded us in his second reading speech that 167 hectares of land will be added to the hills face zone and that only 19 hectares will actually be excised. That is a fairly minor adjustment in terms of the total area of the hills face zone, which Judge Roder estimates to be around 33 000 hectares. So, it is small beer. The net effect is to increase the size of the hills face zone rather than reduce it.

So, I would prefer at this stage to leave it to the Joint Committee or indeed to the action of a member of either House in relation to the matter. I am fully aware that the Joint Committee on Subordinate Legislation will give very close attention, not only to this aspect of the suggested regulations when they are brought down, but indeed possibly to other aspects of the regulations which carry out portions of the report which I simply have not had a chance to examine at all, let alone in any detail. So much for the first point I want to make in relation to the actual report, whether we agree with it, and whether it should be incorporated in regulations in the way in which the Minister suggests.

The second matter is possibly only a drafting matter, but it impinges on whether the Minister will be doing what he is asking us to give him the power to do when he gets around to doing it. Whether the Minister wants to deal with this in his reply to the second reading debate, or whether he wants to deal with it when we get to clause 4 of the Bill, I ask the question: what on earth is meant in clause 4 of the Bill when the definition of 'recommendation' states:

> *(a)* a recommendation contained in the report.

Fair enough, but it goes on to say:

> *(b)* an object to which a recommendation contained in the report is directed.

I am sorry, but that is a form of verbiage that I do not understand. I will be asking the Minister at the appropriate time to assure us that there is no loophole for him in relation to that matter. I may be reading more into Judge Roder's report than I should or the way in which words are used. In dealing with submissions as he goes through the report, he says things like, for example, 'I recommend that the whole of the lands in question be excluded from the hills face zone and be incorporated in residential 1A zone.' That was in relation to the submission of 1973 to which I have addressed most of my remarks.

In other places, Judge Roder says things such as, 'Accordingly, I make no recomendation in support of the

submission made by —', and he then details the people who made the submission. Obviously, that is a thumbs down. If we turn to page 185 in relation to submission 109, put in by J. and J. Lee and L. Lee, he says, 'I make no recommendation in relation to this submission.' I suppose that means that he makes no recommendation in support of the submission, but it might not. It may be that in this matter the learned gentleman is returning an open finding. Is it possible, therefore, that that comes under the definition of an object to which a recommendation contained in the report is directed? I do not know. It may be simply a drafting matter, a matter of the verbiage within the Bill upon which the Minister can give me some assurance when we reach the appropriate stage, or indeed in his summation at the end of the second reading debate.

In conclusion, I can say that the Opposition is supporting the Bill. Its opposition is somewhat qualified, first, by the fact that in the context of the Bill members on this side have not really satisfied themselves in relation to all of the Roder recommendations, and therefore in relation to all of the foreshadowed regulations that the Minister might bring down. However, since they are regulations, Parliament is not giving up its control by passing this Bill. It has a further look at the regulations when they are brought down.

Secondly, although we are not at this stage convinced that the Minister is not seeking more power than he represents in his second reading explanation, he will have his opportunity to satisfy us in relation to clause 4 at the appropriate time.

The hills face zone is an important part of our heritage. It was commented on by Captain Matthew Flinders, the first European to skirt these shores. It has, I am afraid, suffered some considerable environmental degradation since that time, and it is important that we do nothing which would accelerate any further degradation. I support the Bill.

Mr EVANS (Fisher): I, too, support the Bill. I believe that the intention of having regulations that will allow Governments of the future to implement recommendations that are within the Roder Report, subject to a scrutiny of both Houses or either House of Parliament and the Joint Committee on Subordinate Legislation, is a sensible and sound proposition. I have argued many times that some injustices have existed in the present hills face zone boundaries, and that some property holders have been severely disadvantaged as compared with their neighbours. Under the previous operations, some people exploited the situation. For example, at Piggotts Range Road, on the top of Chandlers Hill, one property holder, to get around the regulations, created an allotment that his property conformed to the 300-yard boundary or road frontage, and created a 300-feet strip some few feet wide right along the road and down the boundary fence into a section of land at the rear of the property. He got away with an allotment by that means. That was never the intention of the legislation, but there was no way that he could be stopped, because he was abiding by the law.

That position exists, and yet a neighbour who owns a parcel of land of equal size wanted to cut his land in halves and more recently was denied the opportunity. Those people were Mr and Mrs Taylor, and their names appear in the report. Judge Roder and his committee have suggested that some action should be taken to help the family out of the difficulty. The husband has been injured and cannot work. He was eking out a living from a small private enterprise venture. Because of the neighbour's dogs, he could not keep sheep, and the area was not large enough to make a living from cattle. It was not safe to graze horses, because the neighbour's dogs would have chased them and the horses would have been impaled or injured themselves on the fence, or might have jumped the fence and put at risk the lives of motorists or their own lives or limbs. With such valuable assets, that risk could not be taken.

Here was a family with several young children, locked into a situation where virtually nothing could be done to recoup sufficient to start somewhere else, with neighbours all around them cutting up land to some degree. I am pleased that the report has recommended that action be taken in that area. The exact method of achieving that goal might not be the same as that suggested in the report, but at least some action can take place. There are other cases in the hills face zone of injustices occurring.

I often wonder about the hills face zone legislation, although I would never attempt to force this view through the Parliament or even on my own Party. As I have driven or walked through the Hills over the years, walking nine miles to get home when I was at school, and so on, I have often smiled at some of the comments made about preserving the hills face zone. We tend to suggest that everything man creates is ugly, while everything nature creates is beautiful, except when we look at another human being, someone in our own image walking in the community, and draw comparisons about what nature has done. We say that everything created by nature is beautiful and everything created by man is ugly, except that if man created it 100 years ago, then it, too, is beautiful. It does not matter whether we are thinking of the old mining stack above the quarries at Glen Osmond, or a house or an old shed. It becomes imperative that we preserve it because it is beautiful. It may be of rough stone, of hewn timber, or of wood and iron construction. It may have old, rusty galvanised iron on the roof but, as long as it was created about 100 years ago, it is considered to be beautiful.

Mr Trainer: The rubbish dumps don't go back that far.

Mr EVANS: The honourable member may find that, if he goes into a rubbish dump, he may not get out. That is the kind of comment one would expect from a person like him. I worked in 22 quarries, none of which was in the hills face zone. Perhaps not the member for Ascot Park, but other people in the community live in homes that have been built with stone hewn by my hands, which they openly tell their friends and neighbours is beautiful, but then they walk out the back door and look at the hole that has been made, such as the pug hole from which the bricks came or a hole from which the stone came, and say it is ugly. The hole was created by their demand.

These people then decide that they want to fill in the hole with community waste, and they put pressure on someone to ensure that the hole is made available to the community. These people find it convenient to make use of the hole. The member for Ascot Park may fall into that category. He may not be prepared to dispose of the waste in his backyard or to find a method to do so: he would rather rely on another person to do it for him. If that other person owned the hole, whether it is a pug hole at Brompton or at Wingfield, the person wanting to dispose of the waste would expect the hole owner to take the waste. If the hole owner refused to take the waste, the honourable member is the type of disposer of waste who would legislate to compulsorily acquire the hole.

I find the attitude to the hills face zone very strange. I believe it is important to preserve shrubs and trees: these should never be touched. I also believe that in about 30 or 40 years our grandchildren will be saying that large areas of the hills face zone could be quite easily created into large allotments for homes, with a compulsion that trees

and shrubs be planted. Some parts of the hills face zone, particularly in the summer and autumn months, are barren, brown areas that could be made more beautiful than they are today.

If we continue to have trouble with the quality of Murray River water, we must come to the realisation that much of the good soil for growing vegetables and crops, particularly intensive agriculture, in the metropolitan area of Adelaide has been covered. Some of the best soil for producing crops now has stone, bricks and mortar sitting on top of it. The opportunity to provide food at a reasonable cost to the metropolitan area from this source has been lost. We will experience shortages of building sand in the future. Many houses have been built on some of the best building sand in the State. We have also built a lot of houses on clay deposits that may become vital, because of the shortage or expense of petro-chemical components, including plastics. A lot of these materials will become vital to the development of the city.

I am not trying to force my views on the Parliament or members of the Party, but I believe that that is the situation we will come to some time in the future. Perhaps at that time Parties of a different philosophy from those now in the House may make the decisions and change the plans or zones. I can give an example of the utter stupidity that is seen in regard to the hills face zone. A person who lives on the northern side of Acklands Hill Road, above Coromandel Valley, in the hills face zone, applied for permission to build a swimming pool in front of his property. He was told he could build the swimming pool as long as the wall was no more than half a metre above ground level and he planted lawn instead of using flagstones around the edge of the pool. I took up the matter and I said to the officer concerned, 'You have seen the area. Who is able to see the apron of the swimming pool? Only Ansett, Qantas, or T.A.A. passengers will see it, because it is the highest point in the area and it is physically impossible to look down on it.' The officer agreed with that submission and also agreed that flagstones could be used.

I am concerned about these extremes. People may be given permission to paint the front of a building say, green; the rest of the building may be left in its original colour. However, someone may come along and ask the person to paint the rest of the building green. We must try to avoid that type of situation. I believe this Bill gives the Government an opporutunity to take action, if the Parliament agrees. It will receive fair scrutiny because, before it is passed, the community through its local member will have an opportunity to object. If there is any doubt about the Bill in a member's mind, he may gain support from sections of the community. In the long term, continuing changes will be made to the hills face zone regulations, and I hope I will be around for about 30 or 40 years to see some of the concern I have expressed come to fruition in regard to the shortage of sand and metal. The member for Baudin suggested I just might make it: 85 or 90 is not a bad age to attain. That is not as old as the hills face zone.

The Hon. D. C. WOTTON (Minister of Planning): The honourable member opposite referred to the speed with which this Bill will go through the House. The Government was faced with either trying to pass this legislation now or waiting for some months to do so. I am very much aware that a number of people have been waiting for some time to begin certain projects. Procedures in relation to the preparation of the report were lengthy. We believed it was necessary that this Bill be brought down as quickly as possible. I appreciate that the honourable member opposite has seen fit to support the Bill.

I want to make quite clear that this Bill will not go beyond the the terms of reference of the inquiry. Neither the Bill nor the regulations (and the honourable member and all other members in this House will have an opportunity to look at the regulations when they are presented) will exceed the terms of reference and the recommendations. The honourable member has no real cause to suspect that I am seeking greater power than I have indicated either in the second reading explanation or than will be indicated through the regulations. I do not want to refer to the details of the terms of reference, because they were spelt out quite clearly in the second reading explanation. While Judge Roder was preparing this report, one of the difficulties was that he received a number of submissions that he considered to be well outside the terms of reference. It took a considerable amount of time to note those submissions and to make decisions in that regard. I have often informed the House that Judge Roder was taking a considerable amount of time in determining which of the submissions lay within the terms of reference.

The honourable member opposite referred to the changes that would be brought about by the regulations and wondered whether the regulations would have any detrimental effect on the hills face zone, etc. I make the point again that the member opposite and other members of the House will have the opportunity to scrutinise the regulations when they come in. I make quite clear that it is not intended that the inquiry will be a forum for debate about planning strategies for the zone. I would hope that by this stage the Government has made its feeling clear in regard to sensitivity about and the need to protect the hills face zone. I believe that the recommendations reflect this specific focus, and I do not believe they affect the purpose of the zone in any way. In fact, if anything, I think they show support on the part of the Government by virtue of the fact that the Government has accepted the recommendations generally.

It was recognised when the regulations were drafted in 1971 that boundary anomalies had arisen from the discrepancy between the zone, as shown in the Metropolitan Development Planning Report and that surveyed for the purpose of definition in 1971, and it was envisaged then that those boundary anomalies be removed. It is perhaps regrettable that they were not removed before.

The land made subject to recommendation represents only a small proportion of the zone, as demonstrated by the fact (and the member opposite referred to this) that only 167 hectares is to be added and that just under 19 hectares is to be excluded from the zone. The honourable member would recognise that the zone is about 33 000 hectares in area. The land that is to be included is of similar visual character to land already in the zone, and that to be excluded will be no more visually obstructive from the Adelaide Plains than existing development in the area. Members would appreciate that that in fact was one of the terms of reference referred to.

I want to make quite clear that the Government (and I include myself as Minister) is certainly not looking to beat the system as a result of this legislation being introduced. I make the point again that I made in the second reading explanation: we were advised and we felt that this was the best way of proceeding, following the bringing down of that substantial report by Judge Roder. The member opposite referred to new section 45c (1) which in part provides:

45c. (1) In this section—
'recommendation' means—
(a) a recommendation contained in the report; or
(b) an object to which a recommendation contained in the report is directed:

I think the honourable member would appreciate that had the meaning of 'recommendation' been defined only by the provision in paragraph *(a)* the Government would be bound to implement the recommendations in the manner of the report.

Mr Crafter: That's what you promised to do.

The Hon. D. C. WOTTON: Yes. The Government has been advised by legal advisers that in some instances it is impossible and undesirable to do that. In other words, without a recommendation there is no object, so where there is no recommendation the definition provided in paragraph *(b)* does not apply. I believe that that explanation should be clear enough for the honourable member opposite. The point he raised has been referred to. In fact, in his contribution the member for Fisher gave an example which demonstrated the flexibility that can be applied to the zone.

I do not think there is anything else I need to say. There are examples that I could use that perhaps have been referred to by the member opposite, but I do not think I need to take up the time of the House in that regard. Bringing in legislation in this way is the most appropriate way of handling the matter, and it will provide the opportunity for members opposite, and indeed for members of both Houses, to scrutinise the regulations as they come in.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Implementation of the report of the Inquiry into the Boundary of the Hills Face Zone.'

The Hon. D. J. HOPGOOD: I hope that the Opposition is not seen as merely quibbling over this matter, but it is important. I am not entirely satisfied with the explanation given by the Minister in his second reading summation.

Is the situation that the Minister or the Government has received a report from its legal officers to the effect that there are some aspects of Judge Roder's recommendations which cannot actually be implemented in the regulations in the way they have been recommended, and that therefore the Minister needs to have some flexibility in relation to this matter? Thus, what he must do is confine himself to a recommendation contained in the report or to what the report really intended, even though it is not possible to literally translate the verbiage of the report into a regulation. Can we have some absolute guarantee from the Minister that that is the case? What really worried me was not so much his explanation, but when he wandered off to refer to the member for Fisher. In view of some of the philosophies that were sort of hinted at by the member for Fisher, I would not be at all satisfied to see such philosophies incorporated in any scheme of regulations. To the extent that one can make any sort of sense of those philosophies, they run counter to the general thrust of Judge Roder's recommendations, which are that everything is fine except that there are a few minor anomalies. If that in fact is what the Minister is saying (namely, that largely the recommendations are all right, that they will literally be translated into the regulations, but that there are one or two things that are a bit dicey—although we know what Judge Roder meant, and the regulations will very closely follow what he meant, they cannot follow the actual literal words on the particular page of the report), I guess we are reasonably satisfied.

The Hon. D. C. WOTTON: That is exactly what I am saying; there is a need for that flexibility. I am sorry, but I thought I had made that quite clear. Whether my words or phrases were not running together, I am not too sure, but I do not think that when I was referring to the member for Fisher I was referring to this subject. I can give an assurance to the honourable member opposite that that is the case.

Mr CRAFTER: Having heard the Minister's explanation, I am still confused. This is an important matter and no doubt it is one that is likely to give rise to some litigation. This is a controversial issue, and undoubtedly that is why Judge Roder was appointed to prepare a report on this matter. We are now at the hard end of that decision-making process and the Minister, as I understand it, in calling for some degree of flexibility for him to take the action on recommendations, that he requires, and his aside about the comments of the member for Fisher, concerns me greatly, because what the member for Fisher was arguing cogently was a case for the justification of rubbish dumps in the hills face zone and I think that we need to know precisely what will happen with the implementation of the recommendation. New section 45c (1) *(b)* refers to the object to which a recommendation contained in the report is directed. That is quite unusual wording. I do not know of any precedent for it, and it seems to me to be quite vague.

As the member for Baudin has said, there are a number of recommendations of Judge Roder that in fact say, 'I make no recommendation'. What are the objects of that recommendation? They do not say that he is in favour of it or against it; he just makes no recommendation. What are the discretions that the Minister will take with respect to that sort of recommendation and, in fact, going beyond the recommendations, who will determine what is the object of a recommendation? Is the Minister bound to the written word of the report or will he take other evidence on that, or is it something that is thought appropriate in the circumstances? I know that we do have a regulation-making power, and that regulations will come before the Parliament, but it is much better if this matter is attended to at this time so that there will be no doubt and, hopefully, no costly litigation and further delay to the people to whom the Minister referred earlier.

The Hon. D. C. WOTTON: I regret that I made any reference to what the member for Fisher had been saying, because obviously that has confused the whole issue. The fact—

Mr Millhouse: Are you saying you do not agree with the member for Fisher?

The Hon. D. C. WOTTON: The fact is—

Mr Millhouse: Are you saying that?

The Hon. D. C. WOTTON: The fact is—

Mr Millhouse: Go on, give us an answer! Do you agree with the member for Fisher?

The ACTING CHAIRMAN (Mr Russack): Order!

Mr. Millhouse: I think we all—

The Hon. D. C. WOTTON: I am not going to be confused still further just because the member for Mitcham might not know where we are. I do not want to be confused any further by his interjections. I just want to say that there are some recommendations that just cannot be implemented, and there is that need for some flexibility. If the member for Norwood had read the report in detail he would know that that is very much the case. In itself clause 4 is quite self-evident; it is not at all vague. However, there is that need for some flexibility.

The Hon. D. J. HOPGOOD: I guess we have to accept the Minister's explanation on that point. I am not in any

way accusing him of any breach of faith, or anything like that. I just want to ensure that what the Committee will be recommending to the House is in line with the desires of all members of the Committee. I am sure there is consensus here in relation to our general aims. We are not too sure about the member for Fisher, but in relation to everyone else there is consensus. We are a little concerned about the machinery because of the unusual wording of it, but in any event I wonder whether I can, within the province of the clause, move on to the second part of the clause which is really the guts of the whole legislation. This is where the Minister in fact is given the power to do what he wants to do in relation to the recommendations as defined in this, as my colleague and I have suggested, rather unusual definition.

In view of what has been said until now, can we simply have on record an assurance from the Minister that the regulations that will be brought down (and the Minister must have some fair idea of what those recommendations are going to be; they may be in draft form, or I assume this Bill would not be before us) will in no way alter the character of land use in the hills face zone.

The ACTING CHAIRMAN: The honourable member for Fisher.

Mr MILLHOUSE: I was on my feet first.

The ACTING CHAIRMAN: I ask the honourable member for Fisher to resume his seat. I ask the honourable member for Mitcham to resume his seat.

Mr MILLHOUSE: I thought you were giving me the call.

The ACTING CHAIRMAN: I am just explaining the situation. I was looking at the Bill. When my eyes came up the member for Fisher caught my eye first. I called the member for Fisher. The member for Mitcham will be called in due course.

Mr EVANS: I just want to clarify the situation in case members were not listening earlier. An honourable member referred to rubbish dumps and I said that I had worked in 22 different quarries, none of which was in the hills face zone.

Mr Crafter: You should have said that.

Mr EVANS: I said that at the time. If the member for Norwood or any other member had been listening he would have heard me say that none of them was in the hills face zone.

Mr Crafter: This is a Bill about the hills face zone.

Mr EVANS: Thank you. I was making a point because a member on the other side thought he would bring up a bit of dirt to stir, and it appears others wanted to make use of that opportunity. I say again that I have never argued that there should be rubbish dumps or quarries in the hills face zone. I did argue some eight years ago that, if someone wanted to start to look for an alternative for hard rock quarries (in which I have never worked), he would find it to be a very expensive exercise. I wanted to clarify the situation. I have never advocated the sort of thing that the member for Mitcham or the member for Norwood have tried to insinuate that I said in this debate or during previous debates.

Mr MILLHOUSE: Thank you for giving me the call this time. I am amused to hear the member for Fisher say what he did because I have not spoken yet, except by way of interjection, so I have not made any insinuation, to use his word. All I did was interject, and the Minister studiously avoided answering me. That always makes me suspicious because it means that he does not have an answer. I will put the question to him straight out. Does the Minister agree with the views expressed by the member for Fisher or not?

The Hon. D. C. WOTTON: I ask the member for Mitcham to say exactly what the views of the member for Fisher are.

Mr MILLHOUSE: The Minister is prevaricating. Let me put it even more strongly because he was challenged not only by me but by a member on this side. Those few of us who were in the Chamber at the time, heard the speech of the member for Fisher this afternoon. The Minister was here and he heard what the member for Fisher said. I want to know from the Minister whether he agrees with what the member for Fisher said in his speech. The Minister knows perfectly well what I am talking about because he made some comment about the member for Fisher and said that he wished he had never referred to the member for Fisher's speech, so he knows what it is that I am asking. I am asking whether he agrees or not with what the member for Fisher said about the hills face zone.

The Hon. D. C. WOTTON: I make it quite clear that I will not answer any question unless the member opposite likes to define what he believes the member for Fisher said. Then I will consider whether I will answer the question or not.

The ACTING CHAIRMAN (Mr Russack): I warn the honourable member—

Mr Millhouse: What have I done now?

The ACTING CHAIRMAN: I have not finished. I possibly should not have used the word 'warn' but I point out to the member for Mitcham that if he speaks this time it is the third and final time.

Mr MILLHOUSE: I was aware of that, but I appreciate your help, Sir. All I say is that I come now to the firm conclusion that the Minister does agree with the member for Fisher, but he has not the guts to say so.

The ACTING CHAIRMAN: Order!

The Hon. D. C. WOTTON: I rise on a point of order. The member opposite asked a question. He is not quite sure what the question is. I am asking him to make it quite clear for what he requests an answer.

The ACTING CHAIRMAN: I cannot uphold the point of order, but I point out to the member for Mitcham that the Minister is not obliged to answer.

Mr MILLHOUSE: I realise that he is not obliged to answer. I am saying that he takes refuge in that and, because he will not answer it, I come to the firm conclusion that he does agree with the member for Fisher, but he simply has not the guts to get up and say so in this House. His avoiding of my question is equally eloquent as an answer in the affirmative.

The Hon. D. C. WOTTON: I make it quite clear yet again, and give an assurance to the House and to the member who has asked the question, that the matters we are discussing now will not alter the character of the land use in the zone. Again, I suggest that every member in this House will have the opportunity to look at the regulations when they come in. Surely, that is one of the main reasons why we are doing it this way, to enable members to be aware of exactly what we propose to do through the regulations.

Mr CRAFTER: I want to take up the matter of the member for Fisher's comments. I see them as most important indeed. He made what I can only refer to as some sort of personal explanation at the Committee stage, and then qualified his earlier remarks. However, the Minister has not qualified his earlier agreement. In fact, he said, to the best of my knowledge, that the comments made by the member for Fisher were leading to the sort of flexibility that he required as Minister in order to implement this piece of legislation. We on this side of the House have indicated our concern about the interpretation or the degree of flexibility that the Minister will have.

Does he wish to qualify his concurrence with the comments made by the member for Fisher, and in what respect?

The Hon. D. C. WOTTON: In my reference to what the member for Fisher said (and I will be guided by looking at the *Hansard* pulls tomorrow), I understand that I was not referring to what the member for Fisher said regarding the matter we are now debating.

Clause passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

HANDICAPPED PERSONS EQUAL OPPORTUNITY BILL

Adjourned debate on second reading.

(Continued from 9 June. Page 4035.)

Mr McRAE (Playford): The Opposition supports this important measure. It is interesting to note that the style of drafting these days is gradually working its way towards, I suppose, a purposive style to enable interpretation by the courts in a more modern fashion. My colleague the member for Norwood will deal with that at more length later. The preamble to the Bill is as follows:

> An Act to prevent certain kinds of discrimination based on physical impairment; to provide for the resolution of problems faced by persons with physical impairments and to facilitate their participation in the economic and social life of the community; to promote goodwill, understanding and equality of opportunity between persons with physical impairments and other members of the community; and to deal with other related matters.

I assume that this terminology is taken from the report of the committee chaired by Mr Justice Bright, as he then was, now Sir Charles Bright, and titled 'The Law and Persons with Handicaps, vol. 1, Physical Handicaps'. On page 11 he made the following observations in these terms:

> Basic distinctions can be made between the terms impairment, disability and handicap. Impairment is an anatomical functional abnormality or loss which may or may not result in a disability. A disability is a loss or reduction of functional ability which results from an impairment. Handicap is the disadvantage caused by disability. Thus, impairment is a medical condition, disability is a functional consequence, and handicap the social consequence.

He continued:

> In other words, a spinal condition of a paraplegic is his impairment. His inability to walk is his disability. His problems in achieving access to buildings, in finding employment, in having sufficient financial resources, are all handicaps.

I can say that I know a number of people in my own profession, one of them a member of the Parliamentary Counsel's staff in this House, who suffer from physical handicap of one form or another but who, in spite of the system, have succeeded admirably well.

I can recall Mr Paul Anderson, one of the members of the Bright committee and a consultant, with whom I went to Law School. One of his disabilities was that, being in a wheelchair and there being no ramp facilities at the Adelaide University Law School, he needed four physically strong law students on the end of poles connected to his chair to carry him up what must have been 30 or 40 feet of the main staircase in the administration building, and then carry him down again. That sort of unnecessary activity has gradually been eliminated before this legislation came into effect.

I can give other examples. Mr Malcolm Penn is also a member of my profession. He is a blind person who has succeeded admirably well in spite of the handicaps he has had to overcome. I recall that only recently he succeeded in raising a large sum of money for charity when he walked from Mount Gambier to Adelaide in his annual leave.

I could refer to a number of other persons. It seems that a fitting starting point of the examination of this measure by the Opposition is the Bright Report. I propose to look briefly at what could be called the keynote part of the whole report under the heading of 'Introduction—A Master of Justice'. Certain paragraphs there highlight the situation. On page 2, paragraph 6 states:

> Indeed, this report reflects the growing dissatisfaction being expressed by persons with physical handicaps that they are not being given the opportunity to determine their own destinies. The fact that a person has serious disabilities does not mean that his aims and desires are different from those of the rest of the community. It may mean special provisions for his particular needs, but it does not necessarily mean that he should be isolated from the community generally. It is this wish to participate fully in the community which emerges throughout submissions to the committee.

Paragraph 7 states:

> Yet barriers exist which restrict oportunities for this integration, and it is this denial of opportunity that can be seen as discrimination. A person who fights to overcome his physical problems finds architectural, financial and Government policy hurdles in his way.

Paragraph 8 states:

> In particular, he faces a community which generally fails to understand the nature of his disability. In fact everyone is in some way disabled. For instance, 1.1 million Australians have limited mobility, and it is a difficult task even to categorise certain persons as disabled, and others as not.

Finally, paragraph 9 states:

> Yet the community makes this distinction. A person with severe physical impairments is generously given charity if he stays out of sight in an institution, but not always justice if he attempts to leave it.

I recall a striking instance of that in the case of a good friend of mine, a lady, who had a niece who was a *spina bifida* child. My friend decided to take the child on an aeroplane trip to Ireland. The airline facilities were excellent and the journey somewhat adventurous. They headed first for Bombay, where my friend had a relative in a convent. They were well received, and the young lady with the handicap had a good time. However, when they arrived in Ireland the young lady found herself embarrassed by the attitude of many of the Irish people, which is just the point I have made. So many of the people who made up distant relatives took the view that everyone would have been better off if this young person, instead of being given credit for her adventurous spirit, had stayed locked away in an institution so that charity could have been handed out and everyone would have felt much better, although nothing would have been gained. I am sure that such attitudes are based on ignorance, and ignorance accumulated over generations, rather than on active ill will or malice.

The second reading explanation fairly summarises the nature of the measure, commenting upon the method by which the Bill is implemented, the report of the committee in establishing a commissioner and a tribunal responsible for the administration of the Act, with the commissioner being given broad powers by which it is hoped that the situation which persons with physical handicaps face may become known and be dealt with in such a way that those persons will be able to participate more fully in the economic and social life of the community.

Next, the Bill makes discrimination against a person unlawful when, because of his physical impairment, he is treated less favourably in certain circumstances than are

other persons who do not have that impairment. Thirdly, the Bill refers specifically to discrimination in the areas of employment, education, and the provision of goods, services, and accommodation.

The Bill makes certain exceptions to the principles embodied in it, and in particular remuneration, charitable organisations set up for persons with a particular class of handicap, and special arrangements made for assisting persons with handicaps. We are told that the matter of insurance and superannuation has generally raised special problems for persons with handicaps, and that provision has been made. We are told that the enforcement of the Act is to be by the application of non-discrimination orders and the provision of personal remedies, particularly compensation for loss. There will be an appeal from the decision of the tribunal to the Supreme Court.

There were some excellent passages in the Bright Report to which I briefly draw attention. The Bright Committee had a quick glance at the history of community attitudes and noted that the ancient Greeks, for example, disposed of their crippled children. It noted that that well-known if somewhat austere Christian, St Augustine (presumably St Augustine of Hippo), saw disability as a just restribution of an omnipotent God; it noted that the early Christians took a paternalistic view that ministering to the handicapped led to the acquisition of moral virtue, but the committee goes on to note that, while some of these attitudes continue to prevail, attitudes towards the physically handicapped may be best described as discrimination through ignorance. It is less a problem of overt and intentional exclusion or specific physical or organisational barriers, and more a reflection of apathy to and ignorance of the needs and capacities of the disabled on the part of society. The report continues:

> It is true to say however that there has in the 20th century been a growing humanitarian approach—a flurry of rehabilitation and welfare initiatives, well-intentioned, often paternal, often unco-ordinated, but gradually leading to the important recognition of the universality of disability. In other words, the understanding that everyone is disabled in some way, and that to categorise a person on the basis of his particular impairment inhibits his opportunity to overcome any consequent disability. Recognition of this point logically leads to the view that even persons with severe disabilities should be encouraged to achieve maximum integration into society. It follows that social justice will be achieved for persons when society enables them to help themselves—then they will have achieved a situation of equal opportunity.

Reference is then made to the matters mentioned in the Bill, those key matters of employment, education, and the supply of goods and services, as well as to many other matters. Following the issue in 1978 of the Bright Committee Report, or perhaps more accurately between the time of the commencement of the study and the delivering of the report in 1978, and in the time intervening up to the introduction of this measure, many States of Australia and many countries of the world have, in one way or another, initiated measures of this kind which attempted to provide equality of opportunity for persons with disabilities. Different methods and styles have been adopted in the United Kingdom, Canada, the United States, and in some of the Australian States.

In the debate in the Legislative Council, some excellent analyses of the thrust of the measure before the House were made, and I thought I could very well, in the bi-partisan spirit with which we approach this matter, adopt for my own portion of the remarks made by the Hon. Anne Levy and portion of the remarks made by the Hon. Legh Davis. Shortly after commencing her speech, the Hon. Anne Levy stated:

> In developing policies for any disadvantaged group of people, it is essential to establish basic principles that will withstand the test of time and fashion and provide a yardstick for evaluation. Equal rights and integration into the community are the principles that should govern the development of programmes for the disabled people, or so I would maintain. The United Nations Declaration on the Rights of Disabled Persons reads, in part:
>
> > Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.
>
> It should not be necessary in a civilized society to spell out such basic rights. However, the facts show that in Australia disabled people are treated as second-class citizens. For the majority of them, life is not as normal and full as possible, because of the way in which our communities are organised in both a physical and emotional sense. Difficulties in achieving access to and within the built environment effectively prevent disabled people from joining in ordinary forms of work and play. As a result, very few disabled people are seen. Because they are not seen, there is no continuing reminder of their existence, let alone their difficulties, and, as a result, nothing changes. It is a real Catch 22 situation. The minority who do manage to join in risk encountering hostile and denigrating attitudes.
>
> For the most part, however, the community is not so much hostile as it is ignorant and unaware. To the extent that disabled people are thought about at all, they are seen as different and not expected, or expecting, to join in the ordinary life of the community. They are expected to be dependent, and arrangements are made for them to be cared for in situations which encourage and reinforce this dependency. It is a vicious circle from which only the exceptionally strong manage to escape.

That is perfectly true. I vividly recall, as a member of the Select Committee on the Mental Health Act, inspecting a number of mental hospitals in this State. I was alarmed to find that such a large number of people who had mental handicaps had become so institutionalised that, although the institutions had by that stage found cures for the diseases (in relation to a large number of diseases that provided the disabilities and then the mental handicaps), they remained in the institutions.

In particular, I recall speaking to the Director of one of the establishments; he told me that, when he first went to that institution, there were 1 600 patients, and in about 10 years (certainly no more) the number of patients halved. He pointed out that of those who remained, no less than 200 remained not because they needed to but as a matter of humanity. It simply would not have been decent to force them out into the community. These people had been in the institution for so long that they regarded it as their home, and the thought of the outside world terrified them. That memory has remained with me quite vividly, and is a good example in the field of mental handicaps of what the Hon. Anne Levy referred to as 'physical handicaps'. The Hon. Legh Davis also made an interesting contribution, part of which was as follows:

> I was interested in the comments of Mr Philip Adams, who is the consultant to the International Year of Disabled Persons. He made a perceptive observation when he said that our social attitude in this area has not kept pace with our technology. Disabled people do not want pity, but dignity. They want access to public buildings, cinemas, education and jobs, but most of the time they do not even have access to our minds. I would suggest that this legislation in some way seeks to open the minds of the community through enshrining the rights of the handicapped and through two Commissioners

for Equal Opportunity drawing to the public's attention those rights.

Mr Adams further observed that we often flinched away from a disabled person simply because we fear mortality, and any deformity is an intimation of death. He quoted a New South Wales State Minister as follows:

> We have just built this marvellous railway system in Sydney. It cost us millions and everyone forgot the question of access—the Government, the planners, the architects, and everyone. On opening day we found that no-one in a wheelchair could get on to a single station. It makes one so ashamed to realise how the disabled have been forgotten.

Those remarks are very strong and true, particularly when one recalls that the railway referred to is no doubt the extraordinary Martin Place to Bondi railway, which I believe cost in excess of $300 000 000 and is a technical marvel. When one considers everything else that was taken into account and the doggedness with which New South Wales Governments pursued that task, one would think everything had been taken into account. It is a damning indictment on every Australian, not only on the people of New South Wales, that the handicaped did not enter the minds of all the experts involved in that project. I believe that Mr Adams was quite right when he said that unless we are careful we tend to shy away from disabled people, because there is an intimination of mortality. Perhaps Mr Philip Adams puts that a bit too strongly, but he is getting pretty close to the mark. Certainly, that was a prevailing attitude in the past.

Thankfully, that is gradually disappearing. I have been very pleased to notice in our own community, before the introduction of this measure, that the present Government, for instance, provided access to both Chambers for disabled people. The Cricket Association has provided an appropriate area for disabled people to watch cricket and football at Adelaide Oval. I am not sure about Football Park, but if I recall the ramps correctly, they would provide entry for such persons. I have noticed that a number of cinemas and other public halls have made appropriate arrangements for disabled people over the past few years. That is very good.

The Bright Report was concerned not only with legislative measures or with what might be done by the State Government, and I shall not refer to those recommendations of the Bright Report that involved the jurisdiction of the Federal Government or the wider aspects in any detail, because I understand that the member for Norwood will do that. I will refer briefly to the summary of conclusions before turning to the structure of the Bill. At page 262 of the report, the summaries are set forth and, with the exceptions I have mentioned, are as follows:

> 1. Persons with physical handicaps face discrimination in the sense of being denied equal opportunities to participate fully in the community. Law and policy should assist this integration as a matter of justice. We interpret the United Nations Declaration as to Rights of Disabled Persons to seek this also. It is arguable that this assistance can also be justified in economic terms.

That is a very telling point. It is remarkable how views have changed in the past five years in relation to institutions. Certainly, I can recall in that Select Committee on mental health the growing belief of people in the field of mental health that the sooner large institutions were done away with or alternatively broken up into little domestic units, the better. I think there was quite an innovative programme going on in Glenside at that point and the very large ground area could be broken up into such units. While, of course, that sort of operation will still be fairly costly, we have noticed increasingly in the field of social welfare, community welfare, that young people in disadvantaged circumstances, instead of being placed in institutions, are increasingly being placed in ordinary homes. I forget the name that is used.

Mr Becker: Independent living quarters.

Mr McRAE: Exactly. That is a very good thing and I believe it has been very successful. The State Government's policy for homeless youths emphasises the view that, if churches and service organisations can provide couples with people who have experience in these matters and who can provide a home rather than a house for these young people, so much the better. I am pleased to say that in my own electorate at the moment the Salvation Army has enthusiastically responded to the demand and to the needs that exist and also to the opportunities being given by the Government in establishing just such a venture.

All around we are seeing that large institutional situations are being replaced by smaller homes or home-like situations. One of the spin-offs of that is a lower cost ratio; of that there can be no doubt. Summary 2 of the report states:

> The fundamental law reform necessary to bring South Australian legislation into line with the United Nations declaration is a central Act which protects persons with physical handicaps against discrimination in a number of areas.

The central Act is the measure before us today. The third summary is as follows:

> That the Act should empower the Commissioner of Equal Opportunity to investigate complaints of discrimination on the basis of physical impairment, and establish a board to act upon matters referred to it by the commissioner in similar fashion to the procedure under the Sex Discrimination Act.

In fact, the only amendment proposed by the Opposition is related to that summary. Of course, I will not canvass that at the moment. The fourth summary states:

> There is evidence to suggest that as well as assisting the individual person in achieving independence direct cash benefits can cost less than funding institutions.

The fifth summary states:

> Terminology used in describing handicapped persons is significant in charting a coherent course for law and policy. The distinction between 'impairment', 'disability', and 'handicap' must be understood, and legislation should reflect this understanding. It does not at present.

This legislation certainly does reflect that, and I guess it will be the policy of our Parliamentary Counsel over the years, as other legislation which does not reflect this clear terminology comes up for review, to so amend it and bring it into line. I shall not be giving examples, but the Bright Report does give a number of instances where there is a whole barrage of conflicting and sometimes quite misleading terms that are very difficult to understand. The next summary states:

> That wherever possible handicapped children should be taught in a normal school environment. Co-ordination of existing health and education services available can assist in this aim. Commonwealth funding policy should assist rather than hinder this aim.

The next summary states:

> The employment of a person with a disability should be based on an individual assessment of a person's capacity to do the work involved and legislation regulating employment or work conditions should reflect this. The Workmen's Compensation Act should not discourage employers from employing handicapped persons. The potential of slow workers' permits issued under the Industrial Conciliation and Arbitration Act in assisting handicapped persons to obtain work has not yet been realised, and more publicity should be

given to this scheme. A quota system requiring employment of a certain percentage of workers with disabilities has too many disadvantages to implement.

I congratulate the large number of companies in Adelaide which, while not adopting a quota system, have employed persons with a handicap, and not as a matter of charity, but because they have found that persons with a handicap have every incentive to perform their work well. I believe that Sir Charles Bright was perfectly correct in saying that the opportunity that exists under the Industrial Conciliation and Arbitration Act for the issue of slow workers' permits has not yet been realised. (It was not realised in 1978 and has not yet been realised). It is the sort of area, under the supervision of the Industrial Registrar, in which there are adequate safeguards, the sort of area that the trade union movement will fully support.

I want to make one final comment in this area, and there will be no duplication of my remarks; what I deal with now I will simply eliminate when I speak in relation to the structure of the Bill. One thing that does concern me in a time of high unemployment and economic difficulty is that there is a multiplier effect which bears down harshly on handicapped persons. If I may explain it this way: there is clearly internationally and in Australia a relationship between handicap and poverty, as one would expect. Of course, many people are in poor financial circumstances basically because their education has been poor, or for reasons totally unconnected with handicap, and the sort of work for which they can apply is very limited. It will almost invariably fall into the area of process work or manual work. This is the very sort of area in which handicapped persons are also applying. So, it is a great worry, as the tendency is for unemployment to increase, to find there is this added pressure on the handicapped person in securing employment, because I feel quite confident that employment has a positively reinforcing value to any handicapped person. Returning to the summary of the recommendations of the report, it is further stated:

> Handicapped persons should have a choice of housing to suit their needs. Most prefer to live at home and consideration should be given to the needs of handicapped persons in the construction of new private residences. Studies show that the cost of necessary modifications at the design stage is only marginally greater. The Housing Trust could set an example in this regard. An allowance of $2 000 to $3 000 for modifications to existing houses would be of considerable assistance to wheelchair users, and help to avoid the greater cost of institutions. Domiciliary services should be increased, not reduced, and a 24-hour relief service should be provided so that those persons caring for a handicapped person at home can take a vacation.

The progress in this area has been patchy. Certainly I congratulate the Housing Trust in the various initiatives taken in this area. In my own electorate, I am fully aware of the excellent way in which the Housing Trust has co-operated with the Department for Community Welfare and others in providing these facilities where it can. Regrettably, the domiciliary care services, certainly in my electorate, have tended to diminish yet again, rather than increase.

I think it would be reasonable to pay tribute to the parents of handicapped persons, particularly when in the same family there can be two, three or even more children handicapped because of some disease which is hereditary. Again, in my district, I can think of one such family and I have nothing but the greatest admiration for the parents of those children for the way in which they have stood by them, in assisting them in every way to lead a full social and recreational life to the greatest of their potential. I am sure that those fine people should be assisted.

Finally, Sir Charles Bright said:

> We trust that both the State and Federal Governments will act upon the issues raised in this report. Many of our conclusions are not unique, and there is no shortage of research documents or studies supporting them. Perhaps, our major contribution has been to co-ordinate separate calls for action in a comprehensive fashion and to assess them from an objective legal point of view, free from the vested interests of specialist researchers. 1981 has been declared the 'Year of the Disabled' by the United Nations. We hope that, by 1981, Australia will be a country in which persons with physical disabilities can enjoy a full and decent life.

I am sure every honourable member will share those sentiments and I, for one, would hope that this Bill will assist in achieving those aims.

In broad terms, it may be said that the Bill follows the recommendations of the Bright report. Clause 4 provides for a Commissioner who is the person who holds the office for the time being of Commissioner for Equal Opportunity under the Sex Discrimination Act 1975. I think that is appropriate because such a person has had experience in dealing with situations of this kind.

The Opposition notes the structure of the commission and the tribunal and in particular is more than pleased to find that the key functions of the Commissioner include not just a search-and-punish type of approach but rather, upon request by a handicapped person, information being provided. That is vital because, as Sir Charles Bright noted in his report, there is such a multiplicity of benefits and at the same time such a variety of conditions under State and Federal legislation so that, to say the least of it, it is confusing for even a member of Parliament, who is provided with what seems to be a never-ending maelstrom of information from all the departments, to keep track of what the benefits are from day to day. It seems that twice a week now we are receiving more leaflets which incorporate changes all the time. This key function is to provide accurate up-to-date information to assist and support such a person in relation to things that need to be done.

Further (and I think this is of great importance), the Commissioner, having been given the statutory status, is chartered to assist such an applicant to gain access to the benefits, assistance or support. Not for a moment would I say a derogatory word of the Commonwealth Department of Social Security or our own Department for Community Welfare but it may very well be that in borderline cases it would be very much to the advantage of a handicapped person or his or her local member to have access to the Commissioner for just this purpose. Finally, the Commissioner is to assist to the extent thought desirable the resolution of other problems that will lead to a better participation of that handicapped person in the activities of the community.

Broadly, the Commissioner is to publish advisory documents at large as to the benefits available, and I am pleased to note that he is to 'institute, promote and assist in research and collection of data relating to handicapped persons, the problems faced by them and the way in which these problems may be resolved'. It has always been a hobby-horse of mine to call for added research because it seems to me that without research we blunder through the dark, thinking we are doing well and sometimes doing not nearly as well as we might think.

In Part III of the structure a test of discrimination is set forth. We now turn of course in one sense to the negative enforcement of this situation. It would be all very fine if we had a perfect world in which by a reference to the things I have just dealt with and positive reinforcement

these problems could be solved, but that is not always the case and there will be certain instances in which handicapped people will be discriminated against. In those cases something must be available. The key is in Part III of the legislation where the criteria for establishing discrimination is set forth. Clause 22 (1) provides:

> A person discriminates against another on the ground of his physical impairment if, on the ground of that impairment, he treats the other person less favourably than in identical or similar circumstances he treats or would treat a person who does not have such an impairment.

Several other matters are also listed.

Mr Becker: I think you should read the lot; there are a few 'outs' there.

Mr McRAE: I think the member for Hanson will have an opportunity to speak on that. I am just dealing with the particular structure of the Bill, and in Committee we will be looking at these matters in more detail. In Part IV, discrimination in employment is dealt with. This is one of the most difficult areas because it is all very well to provide all the information and assistance in the world in relation to benefits, but surely one of the keys to integration in the community is to assist in gaining employment. If a person is being discriminated against, that is one of the key responsibilities of the tribunal that is established.

Again, it is interesting to note that the tribunal in relation to all of these areas (not just discrimination in employment but also discrimination in other fields set out in Part V—first, education and secondly the supply of goods, services and accommodation), a conciliation shall be attempted prior to an arbitration. In other words, prior to enforcing the legislation by means of penalties and punishment, there will be at first an attempt to resolve the matter by conciliation. I am told that that is extremely important and comes from the strong recommendation of the Commissioner for Equal Opportunity arising from experience with the Sex Discrimination Act, where it has been found that conciliation of this kind has often led to meaningful results.

In addressing himself to this matter in the Legislative Council, the Attorney-General drew attention to the fact that we have a much overlooked piece of legislation in South Australia known as the Conciliation Act, 1929, which, in fact, admonishes the Supreme Court and other courts in this State to take advantage of conciliation generally, wherever they think it might be useful.

Regrettably, that Act of general application is not taken advantage of as frequently as it should be. Nevertheless, under this legislation at first there is an attempt to resolve the matter by conciliation. If that fails, penalties come into effect. There are appeals to the Supreme Court.

As I have indicated, with the exception of the foreshadowed amendment, the Opposition finds that it is highly appropriate that in this international year of the disabled or handicapped person this measure is before the House. Nobody would suggest that it is perfect, nor that it will produce the perfect result. It is obvious that far beyond legislation there has to be a wide-ranging change in community attitudes. When I say that, I am not setting myself aside from the community. It means that each and every one of us has to be on our guard so that in looking at the problems of handicapped people we will do so not only in an objective fashion, but also in a fair and sensible way, following the guidelines set down by the Bright committee. I think that that committee is a credit to the South Australian community, and credit is due to those who prepared the report. This legislation, generally speaking, also reflects great credit on those involved. I support the Bill.

Mr ABBOTT (Spence): I support the second reading of this Bill, which is an important and a worthwhile piece of legislation. It arises from the recommendations of the Bright committee, which was established by the former Government. The Committee on Rights of Persons with Handicaps was appointed by the South Australian Government on 20 December 1976 to consider matters of law and policy that affect persons with physical or mental handicaps. The first reference to the committee was in the following terms:

> In view of the United Nations declaration as to the rights of disabled persons and of mentally retarded persons, the committee is required by the Government to examine existing laws having impact on persons with mental or physical handicaps, and to report to the Attorney-General with recommendations as to legislative changes, if any, necessary for the laws of South Australia to ensure, as far as possible, the protection of the rights set out in the declaration.

That report, in my view, is excellent. It dealt with community attitudes relating to terminology in legislation; the Commissioner of Equal Opportunity, and the Handicapped Persons Equal Opportunity Act; the physical environment as to parking, mobility and access; the necessities of life involving education, employment, housing and family needs; court procedures; special problems as they affect blind and deaf persons; and other related matters such as funding and community care.

It is probably true that, as a community, we have been slow to come to grips with the special needs of people who are disabled and handicapped in some particular way. The year 1981 is the International Year of the Disabled Person. It is therefore appropriate that this legislation is being introduced in this year. It can be regarded as a bipartisan measure and has the support, in principle, of the Opposition. Legislation of this nature should be based on principles of social justice. It should aim to foster and encourage independent living and recognise that disabled people should have the same rights as able-bodied citizens to a decent life and, in particular, the right to income security rather than dependence on charity, the right to work, the right to adequate and integrated education, the right to services which support them in community living, the right to dignity and privacy in the provision of services, the right to a physically accessible environment, and the right to participate fully in the community.

The Government must develop affirmative action programmes based on those principles and obtain benefits and entitlements as a right for disabled people, rather than leave them dependent on charitable organisations. Although there is no accurate data available on the economic status of the physically disabled, it is generally accepted that there is widespread poverty due to reduced earning capacity and the costs of disability. Poverty and unemployment, which often result from disability, effectively bar disabled people from acting as independent citizens, producers or consumers in the community, depriving them of both status and a decent standard of living.

The Bright committee, in its second report, has reaffirmed the need for a just system of income maintenance. With the present system in need of urgent review, that committee felt that, as a matter of urgency, the existing allowance system, which is inadequate and discriminatory, should be reviewed, with particular attention being given to ensuring adequacy of income to enable disabled people to lead a dignified and full life. Although clause 37 makes clear that this Bill does not deal with discriminatory rates of pay, that is a matter which I

believe the Federal Government should seriously consider.

Regarding the right to work, work has always been harder for disabled persons to secure. This has been one of the major reasons for the establishment of sheltered workshops. However, as an alternative to the concept of sheltered workshops, various schemes for promoting open employment opportunities for the disabled exist throughout the world. For example, in several European countries, quota systems exist to guarantee that a certain percentage of disabled people have priority in employment, while in France employers subsidise disabled people in employment.

In Australia, a system of slow workers' licences or permits has been operating since 1896. A report made by the A.C.T.U. Social Welfare Research Unit in August 1980 found that slow workers' permits are an anachronism in administrative, industrial and social terms. While the goal of open employment may not be attainable by all disabled people, there are barriers to open employment which must be removed, whatever the present overall employment situation may be. These include negative attitudes of employers (there is strong evidence of discrimination in employment), and physical barriers such as lack of transport and lack of access to buildings, although I understand that the question of accessibility to buildings will be dealt with in the future by way of amendments to the Building Act.

All physically disabled persons should have the right to receive education in the most appropriate and least restrictive environment. This includes those who are in long-term care, who are home bound, or who are geographically isolated. Australia, in common with other countries, has recently provided integrated educational opportunities so that disabled people can participate in regular school classes or in special classes attached to regular schools. With regard to the right to support services and accommodation, until recently it was taken for granted that most disabled people would live in institutions. However, an increasing number of disabled people are demanding to live independently, but find their options severely restricted.

A recent A.C.T.U. report found that, in spite of the fact that maintenance of home care promotes self-sufficient and better integration into the community and that institutional care is more expensive than home care, resources have been and still are concentrated on institutional care.

It is my view that the Bright Committee rightly points out that 'the real challenge in caring for handicapped people is not between community care and institutional care, but in providing optional care systems to meet individual needs at different points of time'. In effect, this means that disabled persons should be able to choose institutional care when needed and for the remainder of the time live independently. This latter option is not viable without the provision of adequate and appropriate support services. There can be no moral or economic justification for Governments taking the soft option of institutional care rather than providing real alternatives.

The precise number of physically disabled Australians is not known. The most up-to-date figures available from the Bureau of Statistics are for 1977-1978. They show that 9.9 per cent of the population over two years of age suffers from a variety of chronic physical and mental conditions that limit their activities in some way. This did not include people at the time in hospitals, nursing homes or health institutions.

It is noted with concern that the Department of Social Security does not keep statistics about the disability groupings of people to whom it is paying invalid pensions, and that, despite strong recommendations by the National Advisory Council for the Handicapped and other groups, such as the Williams Committee (on education and training), questions on disabled people have been excluded from the 1981 census. In addition, the third report of the National Advisory Council for the Handicapped found that there is virtually no research in this country into prevention and rehabilitation programmes, the extent and nature of disability, and the delivery of services.

Further, research has shown that in Australia disabled people are treated as second-class citizens; Government funding policies tend to perpetuate their isolation in institutions and their dependence on charity. What is necessary are policies and programmes which provide for disabled people the same opportunities, acceptance, choices, personal independence, and dignity as are enjoyed by the rest of society.

In conclusion, Sir, I welcome this legislation. The Opposition has some amendments to move, but the Bill is a step in the right direction and goes some way towards recognising that handicapped persons have the same rights as do able-bodied people. I support the second reading.

Mr BECKER (Hanson): First, I would like to pay one of the rare tributes that I have paid in this place to the member for Spence for his contribution to the debate. His is the first and only contribution on this legislation that makes sense, whether it has been a contribution by a member of the Legislative Council or a member in this Chamber. I compliment him on that contribution to the debate.

I want to protest very loudly on behalf of those in the community who are sufficiently unfortunate to have been born with or who suffer some disability. I protest on behalf of the families who have to look after and support these disabled people, and at the lack of attention paid to this legislation in this Parliament. At one stage, when the member for Playford was speaking, no more than eight members were present, only two of us having been here for more than about six years. It is an utter disgrace that this is how the politicians and the Parliament of this State regard this legislation. Your list, Sir, should contain the name of just about every member in this House wanting to make some contribution on this Bill. It shows that very few people are really interested in the plight of the disabled, and demonstrates that the community does not want to get involved in assisting those with disabilities.

I could be unchallenged in this Parliament as the only person directly involved in trying to do something for those who are disabled in this community. I have been doing that for six years in a positive and direct way, and I recommend to all members that they should get themselves involved in helping and finding out much more than has been given in the debate so far in this area.

The legislation fails, as far as I am concerned, right from the outset in relation to the description of physical impairment. I am not satisfied with the terminology, yet there is nothing I can do about it at this stage, because the Bill has been brought in in the final stages of the session. We are running out of time and there is nothing I can do. I will give notice that, in the next session, I will amend that clause, because I believe that it does not cover the whole of the area of the disabled within our community. In fact, taking a quick glance at the legislation, one would say that it is wheelchair legislation. It does not cover the aspects of hidden disabilities. Those people are just as important as are those with physical disabilities.

The Canadian Government recognised the importance of the rights and the charter of those who are disabled, and that Parliament set up a committee. It is a pity that we did not give the matter more attention and establish a committee of politicians in this Parliament to look at the problem. In February 1981, a report was presented to the House of Commons of the Canadian Parliament from the Special Committee on the Disabled and the Handicapped. Even they could not come to terms with the description of the disabled. However, we will forgive them for that. The committee believed that the Canadian Parliament should amend the Human Rights Act to protect disabled persons. Its recommendation was this:

> That physical handicap be made a proscribed ground of discrimination for all discriminatory practices listed in the Canadian Human Rights Act, and not just for discriminatory employment practices.
>
> That the Canadian Human Rights Act be further amended so that tribunal orders can be made with respect to access to goods, services, facilities and accommodation, and that it include a qualification that the changes ordered by a tribunal should not impose undue hardship on the respondent.
>
> That mental handicaps (learning disabilities, retardation or mental illness) and a previous history of mental illness or a previous history of dependence on alcohol or other drugs be added to the proscribed grounds of discrimination under the Canadian Human Rights Act (CHRA).

The committee's report continues:

> Clear Public Direction: Canadians are no longer prepared to accept this form of discrimination in any area of society. By far the most repeated request that the committee received in its hearings across Canada was for greater protection under the CHRA. In addition, these requests were supported by representations that have been made during the past two years to the Canadian Human Rights Commission, by samplings of public opinion, and by recent legislative developments in several provinces. They all clearly point to the need for improvement under the Canadian Human Rights Act.
>
> Invisible Disabilities: Those Canadians who are mentally ill, or who have learning disabilities, are in special need of protection because their problems tend to be invisible. As a result, there is a general lack of public understanding about the needs, abilities and problems of these individuals. The mentally ill are occasionally considered to be dangerous lunatics. This attitude is reinforced through rumours, jokes and by stereotypes presented in films and television programmes. The learning disabled are sometimes branded as lazy, as having a very weak or very low intelligence. Both groups experience discrimination in a variety of everyday situations—particularly when seeking employment. Legal protection, therefore, is needed to safeguard the rights of these individuals who have special needs.
>
> Existing Mechanism: The United States prohibits discrimination on the basis of physical and mental disability in its Rehabilitation Act of 1973. In this country [Canada] the Canadian Human Rights Act is an existing mechanism which can be used to provide similar protection for Canadians.

Following the release of that report, the Canadian Government took action. A constitutional committee had been sitting. Recommendations were made to amend the Constitution to protect disabled people from discrimination. We are merely introducing a Bill: what is wrong with amending our Constitution to provide lasting protection? The Canadian Government described what we call 'physical impairment' as follows:

> Physical characteristics, as defined in the Act, covers any degree of physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness, and includes epilepsy, paralysis, amputation, lack of co-ordination, blindness, deafness, muteness and physical reliance on guide dog, wheelchair or other remedial appliance or device.

That is the key if we are to protect the disabled in the community. That is the clearest definition I have seen in all the countries I have visited in the past few months. That definition spells out and wraps up what we are talking about. I am disappointed, because for years I and those people who have been involved in work with the disabled have been endeavouring to obtain some form of legislation or constitutional amendment to protect the rights of these people. With a bit more research and time, I believe we could have covered this point more adequately than is provided in the Bill.

In Canada, under the Act, a company is obligated to interview and to hire the most qualified applicant. Denial of employment must be based on actual, not assumed, inability to perform the job. Recognising the potential contributions of disabled workers and seeing past the disability are only the first steps. Managers need to recognise that a job can be restructured so a disabled person can do it without loss of productivity.

I do not know of any such programme in this State or in this country whereby employers are approached to restructure jobs so that disabled people can be taken on. Employers must also recognise that there may be a requirement for redesigned space, equipment and/or facilities. By law, employers are expected to make reasonable accommodation of these requirements. Only with awareness and proper communication can opportunities be created, successes be achieved and persons with disabilities be accepted for who they are rather than rejected for what they are not. When people recognise disabled persons as individuals with individual attributes, stereotyping will be eliminated.

It has already been said that discrimination, as we know, is the worst problem that disabled people have to overcome. It is not the disability—it is the attitude of people towards the disabled that is the problem. But the attitude of those with disabilities is also a problem. They have a part to play to ensure that the Bill is workable.

I want to warn people on both sides of the fence, those who are trying to protect the disabled, that the disabled themselves have in many cases been their own worst enemies. It is time they adopted a more positive attitude. Overseas voluntary agencies are trying to get that message through to those with disabilities—they must smarten up their attitude when approaching employers, agencies or organisations for assistance. It works both ways. The member for Spence and the member for Playford stated that something is being done in South Australia. Because this is the International Year of the Disabled Person, it is most appropriate that this Bill be introduced.

I warn honourable members that they have not paid enough attention to the Bill. They have not considered it in sufficient detail. The Bill should go to a Select Committee. A total report should be prepared in relation to the rights and needs of the disabled, as has occurred in Canada. A report by Sir Charles Bright came down in 1978 and, for 12 or 18 months before that time, public meetings were held, some of which I addressed with Sir Charles, in regard to the disabled. A lot of the first report is now obsolete. The attitudes of the disabled and discrimination are still present, but so many rapid changes are taking place around the world that the document can now be considered as a guideline only. It should be updated.

The member for Playford mentioned certain areas in which he has been involved. I know that some organisations have referred clients to him, because he is thought of quite highly in relation to assisting them from a

legal point of view. Nothing has been mentioned about hidden disabilities in the Bill. The Bill is not clear enough. The member for Spence referred to the effect on the economy. Statistics are not available to give any clear indication of the cost to the community in regard to the disabled. I have just completed a study and I know that 10 of every 1 000 people are likely to experience convulsions that will lead to epilepsy. On the basis of those figures, which are now undisputed, the cost to the South Australian economy is $28 000 000 a year, and the cost to Australia is about $300 000 000, yet not one cent has been allocated for research, and until recently very little assistance was given in this State and federally to enable someone to find ways to control convulsions that could lead to epilepsy. Should $5 000 000 or $10 000 000 be spent in one year, as occurs in some States of America, it would assist to find preventive methods of research. The Netherlands has had phenomenal success in this area: that country's technology is unsurpassed in the western world. Yet this country is doing nothing about the situation, and that is an absolute disgrace. It is certainly an indictment on the medical profession in this State, which is so far behind that it does not matter. We could not expect much more of the Australian Medical Association, which was born out of the British Medical Association. The association's attitude is clear in regard not only to epilepsy but also to other hidden disabilities. People who are confined to wheelchairs have experienced some problems in regard to access to all buildings.

It is now a legal requirement in Canada and it will be a legal requirement in this State which will cost hundreds of thousands of dollars. However, that does not solve the problem—the problem solving should be in the area of preventing these disabilities in the first place. As these disabilities exist, let us do something about them. In that respect, I am disappointed with the legislation.

I believe that the member for Spence brought up a very valid point, and I, too, am very disappointed that the Minister who should be handling this legislation is not present, because it involves education. The disgusting and disgraceful attitude that exists in the Education Department in this State is unheard of anywhere else in the western world. At least there is a provision in clause 32 (1) which states:

> It is unlawful for an educational authority to discriminate against a person on the ground of his physical impairment—

I have been reassured that 'physical impairment' includes all hidden disabilities. This legislation will be tested pretty quickly as far as the Education Department is concerned. It continues:

> *(a)* by refusing, or failing, to accept his application for admission as a student;
>
> or
>
> *(b)* in the terms on which it admits him as a student.

If someone happened to be a student at the moment with a disability, particularly with epilepsy, the chances are that the education authorities in this State will move that person from one school to another school until they can find staff to look after him and prepared to educate him. That is the attitude. Under this legislation, that can no longer exist. Of course, we have been fighting for this very strongly.

The establishment of special schools in this State, of course, has been a wonderful way of hiding those with disabilities. When one looks at the staffing of special schools in this State and the programmes that are conducted in them, one sees another horrifying indictment of those who have been responsible for the education administration in this State. I went to one special school in the Netherlands which had 225 students and 75 on the staff. There were two speech therapists, a psychologist and social workers. How many speech therapists are there in the Education Department here? There are 17 if we are lucky—that is absolutely disgraceful.

Mr Mathwin: They are well advanced in the Netherlands, aren't they?

Mr BECKER: That is right. One wonders when one comes back to this country whether one is coming back to the mulga or hillbilly land.

Mr Mathwin: But they have a bigger population to pay the taxes.

Mr BECKER: No, they do not have a much larger population to pay taxes. It has been the attitude of those who have been administering the various services to the community, and education in this State has been a bit like the medical associations, which do not want to tackle the problems. They have had it too easy; they do not have any competition as would be experienced in Canada or America, where people's professional ethics are on the line and they can be sued for mistakes that lead to disabilities.

Mr Mathwin: For negligence?

Mr BECKER: That is quite right, as the member for Glenelg says. They have been able to get away with it here, but they will not get away with it much longer, because world attitudes are changing, and this legislation will give those people a chance to see the end of the discrimination they have been suffering.

Even though there will be a tribunal and a staff, and a small bureaucracy will be set up, we are not given any idea of what it will cost the State. I firmly believe that all legislation before the Parliament in future should have a costing formula and be costed out so that we know exactly how much it will cost and what the ultimate benefits will be. I see this measure as a start in the right direction. I hope that the setting up of the tribunal will mean that we will have a co-ordinating group, an organisation, a structure that will be able to assist those who are disabled and their families.

Some time ago I called for a Ministry of the Disabled. I still believe in that, and I think it is only fitting that we should record the findings of the Canadian committee which states in recommendations that:

> . . . a Minister of State on the status of disabled persons be designated and that such a person be attached to a major department other than the Department of National Health and Welfare, just to take it totally out of the health and welfare field. It would be a co-ordinating role.
>
> The committee believes that it is essential for the Federal Government to designate a Minister who will be directly responsible for the affairs of disabled persons, but the committee is totally opposed to the creation of a new and separate department. Nearly every Federal department and agency has programmes and activities which directly affect disabled persons. What is sorely needed now is a single Minister to effectively monitor these efforts without disrupting their present administrative arrangements. The Minister's mandate should be to maximise co-operation among all these departments and agencies while keeping additional bureaucracy to a minimum.

I see that, through the agency of the Attorney-General, this can now be achieved. This legislation can give the Attorney-General the opportunity to establish a co-ordinating organisation through his department, so that this tribunal which it is proposed to set up can go further than was even envisaged in Canada. I hope that that will be the case and that members will continue to support the various lay organisations in the community, and that they will continue to support all programmes promoted by the

Government in the area of preventive medicine so that these disabilities will not continue.

The greatest wish of all those involved in this field is that at some time in the future this legislation can be taken off the Statute Book because we do not have those with disabilities because medical technology will have advanced to the degree that these people can lead normal lives, be involved in independent living, and easily obtain employment, so that we never have to go to the stage where we have to bring in a quota system for employment. That does not work anyway. I did not see anywhere in Europe or England any examples of employers conforming with the quota system. I did not see this anywhere in Europe, where companies are obliged to make a contribution to a charitable organisation involved in the rehabilitation of the disabled: they must pay money or give orders to an organisation for the manufacture of goods. No-one was conforming with any such legislation anywhere in the world. They all admit that there is very little that can be done.

Mr Mathwin: Legislation has been on the books for a long time in the United Kingdom, hasn't it?

Mr BECKER: It has in England, and they did have a very successful term with Ministers of the Disabled, but they just could not enforce such provisions, even though the legislation had certain powers. What I want to see is a method of overcoming such discrimination. It will always be there, and that is the tragedy of the whole situation. No-one will ever convince me that we will totally do away with discrimination, but I hope we can.

The Hon. Peter Duncan: Nobody believes you can, but it is a challenge.

Mr BECKER: Why use it in legislation? I have made my point. As I say, I am going to monitor this legislation very closely. I give notice that I am not happy with the description of 'physical impairment'. I shall seek from the Minister handling the legislation an assurance that such a term covers all hidden disabilities and all levels of hidden disabilities, until we can replace it with a more satisfactory explanatory provision. On behalf of parents and on behalf of those who are disabled, I thank the public and the Parliament for at least bringing forward this legislation. I believe this is the beginning of a process of making life a little easier for some people in the community. However, it will still not solve the problem and achieve what we seek, that is, a normal independent life for these people.

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

Mr CRAFTER (Norwood): I am pleased to join this debate and I concur with the remarks that have been made by the member for Playford and the member for Spence in this most important and historic matter that is now before the House. I want to say to the member for Hanson that I very much appreciated the candor and obvious compassion and at times frustration that was evident in the remarks he made to the House. Being the parent of a child who has a minor handicap, I very much look forward to the many changes that are being made not just in the laws of this State, but also in the attitudes of the community towards the handicapped and, in particular, to the handicapped themselves accepting those rights that are now being inserted in legislation, and to the organisations that will be set up formally and informally throughout the community to help the handicapped to accept their rightful place in the community.

The matter that struck the chord closest to me in what the member for Hanson said was his remark about speech therapists. I had quite a frightening experience in my electorate office a few weeks ago where an elderly woman came to see me about a consumer matter. She had with her quite a young child, her granddaughter. After a short time, it was evident that that child had great difficulty in communicating. Having spoken to the woman about the problem, I then asked her about the child and why the child was not at school. She said that the child had been asked by the headmaster of that school not to attend again until the child had received some treatment. I asked her what the problem with the child was, and she said she had severe emotional problems; she had had them for many years and was not able to speak or communicate with others properly. I asked her what treatment the child had been receiving, and she said she had an appointment in a few weeks time with a speech therapist at the Adelaide Childrens Hospital. As I understand the story, that was the first time that proper medical attention had been given to that child, who I understand was six years of age.

With all our educational system, of which we often feel so proud, all of the support systems in our community and the services provided by the medical profession, there are still young people who are handicapped in this way who can receive great assistance and relief from the proper professional sources and who cannot link up with those professional sources. I know that in the central eastern region educational office at Norwood a number of consulting rooms is set up there for speech therapists and, for most of the week, those rooms are vacant. I think there is one speech therapist for the whole of the central eastern region.

Mr Lewis: That's more than in Mallee.

Mr CRAFTER: Sure. The resultant effect on people who are parents of children with speech problems is that they have to go, for example, to the Adelaide Childrens Hospital or to a private practitioner in the area. At the Adelaide Childrens Hospital there is now a long delay and it is costly to go to a medical practitioner, if protracted specialist treatment is required. Here we have an educational system that should be able to bring out those children who have particular learning problems related to speech, and identify them at the earliest possible age, preferably even at kindergarten, play group or some other pre-school activity, and make sure they are directed to the right medical source. That is just one example of a child who undoubtedly will receive some attention now, but the problem should have been attended to many years earlier.

On the other hand, as we all know, there are great success stories with persons who are handicapped. I have an educational institution in my electorate that is a school for the handicapped, and ever since I have been the member for Norwood I have paid some attention to that school. I find it quite absorbing to watch the activities of the students and the staff and those parents who are involved in the running of that school. The school was fortunate enough, prior to my becoming a member, to be awarded an innovations grant from the Commonwealth Education Department, and with that grant of just over $10 000 the students and one teacher built a houseboat, which is now moored on the Murray River and used by those students at vacation times. Two of the boys who worked on building that houseboat are thalidomide victims and do not have arms; they have what is colloquially known as flippers. Those boys learnt to spot-weld and they in fact built the pontoons on which the houseboat was eventually erected.

As a result of that experience, that training and the instruction they were given by the tradesmen with whom they worked, they were able to find employment in industry as spot-welders and take their due place in the work force. They were fortunate indeed that they had that opportunity and experience, and that work opportunities

were available for them. Undoubtedly, there were financial benefits to the employer for employing them. The last time I visited the school, I asked the teachers of the school how those boys were faring, and they said that they had left their jobs as spot-welders because they had established their own business. When I asked what was the nature of that business, I was told that they were now hanging wallpaper and doing very well. It is heartening indeed to see such students of our education system receiving benefit from the facilities that are afforded them.

The legislation before us is trail-blazing legislation and, as the previous speakers and those in another place have said, this legislation has been rightly sourced to the previous Government. I note that on 20 December 1976 the Bright committee, as it is now known, the Committee on the Rights of Persons with Handicaps, was established by the then Attorney-General, the member for Elizabeth. That committee, under the chairmanship of Sir Charles Bright, or as he then was, Mr Justice Bright, reported to the Government in December 1978. We now see this legislation. There has been some trenchant criticism of this legislation, more latterly by the member for Hanson. I think it would be a great shame if the legislation passed through this House without the problems raised by the member for Hanson being attended to. I do not see that the definition section of the legislation excludes those persons for whom he was concerned. Possibly, the Minister handling this Bill at the time, might give us that assurance or in fact provide some amendment, because I am sure it is not the intention of the committee or of the Government to exclude those persons to whom the member for Hanson referred from any benefits under this Act.

The point I want to make that I do not think has been raised by previous speakers was triggered by a comment the member for Hanson made. He said that all we are really doing is bringing in a bit of legislation tonight. I suppose that is true. All we are doing is bringing in a bit of legislation, and I would have hoped that the Government would see this as more than just a piece of legislation, because with the sex discrimination legislation and with the racial discrimination legislation we have seen that the value of that legislation is not so much in the provisions of the Bill, but in the educational value that it has on the community as a whole, particularly those people who are providing services and employment to those groups in the community.

The general concept, the intentions of the legislation and its general purport, and not so much the fine detail of this Bill, will be of great benefit to the community. The preamble to this Bill states:

> An Act to prevent certain kinds of discrimination based on physical impairment; to provide for the resolution of problems faced by persons with physical impairments and to facilitate their participation in the economic and social life of the community; to promote goodwill, understanding and equality of opportunity between persons with physical impairment and other members of the community; and to deal with related matters.

Those are all very general expressions and they are all sourced in the international declarations emanating from the United Nations. We find that they are couched in a very legalistic way, and this is one piece of legislation that I would have thought could be prepared in a much different form from that in which we see it in this House in the traditional form. I do not just mean that it is legislation that should have been in large print for persons with sight difficulties; I mean that this whole piece of legislation could have been written in a much more expressive and simpler form that the ordinary people in the community could have appreciated much more than they will appreciate this piece of legislation.

I would have hoped that the legislation would have contained less precise clauses than it does and contained more of the basic philosophy with which the people who are physically handicapped in our community could identify and use as some part of their outlook as they go through their daily life, and yet we find we have another very legalistic document. We have not been told the precise details of the structure that will administer this Act, and that is the other side of having a Bill that tackles the fundamental problems of discrimination of the physically handicapped in the community. We must not just have a Bill that passes through this House but it must penetrate the community as such and those institutions in the community that are affected primarily by it. We have not been told whether the structure created under the legislation will have its own staff or whether it will share staff with another institution; whether there will be a widespread education programme in the community to advise, not just the handicapped of this State of their rights, but more importantly the employers of this State of their new responsibilities under this Act. How will they learn of their obligations? How will providers of services that are brought under this legislation be advised of their new responsibilities? We have not been told the Government's intentions with respect to education of the public in this matter. If this is to be done seriously and properly, that will indeed be a very costly exercise.

Even the presentation of this Bill in a way in which it could be understood by the great majority of people in the community would be a costly exercise in itself. The fact that it has not been attempted in this piece of legislation makes me wonder whether the Government is really concerned in this International Year of the Disabled, whether it is not just satisfied with putting on the Statute Book these reforms, or whether it is sincere in taking them out into the community and seeing that a new order is established. There are fundamental questions that I believe we should hear some more about in the debate today.

The members of the Opposition are justly proud of their involvement in this legislation, and they have spoken at some detail in another place and in this House about the concept and what it hopes to achieve. It is now to fall on the Government to see when the Bill becomes law that it is taken out into the community and becomes an effective means whereby the handicapped can establish themselves as equals in a community that has hitherto, as other speakers have so clearly said, cast aside so many of those disadvantaged persons, forgotten about them or let them remain hidden. That is a social order which can no longer continue in our society, and I am pleased to support the legislation. I look forward to the fruits that it will bring to the strengthening of our whole community, particularly if the administrative and educative structures that are established along with it are done properly.

Mr BLACKER (Flinders): I feel I must speak to this Bill, as being the only member of the House who theoretically qualifies under the interpretation of this piece of legislation; if there is such a thing as pecuniary interest in this kind of legislation then I must declare my interest. Having done that, I support the measure before the House because I believe it is a step, small though it be, towards identifying and creating a community awareness of the physically handicapped. The Bill is not nearly wide enough and the member for Hanson has enlarged upon that, trying to broaden the Bill to encompass all aspects of

the handicapped and those parts of society that are so affected.

Even though we all accept that the range of handicapped within our community is very wide, I do not think we have really taken this to heart. Too many companies as well as Governments, have said they have done something towards it, putting in ramps in certain buildings, and so on, all wiping their hands and saying, 'we have done a very good job'. Actually no company, no Government, has really touched the surface when it comes to the plight of handicapped people.

In my short experience in this field, I must say that I have gained many friends, as a result of being a hospital patient with people who carry for the rest of their lives a physical disability. Every one of them seems to come across a different sort of problem within the community. It has been said that in this Parliament, for example, ramps have been put in. Whilst that might be very good for people in wheel chairs, for a person with artificial limbs a ramp is more of a nuisance than steps. Steps can be handled with relative ease, but a ramp and sloping surfaces are somewhat more difficult. So each individual and each individual problem creates a totally new difficulty and awareness for our society. Whilst I have already acknowledged that this Bill is a step in the right direction, it is a very, very small step, and we need to make a much broader assessment of the real problems of the community.

The Bill sets out to minimise, where possible, any discrimination against handicapped persons. I do not believe that there is within the community a deliberate discrimination against handicapped persons; I think it is basically unintentional. People just do not think of the matter in that light. To that extent, I do not think we are criticising the community in presenting this Bill. We are trying to create an education process in which the community is made aware of the problems and endeavours to concern itself with assisting other people. Generally speaking, the community is sympathetic towards the handicapped, but until people are confronted with that situation themselves or within their own family they do not appreciate the magnitude of the problem.

On the passing of this legislation, many members of this place probably will go away thinking they have done their bit for the International Year of the Disabled Person, and that they have done a good job, but I reiterate that this is only scratching the surface. We need to take a far broader look. The whole exercise is one of education, one which requires an awareness from within our schools, our community, our work force, and even within my own area there is an awareness in the education field. Some of the schoolteachers and persons directly involved have endeavoured to co-ordinate within the schools on Lower Eyre Peninsula a system to give special attention to those most in need. Those endeavours are expressed at local level, but not in a general community-wide aspect.

Legislation such as this is similar, perhaps, to sex discrimination legislation. The parallel that can be drawn in the long term is similar. Many opponents of sex discrimination say that legislation is not necessary and that discrimination does not exist, but in practice the role of the Sex Discrimination Board has been very practical. In cases of blatant discrimination it has proved an effective remedy. To that extent, I see this legislation as being similar, and it should be applauded for that.

The education process starts at an early age, but where the disability occurs as the result of an accident there are two stages of rehabilitation. There is the initial stage following an accident and the later stage, which involves permanent employment to carry that person through the remainder of his or her life with that disability.

A few months ago I had a telephone call from a leading Adelaide surgeon who asked if I could spare a few minutes of my time. He asked if I would go to the Adelaide Childrens Hospital to see a young lad. The surgeon said, 'Unfortunately, we have had to amputate. The situation is very similar to your own. The lad is depressed. Would you speak to him?' I gladly and willingly did that, and I found that the amputation was almost identical to my own. The prosthesis envisaged was almost identical, but no-one had told this poor lad what lay in front of him in the future. The doctor had told him what had to be done, but no-one had told him what he might be able to do, what prospects lay ahead of him, and what he could look forward to.

I freely admit that it was a most depressing situation for him to be in. I spoke to him, identified myself, and we had a couple of jocular remarks to make about various areas of the medical profession. I explained to him what I was able to do through the prosthesis that he was to receive, and we got down to tintacks and his attitude changed quite considerably. He was 16 years of age and had been active in sport, playing football and most active sports, and he was faced with a lifetime of gloom, believing that he would not be able to get around very well. No-one had told him otherwise.

That is where assistance can be provided. I know that it is not covered directly in the Bill, but that is where assistance needs to start in the case of accident victims. With persons who are born with deformities it starts at an early age. In many cases they do not share the problem of the person involved in an accident. The lad I mentioned did not know how to face society. I invited him to a meal at Parliament House, but I could not persuade him to come unless he could walk up the steps without the aid of a walking stick or crutches. I have not yet been able to get him to come here, but I hope that I will be able to. He was trying to face society. Somewhere along the line, a barrier had been built up. He believed that he could not overcome it and that society would not accept him, but that is not the case. It is an education process.

As members of Parliament, we are all made aware of other people's problems. With a tribunal being set up in this field, no doubt each of us will be referring a constituent or someone with similar problems to the tribunal once in a while. It is good to have an independent authority to take up the challenge of the individual and his problems.

Although I do not wish to say more than that except to express my support for the Bill, I would like to mention a couple of aspects, and I take up the comments of the member for Hanson and his belief that the Bill did not touch the surface of the real problems of handicapped persons. I noted with interest the report of the Special Committee on the Disabled and the Handicapped from which he quoted. Having obtained a copy of the report, I should like to quote some comments of one of the committee members. I refer to Therese Killens, Vice-Chairman, Saint-Michel. The report contains comments made by other members of the committee, but I shall quote that member's comments after she had become involved in the problem as a result of the special committee. I think every member, on reading this, would understand and appreciate the problems involved. The report states:

> I am not the same person I was ten months ago . . . before I began to work on this committee. I have been deeply touched by beautiful people whose wealth of love and knowledge is left dormant because society has been negligent and insensitive to their needs and capacities. I hope this

> report will awaken the consciences of other Canadians as it has mine. Although 1981 has been declared the International Year of Disabled Persons, we need more than a year to change attitudes and to implement these recommendations.

That, I believe, is an accurate assessment not only of the Canadian way of life but of our own way of life. The ignorance of the needs of the handicapped is not deliberate. It is unintentional, and I believe that legislation of this type will assist in the education process and highlight the plight of handicapped people so that this Government and responsible Governments of the future can take appropriate steps to see that disadvantaged persons are not discriminated against in any way. I support the Bill.

Mr LYNN ARNOLD (Salisbury): This Bill comes in the middle of the International Year of the Disabled Person, a year to remind us of the very great work that we still have to do to ensure that those in society who may have a disability that hinders them in some way are able to participate effectively in society as a whole. The Bill before us proclaims its stated aim in part as being to facilitate the participation of the disabled in the economic and social life of the community. The Bill seeks to ensure that that will happen. The one provision that particularly interests me is Part V, which refers to education and which states, in part:

> It is unlawful for an educational authority to discriminate against a student on the ground of his physical impairment—
>
> *(a)* by denying him access, or limiting his access, to any benefit provided by the authority;

I am concerned about the question of the limiting of access. I am rather sorry to see that the Minister who introduced this Bill (the Minister of Education) is not here, and has not been in the House all day. I was hoping he would respond to some of the points I will raise, because they are very important points. I wonder at the seriousness with which the Minister introduced this Bill. He inserted the second reading explanation in its entirety in *Hansard* without reading any parts of it. I suspect that the second reading explanation was not only not heard by us but also was not read by the Minister. The second reading explanation that was inserted in *Hansard* as the record for this House was an identical copy of that introduced in another place in March. However, perhaps that is not significant, except that in the closing stages of the second reading explanation it was stated:

> I introduce this Bill to Parliament with the intention of leaving it on the table for further comment with a view to proceeding with the Bill in the June sittings of the Parliament.

The Bill was introduced in this place on 4 June, and we are now in the June sittings of Parliament. I do not see what the Minister was getting at. For the Minister in another place to make that comment was entirely reasonable. The Bill was first introduced in that place in March and I commend the Minister in the other place for that decision, but the Minister in this place should surely have taken the time to read the second reading explanation and delete that comment, because it was totally irrelevant. This highlights the Minister's lack of interest in the whole affair.

I refer now to those people who suffer speech difficulties, which account for a great many learning or remedial problems that show up in a child's schooling. It is widely recognised by educators that it is important to attack speech difficulties in as early a stage as possible, preferably in the pre-school stage, but certainly in the primary school stage. It is therefore with concern that I notice the answer given to a question that I put on the Notice Paper in March and directed to the Minister of Education: I asked what steps had been taken to provide funds for the two speech therapists that were requested by the Kindergarten Union.

To remind the House of the history of this matter, I point out that the Kindergarten Union made submissions in 1979 for two speech therapists to identify and help provide remedial programmes for children at the kindergarten level. The justice of the case was recognised by the Public Service Board. The board is not exactly the easiest authority to convince in regard to the creation of new positions, but it agreed that there was a need for these speech therapists to be attached to the Kindergarten Union. That was two years ago. As was stated today, there has been water under the bridge, but we have seen no funds made available for those speech therapists.

The decision was made by the Public Service Board in the last months of the previous Administration, but this Government has had 18 months in which to do something about providing funds for those two speech therapists. What is the answer that the Minister gave? The best he could manage was to say, 'Well the previous Government did nothing, either.' That is a very shallow sort of answer when the Minister has had over three times as long as the previous Government had to provide the necessary funds for a position that had been recognised not only by the Kindergarten Union and those in the field but also by the Public Service Board as being necessary.

I refer now to another area of speech therapy. In my capacity as spokesman on education for the Opposition, I received a letter from a person who lives at Tailem Bend in the following terms:

> I would like to know the situation regarding a speech therapist for the Murray Lands region. The facts as I know them are as follows:
>
> There are 260 children registered for speech therapy (two years ago), in the region.
>
> There are 6 500 children in the Murray Lands Region.
>
> There are 19 speech therapists employed in the State.
>
> One applied for the position for Murray Lands and was told no position was available.

The letter goes on to say that in the Murray Lands region there is only 0.4 of a full-time position of speech therapist for students in that region. The letter continued:

> As you can see the position on facts alone the children are neglected in comparison to their city friends . . . This matter has been raised by the . . . school before . . .

This person enclosed a copy of a letter addressed to the member for the area, the member for Mallee, on 21 November 1980. At the stage when he wrote to me on 6 May, he had received no reply. I looked at the figures provided by that person from Tailem Bend and I addressed a reply to him, which stated in part:

> From the facts you present to me there would seem to be a valid case for increasing the speech therapy allocation for your region from 0.4. Just on a simple demographic basis, 19 speech therapists for the student population of this State translates into one for every 11 315 students—that should therefore entitle the Murray Lands region to 0.57 of a position, not 0.4. More logically, however, one would also need to consider the extra time that would be needed by a speech therapist in the country compared with one in the city to provide exactly the same quality of service . . .

I return now to the question of limited access:

> That could well lead to a situation where a full-time therapist might be justifiable in the region . . .
>
> I accept the implied conclusion contained in the letter you enclosed that the present speech therapy allocation is only able to identify the scope of the problem and is not able to do anything about remedying it.

One of the things that particularly concern me about the Murray Lands region is that the area has been divided into two regions and there are now two regional officers, one an acting regional director and the other a permanent regional director, receiving two salaries at that level. That has been done in 1981, yet the Government has not yet been able to find the funds to increase the allocation for a speech therapist to assist with the problems of students in the schools in that area. The Minister should respond to that point. I repeat my concern that the Minister is not in the House to answer my comments. It is important to realise that, unless we can ensure that the disabilities of young people are handled, responded to and coped with as early as possible, much of the future work that we do will be less successful and valuable.

It is not normally fair to cite only one of two instances, so I will cite a third instance from a different area, not from the district of the member for Mallee but from the district of the member for Mawson. The parents of a four-year old boy wrote to me and stated that they had experienced difficulty in getting their son's disability diagnosed. The two-page letter outlines the many avenues that they had to follow to obtain a successful diagnosis. They state:

> We feel that there should be more help for these type of children, as we have been told that the younger they start to be helped the better they are, and more chances to lead a normal life later. It took two years to diagnose David [their son].
>
> We are distressed and still confused that more teachers and therapists are not made available to teach in special schools or classes.

That is true. Many more resources should be put into that area of education. I believe that we all accept that education is not the growth area that it has been in the past, for a variety of reasons, but nevertheless we must surely want to develop a system that is based on response to needs.

In the area of special education, quite clearly the needs exist, and they need a response from the Government. Needs such as the speech therapy areas to which I have referred should be receiving that response.

The Hon. Jennifer Adamson: If you can't find the speech therapists, it makes it very difficult.

Mr LYNN ARNOLD: In fact, one of the 19 wanted to go to the Murray Lands region but was told that there was no position. So, there was the person, but not the position. The other area I want to touch upon concerns the manner in which disabled students are handled in the education system. Members will know that for many years it was the philosophical approach of educators that disabled students should be kept apart. They were kept either in separate schools altogether or in separate buildings on the normal school grounds. I think we have long since realised that that is not the ideal way to educate the disabled. It is much better that they be educated in the integrated sense, because quite clearly we have now come to recognise what we should have known all along, that really there is no such thing as the normal person. There is no such being as 'Mr Normal', 'Mrs Normal', or 'Ms Normal'. We recognise now that, in fact, humanity is a spectrum containing people of widely ranging abilities and disabilities. Indeed, one can really say that all of us in some form or another have a collection of disabilities and a collection of abilities. The unfortunate thing is that, in the case of some people, that collection of disabilities may be of serious significance and hamper their ability to enjoy or fulfil their life to the full. But the point is still valid that we are all people with abilities and should spend more time concentrating on those abilities than we do concentrating on disabilities. In that light we should be moving towards integration in the education system.

I have some letters, which I would briefly like to quote, from various parents who have made comments on the need for integration of disabled children within the system. One is from a constituent who on 16 February this year wrote:

> We simply despair when investigating education at a primary level for our child. There is no integrated system within your department for our child. I was surprised to learn from my regional guidance officer that there is only one remedial teacher within our region who teaches senior primary.

This letter is referring to the central eastern region. The letter continues:

> My next question is 'What happens to the slow learner at a junior primary level and how can one remedial teacher deal adequately with the learning problems of all children throughout a region?'

A person from the central southern region informed me that she had made some inquiries of the Kindergarten Union's Special Services Branch about the optimum support for children with handicaps. She wrote:

> I have been told that, due to lack of available funds, no new support will be made available.

Those sorts of responses worry me greatly, because if we are to take seriously the challenge of the provision in the Bill which states that it will be unlawful for an educational authority to discriminate against a student on the ground of his physical impairment by denying him access, or limiting his access, to any benefit provided by the authority, then we must be saying, 'In what ways must we improve the education system; in what ways must we ensure that the resources are available for those areas of need?' I think this is a very serious matter, even to the extent that I believe that the provision of resources in cases of need for those suffering from a disability deserves the attention of a Ministerial statement to the House. I hope that, even though the Minister is not present, he will at least do us the courtesy of reading the comments made on this matter and, indeed, provide us with his attitude as to how this Bill will reflect on the Education Department.

That being said, I think that due credit needs to be given to many in the Education Department who are doing magnificent work to recognise the needs of the disabled, work that has not just started this year. One of the problems, I suppose, with any International Year is the problem of tokenism, when everyone during this International Year of the Disabled wants to do his or her bit to show that they are indeed concerned with the disabled. I rate the back door alterations of Parliament House in that category.

However, there are those who have been working long and hard for many years, and in the Education Department they include such bodies as the Health Education Curriculum Committee and Health Education Project, which some six years ago was drafting curricula for schools at the secondary and primary levels, pointing out that an entirely new approach was needed to the teaching and understanding of disability. In fact, they adopted the approach of concentrating on one's abilities, on positive aspects, rather than concentrating on one's disabilities. Programmes like that will ultimately determine the success of such years as the International Year of the Disabled.

Another branch within the Education Department which deserves mention is Troika, the theatre group operating out of the Gepps Cross school, which earlier this year performed a series of vignettes on disability and on the way in which people react to the disabled and the way

they are reacted to by those who are not. It is an excellent series of vignettes which I understand will be presented to schools throughout this State. I commend that series, and hope that as many schools as possible will take the opportunity to see them, so that the students of those schools may have a broader understanding of what it means to suffer from some disability.

Another comment I want to make is that it concerns me that at this stage we still have no provision in either this Bill or any other Bill immediately before the House to cope with the problems of those suffering from a mental disability. Last year in the post-Budget debate, I raised some serious questions with regard to Government services and mental disability, and I addressed them to the Minister of Health. I still feel that we need more adequate responses than we received on that occasion. I know that the Minister of Health has looked at this matter quite seriously, but I draw her attention to it again, in particular to the question of care and resources for the mentally disabled who do not require institutionalisation. That requires support facilities for people who have members of their families suffering from mental disability, yet want to keep them in the home environment.

The Hon. Jennifer Adamson: An Intellectually Retarded Services Study is under way at the moment.

Mr LYNN ARNOLD: I am very pleased to hear that, because it may start providing a response that has long been overdue. Further, I had an approach from somebody living in the North of the State who said that there were not any facilities immediately available to provide those sorts of resources for those who would like to care for the mentally disabled in the home. Obviously, there are many changes that must take place with regard to the attitudes both by those whom we categorise as the abled—the non-disabled—in their response to the disabled.

Only four weeks ago a constituent came to me most distressed, indeed angry, and justifiably so, concerning a response he had met within a court. He had committed an offence, which he did not deny; he was guilty of it, admitted his guilt, and acknowledged his need to pay the fine. However, he was incensed by the way he was treated by certain people in that court situation. One of them, a person of some authority, referred to my constituent as being 'mental'. That was offensive indeed. My constituent was most incensed at that, not only because that was not the cause of his disability (he had a very bad speech defect) but indeed because that is a cruel and callous way to refer to anybody who suffers a disability, be it a mental disability or otherwise. Yet that is the response he had on that occasion. He felt that his evidence given before the court in his slurred speech (his speech is very slurred because of a severe speech difficulty) was not taken seriously into account by those listening in the court because, by virtue of his disability, he did not have the articulation and eloquence to which others have access that will get them a fairer hearing.

These are the sorts of areas we also need to look at. They are very intangible areas, and I do not quite know how they are to be overcome, except by long-term programmes of education or publicity to ensure a wider awareness of all the facets involved. But certainly it must happen; otherwise, again, the effectiveness of programmes will not be entirely successful.

When this Bill draws to a close, which will be tonight, I suppose we will not have the Minister of Education commenting on it, so I hope he will note the comments and answer them at a future time, preferably in some form like a Ministerial statement or whatever so that we can have in this House an understanding of how the Education Department in those other areas will seek to ensure that, when this Bill becomes an Act, it will in fact be effective as far as the Education Department of South Australia is concerned.

Mr HAMILTON (Albert Park): I felt moved to support this Bill tonight, because for some 25 years I suffered from a physical disability, and I understand some of the problems encountered by physically disadvantaged people. I want to direct my attention to the area to which the member for Hanson has directed most of his comments, and that is to the unseen disabilities that people within the community experience. I refer in particular to the problems that agoraphobics experience, not only in this State but world-wide. For those who do not know the meaning of agoraphobia, as I understand it, an agoraphobic is a person who suffers from a particular problem usually brought on by a shock. It could result from the loss of a loved one, or from some other reason. I have personal knowledge of a woman who, through the loss of her father-in-law, suffered this disability. She still suffers from it. This woman lives not far from me. She finds it extremely difficult to go outside her own home, do the everyday shopping, go out socially, take her children to school, or go to the school to watch her children participate in school activities. It is only when an agoraphobic has assistance from other persons who understand or who have recovered from that problem that he or she may get some assistance.

I understand the State Government has (and I applaud if it for this) provided some financial assistance to a group that is operating in the southern suburbs, but unfortunately not enough money has been provided for these people. They do not have enough money to supply information to those other people in the community who are suffering from the same disease, but who have no contact. These people find it extremely difficult not only to drive a motor car but even to ride in a motor car. They find it extremely difficult to ride in aeroplanes, and there are many other activities that we as average citizens who do not have any mental or physical handicap take for granted. It is worth while seeing these people in a group and seeing how they try to assist one another. It is also somewhat distressing to see these people when they try to walk to a bus stop to catch a bus. They hyperventilate and find it extremely difficult to breathe. For anyone who has not seen it, I suggest they contact a group which calls itself SWAG, the members of which assist one another. Much of the work is done voluntarily. Much of the money is raised voluntarily. Much of the money has been obtained from personal bank loans, without much assistance being received from the Government. I feel it is rather rewarding to see these people and the problems they experience, and appreciate just how lucky we are that we do not suffer from these disabilities.

Some of the aims of this organisation are to provide understanding, support and assistance for those persons with agoraphobia who are unable, as I said, to leave their homes freely. They also aim to provide supportive assistance through a telephone contact service, or by home visiting and supported outings, where possible, and they are always looking for other people to assist. They also aim to advocate the setting up of support groups for agoraphobics who want to go out publicly and do their shopping. I could go on and on.

Mr Lewis: We know.

Mr HAMILTON: I would have thought that the member for Mallee, instead of making rather stupid and inane remarks, would have had a little sense in relation to this important subject.

The DEPUTY SPEAKER: Order! I would suggest to the member for Albert Park that he ignore all interjections and concentrate on the debate, which up to this stage has been of a relatively high standard. I hope it will not be spoiled by cross-chatter in the Chamber.

Mr HAMILTON: I seek your assistance, Sir, in asking the member for Mallee to quieten down while I am speaking on this very important subject. I now refer to another matter in relation to the needs of handicapped people in the community. Some time ago I wrote to different consulates and embassies in Australia seeking information as to what their particular countries were doing in the International Year of the Disabled Person. I received a considerable amount of information from various consulates and embassies, two of which I wish to refer to tonight. The information I received from the Vice-Consul of the Hungarian Peoples Republic refers in part to what has happened in Hungary and states:

> According to figures of the World Health Organisation, about 6 to 10 per cent of all mankind can be regarded as handicapped. According to the available figures, about 6 to 8 per cent of the Hungarian population is handicapped, so the number of the disabled comes close to 700 000-800 000. The issue of rehabilitation, however, concerns many more people since—according to modest calculations—the handicapped have at least one or two family members. Thus, about one-fourth of the population is involved in rehabilitation.
>
> Even these figures are only approximate, because unfortunately the figure grows year by year also in Hungary. One of the main reasons is urbanisation and its consequences: the development of mechanisation, so the growing number of different accidents, the spreading of diseases characteristic of civilised communities and as a result of the frequency of pensioning off before the retiring age. Another reason, paradoxical though it may sound, is the development of medical science. Today science is capable of keeping seriously ill patients alive much longer than earlier and can even save the lives of people after suffering grave accidents. As a result of progress, there is much more chance of keeping infants born with congenital defects alive, not to speak of the drop in infant mortality.

This information also refers to the medical and pedagogical rehabilitation which is carried out in that country. It also says that the best results achieved so far have been in medical and pedagogical rehabilitation, which includes the special education of physically or mentally handicapped children in a wide-ranging network of institutions. The numbers involved are still insufficient. The information continues:

> The network provides for the teaching of mentally defective children, or these with sense organ and locomotor diseases. The largest group is that of the mentally defective. According to the latest data about 36 000 mentally defective children are taught in 155 special auxiliary schools and in 413 auxiliary classes within the frame of primary schools. The number of the young with a deficiency in the sense organs getting remedial education is 2 000; among them 1 500 are deaf and hard of hearing and 500 are blind. About 8 600 youngsters with a defect of speech are given logopaedic education; many of them are taught in two special schools of the country. By means of the special classes functioning in schools, considerable success was achieved in the correction of slight speech disorders of nursery and primary school children. The education of children with locomotor disorders is carried on in two institutions which may receive only 274 children, so the rest are either private pupils or cannot take part in any organised form of education. The grave cases are treated and educated at the Educational Institute for Children with Locomotor Disorders which is to be extended by a 400-bed building.

The next portion is interesting because of the situation that applies in this country, that people must have 85 per cent disability (as required by the Federal Government) to receive a handicap pension. The information states:

> Social rehabilitation: A decree provides for the adult handicapped whose decrease in working capacity does not surpass 67 per cent. The decreee obliges the enterprises and their rehabilitation committees to provide suitable work-places for such employee. If this cannot be solved the labour departments of councils see to the retraining of these workers, their transfer to a different firm or sphere of work. People who lost 67 per cent of their working capacity are entitled to disability pension. Social allowance is granted to those who do not have a proper income and no relative obliged to maintenance. Hand-driven cars are put at the disposal of the most serious cases and now they are entitled to use petrol free of charge.

Another aspect which has not yet been touched on much during the debate is sport. The information continues:

> The sport life of the handicapped has also developed recently.

It refers to an organisation involved in sports which incorporates the involvement of the blind and the deaf in that country, and states:

> A new initiative is the Halasi Olivér sports club of the handicapped with locomotor injuries, with quite a populous membership. The sports events of people with locomotor disorders is organised by the Physical Education and Sports Committee of the Handicapped with Locomotor Diseases under the guidance of the National Office of Physical Education and Sports. Fair results were achieved also in the field of culture and organised holidays. A good library functions in the National Association of the Blind and the Deaf; the blind have a choir and an orchestra, and the deaf a pantomine group. Recently the trade unions experimented with organising camps for handicapped children which attracted tremendous attention.

Quite clearly we can see from these socialist countries the tremendous improvement being achieved for the handicapped in those countries.

Other correspondence I received was from the Japanese Embassy. It is written in Japanese, and it graphically illustrates what is being done in that country for the blind who go about their every-day activities. I refer to the rubber tiles that are placed on footpaths, on railway stations, and in buildings, particularly in front of stair cases where these blind persons can, through the soles of their shoes, feel the raised discs and material that indicates that the stairs lead either up or down. There is nothing of this nature to my knowledge in this country. I have given some attention to this matter and had some discussions with the Blind Association in South Australia, putting it before its council to consider for possible implementation, not only in South Australia, but one would hope it would be referred to the national body for implementation throughout Australia.

Another matter that I do find rather disappointing (and I referred to it on many occasions in this House), is in relation to the statement the Premier made at the Western Rehabilitation Centre in Royal Park in October 1979 in which a plea was made for additional moneys for a heated therapeutic swimming pool at that location. The Premier's response, which I considered to be inappropriate and rather inane at that time, was, 'I have learnt three new words since becoming Premier of this State; The first two were "How much" and the third was "No".' I thought it was a disgusting statement for the Premier to make, particularly at an opening of facilities for the disabled. Coupled with that was the fact that the Minister of Industrial Affairs had said in this House that he wanted to

see disabled persons quickly rehabilitated back into the community.

The Hon. Jennifer Adamson: That's common sense.

Mr HAMILTON: Just contain yourself and I will tell you the response of your Government to these requests. The response was rather marked. I refer to a contribution I made in this House only recently. The correspondence I received from a person involved in this area states:

> As you are aware, numerous approaches have been directed to the Health Commission and as yet no commitment has been given. The present situation is, as I understand from the commission, that funds for the construction of such a facility could not be made available until the 1982-1983 financial year. More recently an approach was made to the commission to seek approval to engage architects to up-date existing design and specifications which are now some two years old. We have since received response dated 24 March 1980 from the Chairman of the commission stating that the commission had given a great deal of time and consideration to our proposal but, unfortunately, due to increased economic constraints and pressures for funds for capital works, the commission was unable to foresee when it would be able to fund the proposal. It went on to say that it would not be prudent to document the scheme at this stage. The scheme would be reviewed in 12 months.

The correspondence then expresses the disappointment of the committee at the lack of the provision of funds and, more importantly I suppose, the Government's declining to up-grade those plans.

One would imagine that, if those plans were continually updated, when the money was available a quick start could be made on this important heated therapeutic swimming pool for the many people in the north-western suburbs who have no opportunity to avail themselves of this necessity. I understand that the hours necessary for these people have been cut and that, moreover, they are not available in many instances for the disadvantaged. So much for the comments and the sentiments of Government members, especially the Premier and the Minister of Industrial Affairs, about the need to quickly rehabilitate these people so that they can play an active role in society.

It is the belief of the Labor Party that many issues need to be aired. Some of the views of the Labor Party include a recommendation that the existing allowances be paid to disabled people with a view to ensuring adequacy of income, and that in particular substantial increases for family allowances for care of the disabled at home should be implemented. Other recommendations are as follows:

> Work together with the trade union movement, employers and disabled people towards the development of affirmative action programmes aimed at increasing access of disabled people to both Government employment and general employment in the community. Ensure that programmes include the following:
>
> —increased attention to occupational health matters to prevent ill health and disability
>
> —improved job design
>
> —more positive stimulus to safety and accident prevention
>
> —setting a positive example by Government agencies in the employment of handicapped people.
>
> Ensure that sheltered workshop employees are not exploited and receive fair remuneration for their efforts.
>
> The Education Act be amended to ensure that the Minister of Education and the Education Department are responsible for all children including totally dependent children who have previously not been the responsibility of the Education Department.
>
> The Education Act be amended to expressly encourage and foster the integration of handicapped students into regular schools.

That point was spelt out by our shadow Minister, the member for Salisbury. Further recommendations are as follows:

> Educational institutions be encouraged to modify existing buildings to provide physical access to campus.

That illustration has come from the Hungarian documents provided to me. Further recommendations are as follows:

> Provide special support services, by involving other disciplines such as therapists and psychologists in school programmes and increasing the numbers of remedial and resource teachers with specific qualifications to help maintain handicapped students in regular schools.
>
> Where integrated schooling is not appropriate adequate and effective special educational facilities should be provided.
>
> That parents be assisted in playing a full and effective role in the education of handicapped children by:
>
> —providing family counselling services
>
> —providing ample opportunities for full and positive inputs by parents into the education of handicapped children.
>
> People in geographically isolated areas should be provided with the same educational opportunities as those in the metropolitan area.
>
> The Government through the Housing Trust give priority in planning to the provision of appropriate residential accommodation for disabled people and ensure that they are given the choice of remaining in their local community.
>
> Research be carried out into the housing needs of disabled people and efforts be directed towards realising these needs.
>
> Consideration be given to the provision of a direct cash benefit which allows disabled people to meet their own transport needs whether by use of taxis or adapted motor vehicles.
>
> That the Department of Recreation and Sport undertake an educational programme aimed at raising the level of awareness within the community of disabled people's capacity to participate in recreational activities.
>
> Direct on-going pressure be exerted on the Federal Government to collect meaningful statistics on disabled persons in Australia, and that this information be made public.

One could go on and on as to what we in the Labor Party see as the needs of the community. Finally, I refer to an interesting report in the *Advertiser* on 16 January under the heading, 'Disabled facing "apartheid" in society—Hawke', as follows:

> Disabled people had been locked into a 'disabled apartheid' and excluded from society and employment, Labor's industrial relations and employment spokesman, Mr Hawke, said yesterday. He told a University of Western Australia summer school that governments and the community had failed to realise that disabled people were not a special group with needs different from the rest of the community. They were ordinary people with special difficulties in fulfilling their ordinary needs.
>
> Sheltered workshops, instead of becoming as intended a stepping stone for those who needed help in preparing for open employment, had become almost entirely a permanent workplace. The result was virtually a captive and exploited workforce, often performing on equivalent levels to normal jobs but paid a wage that could not exceed $20 before it affected the pension. There should be an urgent revision of the sheltered workshop concept.
>
> The negative approach to disability by governments and employers was reflected in the Commonwealth Employment Service's classifying people according to the physical, mental,

emotional or social character of their handicap, rather than in terms of what jobs they may be suited to or what was out of their reach. And under the invalid pension scheme the assessment of 85 per cent incapacity took into account only the person's medical condition.

There should be work assessment centres, subsidies to employers, re-examination of slow workers' permits, a review of workers compensation legislation, improved job design and anti-discrimination legislation. Mr Hawke urged all interested people to pressure parliamentary representatives to see whether questions on disability could be included in the 1981 Census.

'I think it is a total tragedy that the opportunity of the 1981 Census seems to have been forgone in so many areas in regard to manpower policy,' he said. One of the main problems in overcoming the labour-force 'apartheid' was the lack of data on the extent of disability in Australian society. The lack had been criticised by the Williams committee, which had recommended that some questions on the problem be included in the next Census.

It was urgent the emphasis be shifted from institution-based programmes to community-based programmes run by disabled citizens, and Commonwealth funding should be reallocated. Social support for the disabled was fragmented, inadequate and paternalistic and needed serious re-thinking to achieve dignity for the disabled. Without the chance of integration with the community and encouragement of self-help, there would be no opportunity for the disabled to lead a full and normal life.

If we are sincere, and if all the other speakers in this debate are sincere in what they have said, I believe there is a need, as the member for Hanson said, for many amendments to be made to this Bill.

Mr SCHMIDT (Mawson): I note with interest some of the comments made up to this point. I am somewhat disturbed that the member for Salisbury should take this debate as being a platform to get up and spout on about education. He should look at the Bill, especially clause 4, which states, in part:

'physical impairment' means—

(a) the total or partial loss of any function of the body;

(b) the loss of a limb, or of part of a limb;

(c) the malfunctioning of any part of the body;

or

(d) the malformation or disfigurement of any part of the body,

but does not include an impairment to the intellect or a mental illness:

Yet the member for Salisbury took this opportunity to talk about the slow learner within our school system. The most significant part of his speech was as follows:

At least we have now come to recognise what we should have known all along.

He repeatedly referred to the situation some two years ago when his Party was in office. Things should have been done then, but very little was done in that respect. The honourable member, having been a former teacher, will know that the slow learner is far from being a disabled person. The slow learner requires a certain amount of guidance, support, and encouragement in his learning problem. Many notable surveys have been done on this aspect that highlight very strongly that, if a child is to achieve in our education system, one of the first and foremost prerequisites of that achievement is that the child needs the support of the parental home. If the parents are prepared to sit down and encourage the child, give time to the child and listen to his reading, it represents a great hallmark in the development of the child's educational programme.

Many schools make great use of parents who come to the school and spend time listening to a child read. The honourable member was a little off beam in his argument about the slow learner in our school system and in the way in which he tried to canvass this subject in relation to the Bill.

We should commend the Government for introducing such a Bill, especially in the International Year of the Disabled Person. For so long, while we have known that these people exist in our society, we have given them insufficient attention. The member for Salisbury said that this year could be renowned as being the year of tokenism, and he cited the ramp at the back door of Parliament House as a good example of tokenism. He should be embarrassed at the so-called tokenism and explain why the ramp was not built years ago. There have been handicapped people in our society *ad infinitum*.

As the honourable member would know, the purpose of this year's programme, like any educational programme, is to continually remind people of a certain message. This year we have seen this message in a number of placards (which most members would have put up in their offices), and announcements on television and radio. Commendably, the message has also come across in plays and performances put on by handicapped people at various playhouses around Adelaide. These people have portrayed most vividly on stage the sort of trauma that a handicapped person, whether he is blind, deaf, or physically impaired in one way or another, has to go through, first, to be recognised in society, and, secondly, to form a functional part of society by gaining employment or doing meaningful work. The Bill addresses itself to that situation. If the member for Salisbury had read the Bill, he would know that that was the main content. Clause 22 refers to discrimination. It is quite specific that the recommendations fall in line with the earlier definitions of what is a physically impaired person.

I am somewhat disturbed at the honourable member's comments, if he were to talk to his own colleagues, namely, the former Minister of Education (the member for Baudin), he would know that in late 1978, early 1979, I was involved with a group of residents in my area who became quite concerned about their totally dependent children who were described as non-educatable. They need constant supervision and have to be turned over every few hours so that they do not develop bed sores. They need to have their limbs stimulated. These little children are capable of recognising their parents and responding to certain stimuli.

The former member for my area also attended that meeting and many questions were asked by the local people about a facility that they believed should be provided for these totally dependent children. About 12 children in the southern district were involved. The problem was that the parents had to put the child in an ambulance at 7.30 or 8 a.m.; the child would go to the Kate Cocks Home, Ru Rua, Regency Park or some other centre. The travelling time meant an incredibly long day for children that do not necessarily have the same stamina as many other healthy children would have. This became a burden on the parents, too. The child had to travel two or three hours a day as well as attending a normal programme at the centre it attended. At the end of the day, the child came back fatigued, and this was a problem in itself. We know what our own children are like at the end of the day. These parents requested a facility in the southern area to enable their children to be looked after locally. Volunteer nurses were prepared to help out so that the children did not have to undertake long journeys.

I wrote to the then Minister and pointed out, considering the Government was looking at plans in regard to a special centre for the handicapped at the Christies Beach East Primary School, that in the initial planning stages it may be cheaper to incorporate an additional room in which these children could be housed. They would then have close access to other teachers and children and would be part of an integrated system. Physiotherapists and other guidance people who attended the centre could also help the children. The Minister replied that the Government could do nothing at that time, and, therefore, no support was given.

Early in the life of this Government, an interim grant of $10 000 was provided to the parents in that area to enable them, with the co-operation of local government, to set up a centre for their children, which is called 'Sea Winds'. Consequently, several months later, the Federal Government gave a further grant of $60 000 to provide the centre with the necessary equipment and get it started. Under the Federal Government Act, the centre is funded some 75 per cent of its recurrent costs. The centre is still campaigning to obtain additional funding so that the centre will be totally funded. We must consider this matter. A number of approaches have been made by me and the local Federal member to try to gain additional funding for that centre. Not only children who are born with deficiencies but also children who are unfortunately subject to accidents in the latter years of their life are treated at the centre. I know of one child who, at the age of two, was injured in an accident and is now totally dependent and is receiving attention at that centre.

The member for Salisbury did not address himself to the fact that, while it is very nice to provide this sort of facility, we should look not only at the child or the unfortunate person who has suffered a disability but also at the parents or family of that person. In many instances, the family requires a lot of encouragement and counselling to help overcome the trauma of the fact that they once had a very healthy child, and now that child is unable to move around as freely as he or she did before. Parents are subject to severe traumas and must make tremendous adjustments to this new situation in which they live. I commend any parents who have a child who is in any way handicapped. They must have a tremendous amount of strength. I admire parents who have the strength to give their child assistance. These parents are on call virtually 24 hours a day.

I remember the years during which I was at teachers college when I helped out at Ashford House. At that time, the Regency Park complex was being built. Many of the staff at Ashford House were very sad to see the closure of that establishment.

There we had a situation similar to that which we have in the south now—a small unit dealing with a particular problem, and everyone was part of a very close family. The problems facing the staff there concerned the fact that, once these little children were taken into a large institution such as Regency Park, some of them would lose their identity. While I am in no way decrying Regency Park, which does marvellous work, that is a danger, and it is one of the elements to be considered in any of the assistance that we give, namely, that we do not create another trauma, namely, total isolation within a larger community.

Also, we need to be mindful of the fact that sometimes these things can be abused. A friend of mine who went through college with me was working in an institution for the more severely mentally handicapped. She was somewhat disturbed because sometimes children were admitted to the centre who were not totally under the guidelines as to the type of children being treated in that centre, but because they were being neglected by their parents it was the only institution left for them to go. I reiterate my earlier point that we should be looking not only at the totally handicapped adults or children, but also at what support can be given to the immediate families of such people.

Rather than looking on this legislation as being tokenism, as the member for Salisbury implied, I think we should heed the words of the member for Salisbury: 'We should now come to recognise what we should have known all along.' I think by those words he admits the shortcomings of his Party when in office. Surely many of these programmes should have been initiated many years ago. Thank goodness that, due to the international system of recognising problems from year to year, this year people have concentrated their attention on disabled persons. Through this repetitive message, we will get through to the community by the media. It is important that we get this message through to society, namely, that we treat others as we would have them treat us.

Mr MATHWIN (Glenelg): I support the Bill, and in doing so I sincerely congratulate the member for Hanson on his contribution to this debate. He spoke with great feeling and with great knowledge after his recent study tour, and I am sure that the knowledge he brings back to the State and to the Government generally will be of advantage to the people he seeks to help.

The Hon. Peter Duncan: Do you think it has equipped him to be a Minister?

Mr MATHWIN: Indeed I do. About six years ago, as a member of the Opposition, I was contemplating bringing in a Bill of this nature. The then Minister of Labour and Industry, now the Deputy Leader of the Opposition, indicated that he and the Government were bringing in a Bill anyway and that the matter would be better left. So, of course, it was left and left, and now it has been left to this Government to take the initiative to bring in a Bill of this nature—

The Hon. Peter Duncan: It is a different Bill.

Mr MATHWIN: —a Bill which we hope the member for Elizabeth will support. As a number of speakers put their thoughts on record very well, I did not intend speaking on this Bill until I saw the member for Salisbury stagger to his feet first of all to attack the Minister handling this Bill for his absence from the Chamber. The member for Salisbury, although he has not been here very long—

Mr McRAE: On a point of order, Mr Speaker. The member for Glenelg has made a blatant allegation against a colleague of mine, namely, that he staggered to his feet.

The SPEAKER: Order! I do not uphold the point of order. The member for Playford will recognise that the rulings of the House have been that, if a member is hurt or in any way affected by a statement, he may seek to correct the situation by way of direct contact if he is in the House or subsequently by a personal explanation.

Mr McRae: Well, I hope he will apologise.

Mr MATHWIN: This is the second occasion that the member for Playford has tried to create himself as a good guy by trying to take a point of order on me, when in fact I have not done anything wrong at all under Standing Orders. If it hurts the member for Playford to hear home truths about one of his Party's potential Ministers, then so be it. I do not apologise for that. The member for Salisbury from that very place across the Chamber, where he belongs and where he will stay for a long time, no doubt, attacked the Minister of Education for his absence from this place, knowing (and if he did not know he ought to have known) that the Minister was away on

Government business in Canberra looking after and fighting for the rights of the people in South Australia. The member for Salisbury ought to be ashamed of himself for that kind of attack on the Minister in his absence from this place. Fortunately, the Minister has returned from Canberra, and I am sure he will acquit himself very well indeed, as he always does in replying to scurrilous remarks such as those made by people like the member for Salisbury.

The member for Salisbury went on to blame the Liberal Government for the lack of facilities generally in this area, the lack of people to teach, the lack of speech therapists, and the like. It is a pity he did not go further and delve into the fact that his Government when in office for 10 long, weary years did absolutely nothing about the problem anyway. If the member for Salisbury wants to present himself in this place and to the public of South Australia as a potential Minister of Education, he will have to do a little better than he did tonight.

The honourable member stated that it has been said that there was shortage of kindergartens in the south-western area for the children to whom this Bill applies. I am prepared to provide him with further information from annual reports about the very excellent facilities at Townsend House for the blind, deaf and dumb children of this State. It has an excellent kindergarten which was built by the Labor Government when it was in power.

The Hon. Peter Duncan: I thought you said we didn't do anything for 10 long, weary years.

Mr MATHWIN: I am saying what the member for Salisbury said. The kindergarten is excellent, and it is used by all children in the area, particularly by children from Brighton. It has a marvellous record. Not only does it provide facilities for young children but also, during the last few months, it gave away $62 000 for assistance and equipment for the blind children and other blind people of this State—a great effort for a great voluntary organisation. It has a great women's auxiliary, and I have regularly attended annual general meetings and other functions over a period of 15 to 17 years, so I am fully aware of the great benefits it provides to the children of this State. No doubt the honourable gentleman does not want to remember that, because of the record of his Government in relation to Townsend House; that is probably why he did not want to mention that the previous Government, over a period of years, promised a payment of $272 000 for the upgrading of Townsend House which never eventuated.

It was the present Liberal Government that eventually provided over $60 000 for painting and renovating the outside of Townsend House. We remember, in those weary days when the previous Government was doing a neat side-step on the issue, the time when a green ban was put on that building and nothing was allowed to proceed. That is a shocking state of affairs and record as far as I am concerned, and I do not blame the honourable member for Salisbury for not wishing to remind the House of his Party's record in this field. If the honourable member asks me, I shall be delighted to show him around Minda Home, another facility in the south-western area that is available for these people.

The Hon. PETER DUNCAN: Mr Speaker, on a point of order. You may be in a very latitudinal mood tonight, but the honourable member for the last 10 minutes has been talking about Minda Home and Townsend House and facilities associated with them, which has nothing to do with the Bill. I have been waiting for him to link up his remarks.

The SPEAKER: There is no point of order. I have been listening to the honourable member and, whilst he has been astray of the mark on occasions, as have other members in addressing themselves to this Bill, he has been linking back to the legislation the facilities provided for persons with handicaps.

Mr MATHWIN: Thank you for your protection, Mr Speaker. For the edification of my friend, the member for Salisbury, I can give him some information about the facilities available at Minda Home and Townsend House. The people there have particular problems and the member for Elizabeth ought to know that. I will deliver by hand to that honourable gentleman at the earliest available opportunity the latest annual report.

I will now deal with some of my investigations in relation to this matter that coincided with my investigations into juvenile crime and delinquency, which I was studying overseas. There is no doubt that in all the countries I visited, which totalled 15, there was a link between education and people who are handicapped and unable to proceed at the same rate as other children. Those children who have a handicap with hearing, sight, slow learning and the like have a problem and, if they are not looked after and given proper love and care, they are well on the road to becoming vandals and delinquents. I said before and I say again that I believe some of the vast sums of money we are spending in this State (just over $1 100 000 a day on education alone, 90 per cent of which goes in salaries) should go towards educating these young people who need this special education and assistance under special circumstances. I would be more than happy if the Minister could provide more money towards this goal at the expense of some of the other schools. We have some marvellous schools in this State: I believe that the education system here is rather good. Excellent facilities are available to the young children of this State. I believe that it would be far better if some of that money went towards reaching a teacher ratio of one teacher to two children, or even 1:1, which would enable those children to be assisted to develop at their own pace as they ought to do, with the help and concentration of a teacher. I say no more.

I was encouraged to speak in this debate particularly by the remarks made by the member for Salisbury, but, having said that and having straightened the record in that area, I hope that the pleas I have made on behalf of these young people who need special training and assistance will not fall on deaf ears as far as the Minister is concerned, and I hope that he will take some notice of what I have said.

The Hon. PETER DUNCAN (Elizabeth): I have listened to all of the debate on this Bill this evening and some of it this afternoon. I think, by and large, it has been a rather disappointing debate. Given the issues involved in this Bill, I would have expected it to be possible for this House to have largely a bipartisan debate on such a question. I think the contribution by the member for Hanson was a worth while one, and I think he approached the matter from a position of genuine concern. I think some of the other contributions lacked that sort of objectivity. I think that is a pity, particularly, as I have said, in light of the subject matter. It is a regrettable fact that many members of the House are latecomers to the cause of the handicapped and, if anybody denies that, let him look back through *Hansard* to see how many questions and contributions long-standing members of this House have made on this matter.

I first set up the Committee for Law on Persons with Handicaps in 1976, and at that stage there was some criticism from the then Opposition that I was grandstanding in so doing. Nobody can now deny that 1976 was a long

time ago, a long time before the International Year of the Disabled Person—a long time before this question had become a matter within the public consciousness. As I have said, I think it is a pity that members have not been prepared to recognise that as a fact. The simple fact of the matter is that we have all been going through an educative process over the past few years and we now well recognise the need to assist handicapped people. There was not that sort of community recognition back in the mid-1970's. The bringing down of this report was a vanguard step, because, whilst I have criticisms of that report now, when it was brought out it was certainly the leading document in Australia. I think we should be adult enough in this place to recognise that each and every one of us is not the font of all wisdom. We do not have a full understanding of the problems that confront our society and we do not (and I am not saying this is deliberate) each and every one of us play the perfect role of the perfect politician or member of this Parliament. One of our downfalls most certainly has been that we have not recognised much sooner the needs of handicapped people in our society, but this Parliament reflects the views and attitudes of the community at large, and we should all recognise that. It is a pity that the community does not have a better appreciation of that. There have been and there are brilliant people in this Parliament. There are quite ordinary run-of-the-mill people in this Parliament, and as such their views reflect the community at large; and so with this matter.

In earlier years there was not the community recognition of the problems of handicapped people that there is today. I am sad that it has taken from December 1978, when this report was brought out, until now, June 1981, to have this legislation brought into the Parliament, but I am not going to stand here in a stupid partisan way and criticise either the existing Government or the previous Government for that. We know that it is not an easy matter to get a relatively complicated piece of legislation like this into proper form to bring before the Parliament. We know that there has been an election in the meantime. We know that the new Minister had to settle into his portfolio and that he had to give instructions to have the Bill drawn as he wanted it. There certainly had been instructions given by the previous Labor Government to prepare such a Bill, but I am, as I have said, not critical of that. I am pleased that the legislation is at last before us, and I think that it will be a very worthwhile step in assisting handicapped people.

I do not think anybody is under any illusion that this will provide a panacea for dealing with the problems of handicapped people. Of course it will not. It is only a step along the way, but I for one am certainly very pleased that this step has been taken. I must say, however, that the community has come to accept this sort of legislation, and I do think that it is time that we considered moving on to assist the handicapped in other ways apart from simply removing discrimination against them.

I was interested to note from the speech this evening by the member for Mawson that the whole way through it he spoke basically about assisting handicapped children, and likewise the member for Glenelg's speech was basically about assisting handicapped children. I do not want to be critical of them individually for this, but I do think they have underscored an interesting problem that exists in society's perception of the problems of handicapped people.

Handicapped children generally are dear little attractive things that everybody can relate to and feel some sort of empathy for. A large adult handicapped person is not so physically attractive, and therefore I think subconsciously the community does not relate so well to adult handicapped persons as it does to handicapped children. I believe that in a sense this Bill, in one sense anyway (and I might be drawing a long bow here) recognises that community perception, because from my knowledge the great problem that adult physically handicapped people have is in the question of employment, and by and large this Bill does not deal in the way I would like to see it deal with the question of employment.

Again, I want to make it clear I am not being particularly critical of this Government in saying that, because the report of the committee that I set up specifically recommended against any sort of financial scheme for assisting handicapped persons to obtain employment. They simply said that such schemes had too many problems to be tackled. Frankly, I do not accept that that is the case, because I have seen schemes overseas where financial assistance is given to assist handicapped persons to enter the work force to a much greater extent. I think that is a matter that this Parliament at some stage, in the future, possibly in a few years time when community attitudes have changed further, will in fact legislate upon. For example, in a very remote part of the world, Iceland, I was surprised to find that persons with physical handicaps and on invalid pensions were not discriminated against when they took up employment. They did not lose their pensions. On the other hand, the employers were enabled to pay up to, I think, 80 per cent of the pension less than the award. In other words, there was a direct incentive to employ such a person and, if that person's productivity was significantly less than that of an able-bodied person, at least to the extent of 80 per cent of the invalid pension's value the employer was compensated for the slowness of that person. I think that sort of scheme would be very worthwhile looking at in this country.

I appreciate that it is not a matter for the State Government, and I am not therefore being critical of the Government for the fact that something of that sort is not included in this Bill, but I am raising it as I think that after this legislation we ought to be looking at something along those lines, because I do not believe that the arrangements that we have in society at the moment for looking after physically handicapped adults are nearly good enough.

Mr Mathwin: How do you think the unions would look at that?

The Hon. PETER DUNCAN: I think that, if the matter was handled sensibly, the unions would look at it quite favourably. There are other schemes, of course. Some people will be aware of the schemes that exist in Great Britain. I am not expert enough to be able to be precise on this, but I do know that the general nature of the scheme is that a certain proportion of jobs in some areas of the economy are reserved for handicapped people. In the Government itself, certain specific jobs are reserved for handicapped people and, as I understand the situation in Great Britain, in effect there is, for want of a better word, I will call it a Commissioner for Equal Opportunity for Handicapped Persons, who actually does an assessment of individual jobs throughout the Government to see particular jobs that might be suitable for handicapped persons. Those jobs are then earmarked and, when they become vacant, efforts are made to fill them with a handicapped person.

The Hon. Jennifer Adamson: We have such an adviser in the Health Commission.

The Hon. PETER DUNCAN: Yes. This, I believe, is a very worthwhile thing that can be done to assist handicapped people. Society in a sense does this on what might be described as a completely free enterprise approach. Obviously, you do not employ a bantam-weight person to do a job which involves heavy manual work, so

you employ a bigger person. On the other hand, there are some jobs that traditionally have been done by smaller persons, and there is no reason why handicapped people cannot be fitted into the work force in a similar fashion, but it does take initiative on the part of Government to do this, and I think that that sort of initiative spread across the State Government would be very worthwhile for the handicapped people in South Australia.

My knowledge is not such that I am able to say how many handicapped people there are in South Australia. I doubt whether anybody could specifically say that, because we get into the question of just what is a handicap and what is a disability and the other associated questions, but I do not believe that the number of potentially employable handicapped persons is so great that they could not by and large be employed as they wanted to be. I think that this is a problem; it is a social problem which in fact we could overcome.

I believe that it will be a very worthwhile programme to undertake across the Government, and I was interested to hear the information that the Minister of Health has just injected into the debate that that is only a beginning and that such a programme will be undertaken across the Government. I am quite certain it is the sort of programme that would receive bipartisan support in this Parliament, and one that Labor members, on assuming office in 1983, would continue on with. It would be good if the present Government were to commence such a programme so that a start could be made.

Basically, I do not want to delay the debate any further, but I thought those points were worth making. I would like to make one further point in relation to clause 58, which deals with the relationship between proceedings under this legislation and proceedings under section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act. I am particularly interested in the clause, because I cannot find a similar provision in the Sex Discrimination Act. I suspect that the clause has been put in because of some difficulty that may have arisen, but it does not seem to overcome the problems that I imagine the Government is anxious to avoid, and that is the problem of two sets of proceedings being undertaken on any matter. As I read it, it does not stop a person from having two actions. Clause 58 states, in part:

> (1) Nothing in this Act prevents a person who has been dismissed from his employment from bringing proceedings in respect of that dismissal under section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act, 1972-1979.
>
> (2) Where a person brings proceedings under section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act, 1972-1979, in respect of dismissal from employment, and those proceedings are determined, he shall not institute or prosecute proceedings under this Act in respect of the dismissal.
>
> (4) Where a person brings proceeding under this Act in respect of dismissal from employment, and those proceedings are determined, he shall not institute or prosecute proceedings under section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act, 1972-1979, in respect of the dismissal.

The way in which that clause has been drawn means that a person is still in a position where two remedies can be taken. A little manipulation would be required, but one could take one's chances and, when one saw how the case was going in each of the relevant boards or the court, in the case of the Industrial Code, one could make one's choice and decide where to go.

I do not think that that is a satisfactory situation. It would have been better to have clothed the Industrial Court with power to exercise the remedies under this legislation where a person claimed a section 15 (1) *(e)* reinstatement, and then the two matters are fused and dealt with together. However, I imagine that this is a matter the Minister will want to take up with the Parliamentary Counsel. I mention it now so that perhaps not now, but possibly in Committee, some answer might be given. It seems to me that, if we are seeking to prevent the bringing of two actions and the seeking of two remedies, that has not been precluded by the clause as it stands. I support the legislation.

The Hon. H. ALLISON (Minister of Education): I move:

That the sittings of the House be extended beyond 10 p.m.

Motion carried.

The Hon. H. ALLISON: I would like to express thanks to all members who have taken part in this debate. I am quite sure that, even in my absence this afternoon, when I was in Canberra on Ministerial business, some fine contributions were made, and I recognise that there were one or two issues raised in the course of the earlier addresses which might appropriately be answered at this stage. I intend to answer one or two of them at rather more length than others.

The member for Spence raised the question of access generally and, admittedly, that might have been attended to within this legislation, but it has been determined by Cabinet that access will be dealt with within the buildings legislation which will later be introduced. The Government's housing policies, too, will enable some independent living accommodation to be provided for handicapped people, and certainly there will be some improvement there.

On the question of education and equality of opportunity, this is ensured by the Bill. However, if an education institution is unable to provide special assistance or equipment reasonably, then it will not be considered to be discriminating against a person with physical impairment. I will deal with a few other educational issues later. A point was raised that the legislation does not deal with invisible disabilities, and that is quite so. It is intended to deal with physical impairment; the Bright committee has reported on intellectual handicaps, the Attorney-General will be looking at implementation on a legislative basis at a later date, and that legislation will be introduced into the House.

The member for Flinders raised some criticism of the definition, which he thought might be improved. The educative value of the legislation, through the Commissioner and the exercise of the power of conciliation, will attempt to change community attitudes generally. I was a little disturbed to return from Canberra and, placing my cases in my office, to hear the dulcet tones of the member for Salisbury, critical of the fact that I had not been in the House all day. It is the practice in this House, when Ministers are away on official Ministerial business, for that permission to be given and for a pair to be arranged through the normal channels of the Party Whips. That was done, so that members on both sides of the House should have been aware or at least should have been able to inquire quickly as to my whereabouts. I was in Canberra attending an Australian Education Council Meeting. Nevertheless, in spite of the obvious point scoring that was going on in my absence, I would like to thank the member for Salisbury for his contribution, because I recognise that many of the things he said were attempts to be critically constructive, and I hope that at least I will be able to respond to some of the issues that he raised.

When the Liberal Party came to Government and when I became Minister of Education, it was brought to my notice that there were 14 speech therapists in the

Education Department. That was in September 1979. One of the first things the Government did was to expand the number of speech therapists to 19, and that ceiling has been 19 since then. One of the problems which the Education Department has experienced is that speech therapists who have been qualifying from the South Australian course at Sturt Flinders have been absorbed by the department. In fact, this year, I think all the therapists who were available were taken into the department, and in some cases these new trainees are taken in and are held over establishment, because it is a fact of life that there is a relatively high attrition rate in relation to education in the speech therapy field, and the numbers have fluctuated quite considerably.

The issue of the Murray Lands has been before me ever since the Liberal Government took office. One of the ways in which we have tried to remedy the deficiency is to make available speech therapists from adjacent educational regions, so that there is .4 or .5 of a speech therapist available by combining the efforts of the speech therapists in those regions. If there was .5 or .6 of a speech therapist in the region regularly, the service may not necessarily be improved, because of the additional travelling time involved. We believe that the area is catered for reasonably adequately, but there are constant demands that a permanent resident speech therapist be provided there.

Mr Lynn Arnold: Has that been seriously considered?

The Hon. H. ALLISON: The ceiling is currently 19 and as soon as we can see our way clear to changing that ceiling, we will do so. The matter has not been shelved. We are spreading the speech therapists over the many regions in South Australia as well as we can. The whole issue is constantly under review. I believe that the matter will be reviewed later this year in regard to making some improvement. I point out that the Health Commission, the Kindergarten Union, the Education Department and the extended care unit of the Health Commission are also contemplating providing, in their own right, speech therapists. Speech therapists are located at various places across the State. Education is not the sole provider of speech therapists. In fact, the member for Salisbury pointed out that the Kindergarten Union had sought additional speech therapists, and two or three weeks ago I received a fresh request in this regard, the previous request having been deferred some considerable time ago. I believe that the Childhood Services Council has relayed back to the Kindergarten Union permission to allocate at least one speech therapist and one other staff member—

Mr Lynn Arnold: That is not the answer you gave me last week; the answer to the Question on Notice did not indicate that.

The Hon. H. ALLISON: That was probably before I passed the docket back to the Childhood Services Council. It is fresh in my memory. Possibly the answer provided in the House was prepared during the time that Parliament was in recess and had remained in the Premier's Department or with the Government Printer awaiting the printing of *Hansard*. That was obviously so, because answers have been prepared week by week. It is possible that the original answer was overlooked and the subsequent request of the Kindergarten Union initiated a different reply. I can assure the honourable member that at least one speech therapist and one other staff member were urgently requested. The Childhood Services Council will be replying to the Kindergarten Union giving permission to forfeit two members of the staff and substitute their presence with the other two officers.

The question as to how far the Government can go in the provision of additional staff throughout childhood services and in the Kindergarten Union must be related to the fact that, whereas a few years ago the State Government provided only 25 per cent of childhood services funds, the Federal Government has held static the amount with no increase for inflation over the past several years. Now the State Government carries over 75 per cent of funding for the Childhood Services Council and continues to provide sufficient staff to meet the demands. The Federal Government provides only between 20 per cent and 25 per cent.

Mr Lynn Arnold: Have you taken issue with the Federal Government on that?

The Hon. H. ALLISON: We do that every year, but that portfolio is handled by a different Minister at the Federal level from the Minister of Education. Unfortunately, there is a dichotomy of interests. I believe that the Minister for Social Security handles this matter federally. The problem has been tackled frequently and it has been proposed that it might be more appropriate for the Ministers of Education to handle the whole range of educational services from early childhood to tertiary level. That has not been so in the past, but that has not precluded our raising the issue at Federal level.

Another problem is that a number of married speech therapists (and the preponderance of them are ladies) have preferred to remain in the city and not transfer. The suggestion that some people have expressed a desire to serve in areas such as the Murray Lands has not been borne out on investigation.

For example, I was accused of refusing to employ a person in the Murray Lands only a few months ago; I found that that person was just not available. Rumour is integrated with fact. I do not believe that we have neglected any opportunity to provide additional staff wherever they have been available. The member for Salisbury stated that there is no such thing as a normal person. That suggestion sounds a little Orwellian. Orwell said in *Animal Farm* that all of us are born equal but some of us are more equal than others.

Mr Lynn Arnold: There is no Mr Average.

The Hon. H. ALLISON: The honourable member might have been a little tongue in cheek if he did not acknowledge that there was a high degree of what we consider to be normality. If there were no difference between what we consider to be normal people physically and what we consider to be abnormal, it would not have been necessary to introduce this Bill. This Bill is an attempt to ensure that there is the optimum degree of normalisation of people who are physically handicapped. We do not have to look very far to realise that physical handicaps do not prevent people from taking a very active and normal role in society. Our society is much the better for that.

The definition of 'normal' is rather odd in modern society. As I heard the honourable member speak while I was putting down my case in my office, it occurred to me that normal teeth are considred to be perfect teeth and normal eyesight is, in fact, 20/20 vision whereby one can see perfectly. A normal i.q. is 100, with the range going down beyond cretinism and up to 150, which involves the top 2 per cent. A normal person, as the honourable member suggested, is a composite of all people. We all like to think that we are normal, but there is a big question mark.

I believe that the Education Department came in for a little unfair criticism. The Health Commission is responsible for totally dependent people. I do not believe the honourable member went as far as suggesting that the Education Department should look after totally dependent people, but he inferred that the Education

Department might be rejecting some people who applied to attend schools.

Mr Lynn Arnold: I didn't say that.

The Hon. H. ALLISON: If that is not so, I misunderstood the implication. Integration is the Education Department's policy. I am not taking credit for that, because integration was the former Government's policy, and we have carried on with that. It is a fine principle. Integration and normalisation are the policies of both the Education Department and the Health Commission in South Australia. In that regard, I have learned from educationists across Australia that South Australia is regarded as being as far ahead of other States as it could be within the constraints of finance. There is no reason to make apologies for the department: it does extremely well. If the honourable member criticises the department, he is criticising the best educational system in Australia.

Mr Lynn Arnold interjecting:

The Hon. H. ALLISON: The honourable member asked for a Ministerial statement to be made: I hope that my reply in the second reading stage will be regarded as precisely that. The honourable member referred to the Troika group of artists, whom the honourable member and I were privileged to see in the Education Centre a few weeks ago. The group presented a short play on handicaps. The Troika group, as recently as last week, applied for and gained a grant for education and the arts for its performances with respect to the International Year of the Disabled Person. I was pleased to make funds available for that. The special school system provided in South Australia is certainly very good, and provides education for those people who are considered not ready for integration within the education system.

At the other end of the spectrum, both State and Federal Governments are involved in funding for post-school education to provide vocational training in institutions such as Bedford Industries and Heritage sheltered workshops, which is a rural venture.

I have nothing but praise for members of the Education Department, those industrial enterprises, members of the Health Commission, and others involved in these programmes. I think that the people to whom we should refer with the greatest degree of feeling are obviously the parents and close relatives of people who are handicapped. I believe that these people, who are experiencing first hand the problems, would acknowledge that from their experience often simple and eminently practical measures are the ones which help the disabled most, rather than complex ideas which might be put forward.

In my own experience, a number of organisations have proved extremely worth while. The Sturt College's Speech Therapy Centre, of course, is certainly relevant to the training of our own speech therapists and is doing an excellent job. Also, there are the Spina Bifida Association, the Epilepsy Association, the Diabetics Association, the Autistic Children's Association, the Specific Learning Difficulties Association (SPELD), the Royal South Australian Deaf Association, the Multiple Schlerosis Association, the Regency Park educational team, Townsend House, Ru Rua, and the Home for Incurables. In my own experience, too, I have seen the work of handicapped artists, I believe they call themselves Rehandar, who paint by holding brushes in their feet because they are unable through disability to use their hands. Often they paint with brushes held in the mouth. As patron of the South-East Paraplegics Association, I have been astounded to watch the extreme competence in sporting events of people in wheelchairs, paraplegics who join in to the extent that they take part from South Australia in the Paraplegic Olympic Games. They are extremely vigorous people. They certainly get the most out of life in spite of handicap.

Of course, a number of service organisations have played a great part in assisting the groups I have just mentioned. Amongst others, there are Apex, Rotary, Lions Club, the Kiwanis. I believe the member for Hanson is a Kiwani who has been responsible for a lot of assistance in this field. I thank all members who have contributed in any way to the debate this afternoon and this evening. The Government acknowledges the previous interest of the member for Elizabeth; of course, this Government was committed enough to bring in the Bill. We decided that we would not place it in the hands of either the Minister of Health or the Minister of Community Welfare. The Government felt that the Attorney-General would be a more appropriate Minister to introduce this Bill, as he did in the Upper House, because what we are trying to establish is equal rights in law.

We are taking an enlightened view and for that reason the Bill was placed in the Attorney-General's hands for introduction to Parliament. Now we feel that, although the Government has introduced the Bill, it is up to all South Australians to ensure that the legislation works. Probably an appropriate quotation to finish up with is contained in 'Obstacles', the Canadian House of Commons report of the Special Committee on the Disabled and the Handicapped, dated February 1981. It is certainly relevant and contemporaneous. Included in the introduction are the words:

> Disabled persons are not asking the Federal Canadian Government for a hand-out, but for a hand up, so that they can build for themselves lives of independent choice and action.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr BECKER: Information I seek from the Minister relates to his summing up of the debate. I ask first whether I heard him correctly when he said that this legislation does not cover hidden disabilities.

The Hon. H. ALLISON: Yes, the legislation covers physical disability.

Mr BECKER: I must now protest, because I was under the impression that it covered all forms of disability. I want to say how extremely disappointed I am and I think that, if the various organisations involved in providing facilities and amenities for disabled persons in this State realise that there has been a change of emphasis, there will be a tremendous protest. I was led to believe by the Minister involved in handling this legislation that 'physical impairment' covers all disabilities, and I have sought assurance that that was the case. I re-emphasise that as far as I am concerned 'physical impairment' should cover any degree of disability, infirmity, malformation or disfigurement caused by bodily injury, birth defect or illness, including epilepsy, paralysis, amputation, lack of co-ordination, blindness, deafness, muteness, and physical reliance upon a guide dog, wheelchair or other remedial appliance or device. I must get an assurance from the Minister on this because, if that is not what the Bill provides, I could not support the legislation as it stands.

The Hon. H. ALLISON: I believe that when I was addressing the House in closing the second reading debate I mentioned that the Bright committee has in fact reported on intellectual handicaps and that the Attorney-General would be looking at its implementation on a legislative basis to be introduced later.

The CHAIRMAN: I point out to the member for Hanson that he is now rising on his third occasion.

Mr BECKER: We have a dispute here. I am not concerned so much with intellectual handicaps. The whole point is that I have been led to believe ever since the first draft of this legislation that this Bill covered all disabilities. I have one particular area with which I am concerned. I have been involved on national committees and on State committees for the rehabilitation of the disabled. I still appeal to the Minister to tell me what the real facts of the legislation are. I was originally informed that 'physical impairment' covered all physical forms of disability, including epilepsy, asthma, diabetes, arthritis, or what have you. I want to be reassured that that is exactly what the situation is. I am not happy with the description of 'physical impairment' and I have already given notice that I intend to attempt to introduce a private member's Bill to spell out this section. Tens of thousands of people will be bitterly disappointed if this legislation is not what I have been led to believe it is right from the first drafting. Again, I ask the Minister whether it covers epilepsy, diabetes, asthma, arthritis, etc.?

The Hon. H. ALLISON: As we understand it, the term 'physical impairment' is defined in clause 4, and the only exclusions there are impairments to the intellect or mental illness, which are hidden disabilities, but those physical disabilities such as epilepsy or arthritis could certainly be manifested, I suppose, in a physical way. These are included, certainly.

Mr McRAE: I have listened with great care to what the member for Hanson has said, and it occurs to me that it is not quite as simple as I first thought. Let me give an example. There is no question that the words 'mental illness' bear a meaning in law, and they also bear a meaning in psychological practice which is clear and known to all. The problem lies in the phrase 'impairment to the intellect' and, as I see it, that can produce a real problem. It seems to me that asthma and diabetes are clearly caught. The matter of epilepsy does worry me because, depending upon the interpretation that is given to it by different clinical phychologists, the result might be different.

I suggest that we proceed with the other clauses on the clear understanding and assurance from the Minister that we can return to this definition clause later. He can take further advice, because there will be one division later. In other words, if I move that the Committee have leave to reconsider clause 4 at the end of our discussions, that will give the Minister an opportunity to take further advice and relieve the worries I now share with the member for Hanson. Epilepsy is really in a sort of hinterland.

The Hon. H. ALLISON: As I understand the epileptic processes, there are the different forms of mal—grand mal and the lesser ones. It is not an intellectual impairment. The fact that it takes place within the brain does not mean that it is an intellectual or mental process. It is taking place within the brain, but it is not impairing the person's intellect. Before and afterwards they lead a normal life, or they return to their existing mental state. It is simply the fact that at the time it is a physical disability. It is manifested in a very obvious physical form and there are certain remedies which are taken, so I assure the honourable member that we would include epilepsy in the body of the Bill within the form of physical impairment.

Mr McRAE: In that case, to make the whole matter quite clear (it is an important matter, as the honourable member for Hanson has said), I now move to strike out the word 'or' between paragraphs *(c)* and *(d)* of the definition of 'physical impairment'.

The CHAIRMAN: The honourable member for Playford will have to put his amendment in writing. I am prepared, under Standing Order 312, to allow him to move that the clause be postponed and taken into consideration at the completion of the clauses.

Mr McRAE: Thank you very much for your assistance, Mr Chairman. I think that is the appropriate course. I move:

That clause 4 be postponed and taken into consideration after consideration of the remainder of the clauses of the Bill.

Consideration of clause 4 deferred.

Clauses 5 to 10 passed.

Clause 11—'Constitution of the tribunal.'

Mr BLACKER: I seek some guidance from the Minister on what is meant in subclause (3) by 'substantial physical impairment'.

The Hon. H. ALLISON: I cannot give the member a precise definition, but 'substantial physical impairment' would be an obvious physical impairment, not one which was not really obvious. 'Substantial' is a difficult word to define, but it would be an obvious impairment.

Clause passed.

Clauses 12 to 43 passed.

Clause 44—'Insurance and superannuation.'

Mr BECKER: The Minister will recall that some months ago I wrote to him as President of the Epilepsy Association expressing concern about teachers employed by the Education Department in South Australia who suffered from some form of epilepsy. There are over 100 different types of epilepsy. Many teachers in the Education Department have some form of epilepsy, and the difficulty for them is that they are not being accepted in the Superannuation Fund. I understand that the Minister and his department have looked at this matter sympathetically. This clause provides that the Act will not render unlawful discrimination in relation to superannuation. I would like further consideration of this, because I have not seen evidence anywhere in Europe, England, America or Canada in the last three months that people with epilepsy should be discriminated against in regard to life assurance or superannuation. As a matter of fact in America, the Epilepsy Foundation has arrangements with a particular life assurance company.

I want to know what basis is used by the Education Department and the Government Superannuation Fund in dealing with people who have some form of epilepsy, because this would have to be the greatest area of discrimination that I know.

Insurance companies in this country lack courage in dealing with certain people within the community, and will take on insurance policies only if they are 99 per cent safe. The majority of people with epilepsy who want life assurance cover have to pay a heavy loading.

We have been successful in some areas but we are still experiencing difficulties from an association point of view in getting life assurance companies to provide cover for people with epilepsy. The myth is that people with epilepsy may not live a normal life. That is absolute garbage, because there is a member of the Epilepsy Association of South Australia who is 94 years of age, and he has had epilepsy all his life. There are many others who are around the 70-year mark, so people with epilepsy can lead a normal life.

There are 100 different types of epilepsy, and I believe that this clause is discriminatory against those with epilepsy. It is discriminatory against those who are working in the Education Department and other Government departments. I am not aware of many of those. I would like the Government (certainly the Education Department) to look further at the medical advisers. I do not know how old they are and what antiquated evidence they are using, but I know that in the

Federal Public Service the information being used up to two years ago was some 40 years old.

There has been tremendous research and development undertaken in America, the Netherlands and particularly in British Columbia, and now that the Japanese have come into the area of treatment of epilepsy and are using all their modern technology the situation has improved considerably.

The situation regarding the problems these people experience and the difficulty of controlling them with medication is improving greatly. Because this clause in my opinion clearly discriminates against the epileptics in this community, I would like the Government, and certainly the Minister of Education, to undertake further studies and to advise me and this Parliament of those who provide the medical advice and the qualifications of those who provide that medical advice so that we can further take up the case and, if necessary, make arrangements to send our medical advisers overseas to be educated by leading professors of neurology.

The Hon. H. ALLISON: I will investigate the background to that. I am aware that the honourable member has previously shown interest in this and a number of other issues regarding the handicapped. To my knowledge, the intensity of the illness is an important factor, as in fact is the high success rate of modern treatment in controlling many different forms of epilepsy, but there is the risk factor, which is one of the components involved when establishing a person's eligibility for insurance policies or for superannuation. I am not aware personally of the criteria used either by the actuary or by the medical people who advise the organisations that do make policies available. We will have it investigated, I undertake to provide the reply to the honourable member in the very near future.

Clause passed.

Clauses 45 and 46 passed.

Clause 47—'Non-discrimination orders.'

Mr McRAE: I move:

Page 18, line 4—After 'may,' insert 'of its own motion, or'.

It provides that the tribunal may of its own motion or on the application of the Minister hold an inquiry to determine whether a person has contravened or is contravening any provision of this Act. It is quite strange that any tribunal should be limited to proceeding on the application of the Minister to holding an inquiry as to whether a person has contravened or is contravening a provision of the Act. I would have thought that a tribunal such as this should have the opportunity to investigate matters of this kind of its own motion. Indeed, the Act on which this Act is modelled, the Sex Discrimination Act, has exactly the provision which I now seek. The argument being so self-evident, I say no more.

The Hon. H. ALLISON: It is not the Government's intention to accept this amendment. It is not intended that the tribunal should be able to commit funds to initiate inquiries which might of necessity later on run to considerable sums. The Government believes that the legislation as it stands is adequate.

Mr McRAE: Could the Minister advise whether the Government, in view of the philosophy just stated, intends to restrict the tribunal under the Sex Discrimination Act in the same way. In other words, if the Government has this philosophy of restriction of funds and holding down inquiries under the control of the Minister and under the hand of the Minister, can we anticipate that the activities of the Sex Discrimination Board will be similarly limited?

The Hon. H. ALLISON: There have not been any obvious problems so far associated with the activities of the Sex Discrimination Board, but there are one or two anomalies between the activities in the legislation covering that board and this legislation. I do not propose to go into those at this stage, but we do not propose to accept this amendment.

Mr McRAE: For obvious reasons, I cannot do anything about whether the Minister proposes to go into it, but I would have thought it was an affront of the Parliament for the Minister, having agreed that there was a basic philosophy and that there was a very good reason for differentiating between the Sex Discrimination Act and this Act, then to say, 'There are good reasons, but I will not tell the Parliament.' I ask him to tell Parliament.

The CHAIRMAN: I point out to the Minister and to the honourable member for Playford that it is entirely up to the Minister whether and how he answers anything put to him.

The Hon. H. ALLISON: The honourable member is suggesting that this legislation should be amended to accord with another Bill that is in the House, but Parliament does not always do that. There are many anomalies in different pieces of legislation. There is no evidence that we have had any problems regarding the activities of the Sex Discrimination Board, but rather than suggest that this Bill be amended, he might equally appropriately say that if such massive expenditure were incurred probably the activities of the other board and the sex discrimination legislation might be attended to. Either course of action is open to the Government of the day.

Mr McRAE: The Sex Discrimination Board has been involved in inquiries of its own motion, a very major one undertaken recently being that in respect of the Police Department, to deal with the self-evident sex discrimination that has been going on in that department. I would have thought the funds were well spent. I cannot follow the Minister. I think the Government is covering up something here.

Amendment negatived; clause passed.

Clauses 48 and 49 passed.

Clause 50—'Proceedings before tribunal.'

Mr McRAE: I move:

Page 19—

Line 27—Leave out 'amount' and insert 'damages'.

Line 28—After 'loss' insert 'or damage'.

After line 39—Insert subclause as follows:

(3a) The damage for which a complainant may be compensated under subsection (2) includes injury to his feelings.

Again, I would have thought that this amendment is self-evident, but now that I have been warned I must assume that nothing, no matter how clear, is necessarily self-evident. It is a matter on which I shall certainly divide the Committee if the Government will not accept it, because it is so simple.

Quite properly, the Minister has provided that the tribunal has power to make certain orders in respect of proceedings before it by way of complaint. So the obvious situation arises where a person has been discriminated against and as a result has suffered a monetary loss. If that is so, a proper order can be made. There are numerous other circumstances which will be apparent from the Bill, but there are a large number of instances, in particular in relation to persons suffering from physical handicap, where there is no monetary loss or the suggestion of any monetary loss but a considerable affront, embarrassment and hurt to the person involved —not a physical hurt but a personal injury in the wider sense of the term, a hurt to the feelings of the individual involved.

I suggest that the Minister turn to such things as are provided for in clause 33, which relates to the provision of goods, services and accordation. A number of things are

set out in that clause, and I would have thought that it was obvious that one of the worst embarrassments to, and one of the best ways of hurting the feelings of, a person suffering a physical handicap is to refuse entry to some entertainment or recreation centre, to a restaurant, or indeed 101 other things where there is no loss of money. Whereas money by and large rules the world, nevertheless in this humanitarian legislation we are trying to get beyond money and down to practical realities.

There is nothing in my amendment which is novel. It is in similar terms to the provision which appears in the sex discrimination legislation. As I understand it, the words are identical—the damage for which a complainant may be compensated includes injury to his feelings. That envisages a situation whereby the complainant satisfies the tribunal that, whereas there has been no monetary loss, there has been considerable embarrassment, personal affront and hurt of feelings. I see no cause for alarm about my amendment. It exists in another Act. The tribunal will be presided over by a high-ranking judicial officer appointed by the Government, and the Act, as in the case of other discrimination legislation, is under constant review. I urge the Committee to accept the amendment.

The Hon. H. ALLISON: The Government does not intend to accept this amendment.

Mr McRae: That's disgraceful. Come on!

The CHAIRMAN: Order!

The Committee divided on the amendment:

Ayes (15)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hopgood, Langley, McRae (teller), O'Neill, Plunkett, Trainer, Whitten, and Wright.

Noes (19)—Mrs Adamson, Messrs Allison (teller), Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, and Tonkin.

Pairs—Ayes—Messrs Corcoran, Hemmings, Payne, Peterson, and Slater. Noes—Messrs P. B. Arnold, Blacker, Randall, Wilson, and Wotton.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clauses 51 to 59 passed.

Clause 4—'Interpretation'—reconsidered.

Mr McRAE: I move:

Page 2—Line 30—Leave out 'or'.

After line 31—Insert new paragraph as follows:

or

(e) epilepsy

The Hon. H. ALLISON: In the interim since we last considered the clause we considered this matter and we believe it would be inappropriate to single out epilepsy from the other potential illnesses that might well be included. We have given the Committee an assurance that epilepsy is a disease that manifests itself physically and is included in the Bill.

Mr McRAE: That is disgraceful. It is exactly against an undertaking that was given to me by the Minister in this place only 20 minutes ago. It is a disgrace.

The Hon. H. ALLISON: The undertaking of the Minister was to have the clause re-committed and considered in the interim.

Mr McRAE: It was not. I have just checked with the member for Salisbury who was here at the time. I was given a complete, unqualified assurance by the Minister in the presence of the member for Hanson this amendment would be agreed to. This is a disgrace.

The Committee divided on the amendment:

Ayes (15)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hopgood, Langley, McRae (teller), O'Neill, Plunkett, Trainer, Whitten, and Wright.

Noes (19)—Mrs Adamson, Messrs Allison (teller), Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, and Tonkin.

Pairs—Ayes—Messrs Corcoran, Hemmings, Payne, Peterson, and Slater. Noes—Messrs P. B. Arnold, Blacker, Randall, Wilson, and Wotton.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

PERSONAL EXPLANATION: AMENDMENT TO BILL

Mr BECKER (Hanson): I seek leave to make a personal explanation.

Leave granted.

The DEPUTY SPEAKER: I point out to the honourable member the previous rulings of the Speaker in relation to personal explanations.

Mr BECKER: I want to give my reason for voting against the amendment moved by the member for Playford. I appreciate his efforts to have the word 'epilepsy' included in the definition, but I have been assured by the Minister and by the Premier that the definition of 'physical impairment' as it stands includes epilepsy. That is why I did not support the member for Playford's amendment. On behalf of epilepsy sufferers I appreciate his efforts.

PERSONAL EXPLANATION: MEMBER'S STATEMENT

Mr LYNN ARNOLD (Salisbury): I seek leave to make a personal explanation.

Leave granted.

Mr LYNN ARNOLD: I wish to respond to some comments made by the member for Glenelg earlier in the debate. He said that I had staggered to my feet and, when he was taken to task about this by one of my colleagues, the member for Glenelg said that this was a home truth and that he would offer no apology for saying that. The remark that I had staggered to my feet implied that I had been drinking during the dinner adjournment. I reject that implication entirely. I also reject the allegation that I staggered to my feet.

During the dinner adjournment, I was attending to family affairs that are presently significantly dislocated owing to my wife's present hospitalisation. The entire dinner adjournment was taken up in that capacity. I did not drink any alcoholic beverages during that period, and I think it is a very unfair slur on my character. I believe that the member for Glenelg should explain his comment, retract its implications and apologise to me in this House. I am afraid I can no longer have the same high regard that I previously held for the member for Glenelg.

Also, I extend an apology to the Minister of Education, as I implied during my speech that he may have been unnecessarily absent from this debate. I accept the fact that his absence was due to business of State. I am now aware that that information was known to the assistant Whip of the Opposition, but unfortunately it was not known to me on the occasion of giving my speech.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a third time.

Mr. McRAE (Playford): In speaking to the Bill as it comes out of Committee, I must record my disgust at the fact that the unqualified undertaking given to me by the Minister of Education was broken in such a disgraceful fashion, an undertaking given in the presence of the whole House, namely, that he would accept my amendment to insert the word 'epilepsy'.

THE DEPUTY SPEAKER: I suggest to the member for Playford that this is a third reading debate and he must confine his remarks to the Bill as it comes out of Committee at the third reading stage. I would suggest to him that his remarks are out of order.

Mr. McRAE: Thank you, Sir.

Bill read a third time and passed.

LEGAL PRACTITIONERS BILL

Adjourned debate on second reading.

(Continued from 9 June. Page 4038.)

Mr McRAE (Playford): The Opposition supports this Bill as far as it goes. I indicate that the Opposition will not be dealing with the Minister of Education any more tonight, and I hope not for a long time, after his breaking of an unqualified assurance. Therefore, we will be playing it strictly according to the book. As far as the Bill goes it is all right, but it is what is not in the Bill that makes it very unsatisfactory. There will be two Opposition speakers on the matter, namely myself and the member for Norwood. I propose to deal with the general background concerned with this measure, and my colleague will deal in more detail with certain parts of the legislation with which he has been familiar over a number of years of its formulation.

One of the great concerns lying behind this legislation is the system of legal education. The position so far as legal education is concerned is somewhat unsatisfactory and has been so for a large number of years. Some 20 years ago, the degree of Bachelor of Laws was granted after three years satisfactory study full-time and one additional year of part-time study and part-time articles with a legal firm, and admission to the Bar was granted approximately a year to 15 months after that. In other words, what people were looking at was basically a four-year academic course and a two-year (or thereabouts) period of articles. That system had a number of advantages. There was a rapport to a large extent at that time between the practitioners who make up the legal profession, the faculty of law and the judges, both as to the content of the course and the general structure of the education of a legal practitioner.

I am afraid that rather happy sequence of events was disrupted about 15 to 20 years ago for a number of reasons. No-one can feel terribly happy about what occurred, but whether it was because of the intransigence of the legal profession itself, because of the intransigence of some members of the Faculty of Law, because of the personalities of some of the judges involved in the matter, or a mixture of all these things, a much less happy situation tended to prevail. The first development was that the Faculty of Law tended to develop a degree course structured in a highly academic way. With that I have no quarrel as such, but it produced an almost immediate estrangement with the legal profession. Prior to this estrangement, in addition to those a academics employed full time at the faculty, legal practitioners were also engaged in the teaching of law at the university. Once this estrangement occurred, then the academics attended to the content of the law course, and the legal profession and the judges were largely involved in the rest of the structure.

At about the same time, another strain was felt and this was caused because of the ever-increasing number of people wishing to become legal practitioners. The numbers grew so rapidly that the capacity of the legal profession to maintain the system of articles of clerkship became very strained and in some cases exhausted. Thus, about five years ago a situation was reached where it was not longer possible for the legal profession any longer to guarantee that it would be able to offer articles to graduates of the law course.

The partial answer to that was the setting up within the Institute of Technology, under the very able supervision of Mrs Elizabeth Burnett (for whom I have the highest regard and to whom I pay the warmest tribute for the work she has done), a legal studies course which was designed as a practical alternative to the articles system. That is a one-year course undertaken full time. Basically what has now occurred is that there is a four-year full-time course of law studies and then a one year full-time course of legal studies replacing the old articles situation although articles of clerkship are still to some extent available and are an alternative in certain circumstances.

There can be no doubt that the current situation is an unhappy one. There is no harmony of feeling between the Faculty of Law, the legal profession, and the judges. That is a most undesirable situation, and it is something that the whole community should be concerned about. As a member of the legal profession, certainly I am concerned about it.

I think that the law has reached as a discipline such complex dimensions that the time has come where it will be necessary to extend the period of academic work anyway, but I would hope that with goodwill on all sides there would be some possibility, (if there is anybody left around the place who can keep their word for half an hour) that there could be worked out between the various groups a course which would satisfy the requirements of the academics at the university, of the legal profession, and also of the judges. As well, it could help those young persons aspiring to be members of the legal profession, and most of all look after members of the public.

This is a very real problem indeed. If the problem cannot be solved in that way, I would strenuously urge that additional funds be made available for the course conducted by Mrs Burnett so that the potentialities of that course can be expanded and so that people entering the profession do so in a realistic way.

You may be surprised to find that the number of legal practitioners in South Australia at the moment is no less than 1 400. Some 15 years ago it was fewer than 500. There is a super-abundance of lawyers in this State, and this situation produces grave difficulties and temptations. That is one of the reasons the Opposition supports the legislation as it stands, because the disciplinary procedures, the various measures in relation to guarantee of trust funds, fidelity bonds, provisions against professional negligence, and so on are very much needed. I feel sorry indeed for those young practitioners who over the years have been led to believe that they would find an interesting and valuable role in society, and who find that they are struggling to maintain their practices in outer suburbs, with very little connection with other members of the profession. They are continually faced with temptations—not usually, in fact very rarely, temptation in the crude sense of taking money from clients, but temptations in the sense of sheer economic pressure, forcing them in their own estimation to take work that they may not be qualified to do and thus causing harm to themselves and harm to others.

This whole area of legal education simply has not been highlighted enough. It is interesting to note that one of the provisions of the draft Bill my own Party prepared some five years ago that has been removed from the measure before the House tonight is that which dealt with continuing legal education. Again, the course to which I referred at the Institute of Technology is an ideal vehicle for this sort of continuing legal education. There can be no question that it is needed.

The situation I have broadly sketched is of a vastly expanding profession, which is expanding with all these difficulties of legal education and all the worries and dangers that accompany it. That is the sort of picture that one finds from investigations that have been carried on in Britain and in other States of the Commonwealth. In particular, I draw attention to the final report of the Royal Commission on Legal Services under the chairmanship of Sir Henry Benson, volume 1, in which, dealing with the legal profession, he said (page 32):

> We think that the characteristics outlined above collectively provide the profession with a sense of corporate indentity and independence which is of value not only to its members but to the public at large. It is founded on the ability of its members to speak with knowledge and authority in a particular field of learning; the right to express professional opinions free from external pressures or fear of reprisals; the power to regulate their affairs so as to enhance the prestige and standing of their calling not only nationally, but internationally; the sense that its members are directly serving the public to whom they are answerable for their actions; their dependence for their livelihood and advancement on their own talents and abilities; the importance of high standards, beyond those required by the law, voluntarily set and maintained; a commitment to providing voluntary services in many spheres. We attach importance to the need for independence in the legal profession and the attitude of mind and outlook it involves. It has been emphasised, in one form or another, in the submissions of a very large number of witnesses; so far as it is compatible with the public interest we recognise it in the recommendations made in this report.

I would stress the following paragraph:

> It must also be recognised that provision of a service by a privately practising profession can have disadvantages. Independence and self-regulation can breed insularity and complacency and a narrow attitude of mind. These characteristics may be accentuated in the case of a small and closely-knit profession. A further difficulty is that, although a profession's services should be available in all areas of its operation and to clients of all kinds, the members of a profession whose income depends on fees paid by clients may be unable to work in certain areas, or for certain classes of client, because the work would show a profit insufficient to enable them to earn a reasonable living.

I would further emphasise the first three sentences of that quotation. That is one of the matters about which the Opposition is concerned in this measure.

I am quite proud to proclaim myself a member of the legal profession. I am proud to be a member of the Law Society of South Australia and the South Australian Bar Association, but I quite agree that the time has come when many members of the public find that it is no longer acceptable that the profession be completely self-regulating, particularly in its disciplinary areas. I am very surprised that many of the back-bench members of your own Party, Sir, are apparently supporting the legislation before the House, because I can vividly recall on many occasions many of your colleagues, when my Party was in office, demanding that there be lay representation on the various disciplinary committees of the Law Society of South Australia. It is, after all, the only professional body that I am aware of which still has its capacity of total self-regulation, and there is no doubt, although, as I have said, I am a member of the society and I respect the society, that the Bill before us is written by the Law Society and that the Bill being promoted by the Attorney-General has been drafted letter for letter by the Law Society of South Australia. There is no doubt whatever of that, and I defy any member to tell me otherwise.

I am surprised that some of your colleagues, Sir, who were once so vociferous about this matter should now so swiftly change their view, particularly when one goes on with further comments from the Royal Commission to which I have just referred. Indeed, in the very next passage under the heading 'The Image of the Profession', the report states:

> The principal factors: In recent years, lawyers have faced criticism, sometimes severe, particularly in the press and other media and in political and academic circles. Many lawyers are engaged in work which makes heavy demands and have to cope with constant changes in the law resulting from the large volume of legislation enacted each year and from developments in case law. Even so, most lawyers provide a service which their clients find satisfactory. They therefore feel that these criticisms are unjust. We sympathise with this feeling. Our investigations, including the Users' Survey, showed that much of the criticism publicly expressed is ill-founded or exaggerated. However, this criticism is a symptom of unease with the standards of the profession and it must be accepted by the profession as a whole that, for reasons which are complex and often long-standing, its image is not satisfactory.
>
> Amongst the reasons are the following. First, it is the temper of our times to subject all institutions and organisations to close scrutiny, and to require justification for all their practices. Unless they are seen manifestly to serve the public interest, they come under attack. Secondly, the law in many of its aspects is a contentious business. In any lawsuit there will be a losing party, and this can mean a dissatisfied client.
>
> A third reason for the unsatisfactory image of the legal profession arises from the complexity of the law itself. We mention elsewhere in this report the enormous output of Acts of Parliament in recent years, to which is added an even greater quantity of delegated legislation. We have received much evidence to show that the public and the legal profession are oppressed by the present volume of legislation and by the difficulty of keeping up-to-date with its provisions. There is irritation at the difficulty of understanding and interpreting the wording used. Criticism of this state of affairs is unfairly directed at practising lawyers.

Whether those criticisms, those attitudes, or that image are justified or not, all of those comments are as real now in South Australia as they were in Britain in 1979. It is totally unrealistic for the legal profession to believe that it can go on being totally self-regulating and that it can go on in a satisfactory manner dealing with disciplinary matters on the whole within their own processes, and have them determined by its own members under their own system of choice.

I am not for one moment suggesting that there is a large number of serious complaints in any one year. The reality is that there is not. I have practised the law in both of its forms, as a barrister and a solicitor, and in the last seven or eight years in sole profession as a barrister. There is no question that we are in a contentious profession, involving litigation, and someone has to be the loser. There is an obvious tendency for the loser to find a victim, and a good victim to find is often his own advocate. I simply reflect what Sir Robert Benson reflected in Britain.

Equally, there is no question that in any given year there will be matters, some serious and some not so serious, which require discipline, and I think the time has come where the legal profession must be honest enough to accept that it can no longer wholly regulate its own affairs. It is simply not good enough for the Attorney-General to be the agent of the Law Society in this place. It is also not good enough for the Attorney-General or any other Minister to be in that antiquated place, the Legislative Council. Those persons should all be here. All Ministers of the Crown, I believe, should be in the House, this House, which is responsible to the people. There could be Parliamentary Secretaries, and the like, who could deal with matters in the Legislative Council and make it a proper House of Review.

It is disgraceful that tonight we have to deal with a Minister who has had nothing to do with this legislation, who has never dealt with the area and who probably has no interest in it, who will not be able to answer any of the questions we want to put to him except by the complicated process of going backwards and forwards to his adviser. He will not be able to accept any of our amendments and, even if he does so, he can go back on them, after the experience we have had tonight. Putting that aside, it is not good enough that we in the House of Assembly have to put up with this situation. The office of Attorney-General is too important to be out of this House. The office of Minister of the Crown is far too important to be out of this place.

I next turn to another key point of philosophy which supports the view that I have been putting. The Law Society, while it is performing its function very well, is quite simply trying to be an acrobat and a juggler at the same time. It is trying to be all things to all of its members and the whole community at the same time, and it cannot be done, or, if it can be done, there is a nasty feeling left that justice is not seen to be done. Even if total justice is done, it is not seen to be done. That is the key point. The first duty of the Law Society is to its members; therefore, the Law Society is a union of lawyers. The Law Society is my union, just as the Bar Association is my union. It looks after the conditions of employment and the remuneration of its members. That is its prime responsibility.

Mr Randall: Compulsory membership?

Mr McRAE: Virtually compulsory membership. Membership (or lack of it) of the Law Society will not stop a person appearing or not appearing in the courts, but I would say that, if he wants to get on in the profession, he would be ill-advised not to be a member of the Law Society and, if applicable, of the Bar Association, or both. In effect, the overwhelming majority of the profession are members of the Law Society, and they would be foolish not to be because for their fees, which are not insubstantial, they get the service of negotiation with Government as to the conditions of their members.

As a member of the profession, I acknowledge the difficulties we have to face. They increase all the time. We need the Law Society and the Bar Association to look after us and to protect the standards that we have set over the years. I am not ashamed of any of those standards: the standards set in this State have been very high. We have only to look at the sacrifices that some lawyers have made in the past 20 years in the interests of their clients, men driven out of this State because of the dogged way in which they put their clients before their own interests, to see the sort of standards that we have set.

Nevertheless, putting that at its highest, to the ordinary person it is inconceivable that this union of lawyers should be the judge of a complaint by a layman against a union member. That is what it gets down to. The time is rapidly approaching when people will no longer see the emperor with his clothes on. As the report said, people are urged, and correctly so, to recognise the realities. People have caught the notion that it is wrong that the union should judge its own members. One would imagine the outcry that would result if the Metal Workers Union was the judge in a dispute between an outsider and a union member. That is the analogy here. This is one of the key problems, and the Attorney has not grappled with it.

One of the other key problems is the sheer lack of accountability to the public. There is another side to the coin. If the society was to say, 'Yes, we can perform as a union and a valuable part of the community' (and certainly those two functions are carried out by the society) and if it was further said, 'In addition, we can perform as a disciplinary and self-regulating body', there is still another hurdle to overcome, and that is accountability to the public. The society, which is obviously backed by the Attorney, does not accept even that. There is now a situation in which a union judges its own members, regulates its own affairs, and is accountable to no-one publicly. The society is accountable to the Attorney only in respect to certain matters, and in all other matters it adjudicates its own affairs in relation to its members and even in relation to outsiders.

These remarks must be put in perspective. There is no doubt that what Sir Robert Menzies said was perfectly true—the vast percentage of complaints are minor, trivial and unwarranted. In fact, there is a very good case to suggest that there should be an outside assessor of some kind to deal with the bulk of complaints. One of the worst faults of the legal profession (and I suppose of many professions) is the inability to communicate with its clientele. On many occasions people have come to me with complaints about lawyers which are unfounded but which have been caused by lack of communication between the lawyer and his client. It seems that there is room for some imaginative approach to deal with that situation.

I would like to put to rest the suggestion made by the Hon. Mr Dunford that a large number of firms in the city (and I will not add to his remarks by naming those firms again) were guilty of serious offences in recent times. I believe that the Hon. Mr Dunford has been misled by some person, but I say that in passing. I emphasise that the vast majority of complaints that are received are trivial or caused by lack of communication. However, in relation to those complaints which are well founded or which appear to be well founded, there is every reason that there be lay representation on the various tribunals that deal with such matters. My saying 'lay representation' is almost an over-condescension, and that is not intended: by saying 'lay' I mean 'non-legal'. People from other professions could take their place on these tribunals and assist in the judging process to the mutual advantage of everyone concerned.

There has been another development in the practise of law over the past few years, and that is the *de facto* change from the old fused profession whereby people in this State practised as barristers and solicitors, whereas, by custom not by force of law, some people now practise basically as solicitors and other people practise as barristers. This Bill still permits the Supreme Court to break that system; in other words, it would be within the power of the Supreme Court to require that the profession be divided and that persons make a choice to be either a solicitor or a barrister. That is far too important a decision to be left to the judges: this Parliament alone should determine any such step. I am not saying that the judges will necessarily take such a step; I refer to their capacity to take the step. That capacity should be the resonsibility of this Parliament alone.

There is an enormously complex argument as to the rights and wrongs of the two systems. Personally, I believe that we, in South Australia, are doing quite well. A large number of people are practising as solicitors, another group is practising as both barristers and solicitors, and a third group is practising as barristers. In that way, flexibility is achieved, and the clients receive a reasonable service. Certainly, the judges should not be able to divide the profession all of a sudden. I would be totally against that. There have been a large number of inquiries into the legal profession in Britain, Canada, the United States, and many Australian States over the past few years. I do not intend to occupy the time of the House by discussing those inquiries, but I refer to the New South Wales Law Reform Commission Report of 1979 and in particular the legal profession discussion paper No. 2, headed 'Complaints, Discipline and Professional Standards', and I urge that that document is quite valuable.

The Bill does not mention advertising: it does not state whether or not barristers and solicitors should be able to advertise. It contains nothing in relation to fees and costs for legal practitioners and how those fees and costs should be determined. It contains nothing on the question of legal education as a whole, and there is no mention of continuing education. The Bill contains nothing about the question of specialisation and yet, increasingly, as in all professions, it has become a keynote of the legal profession. The whole thrust in modern times of public accountability is not to be found in the Bill, regrettably, and most unfortunately for the image of the Law Society, because I know that many good members of the Law Society have worked hard to try to establish the image of the profession, but I think they are working against their interests. There is nothing in the Bill about public accountability.

It looks very much on the face of it that there is something to hide. In fact, there is nothing to hide, and it surprises me that the Law Society is maintaining such an adamant stance on this, and it surprises me that the Attorney-General is going along with it, because I do not think he is serving the cause of the profession or the public by doing it.

In particular, I refer to lay participation in the sense that I have given it on the various disciplinary tribunals. In essence, the Opposition supports the Bill as it stands. There are numerous amendments which I will not discuss now. The Opposition is disappointed with the lack of vision shown by this measure, particularly when the Government has had so much time in which to reflect upon it, and has had the opportunity of so much expert advice.

Mr CRAFTER (Norwood): I concur in the remarks made by my colleague, the member for Playford, who has a deep interest in the practice of the law and the well being of the profession. I think his address to the House this evening is a clear indication of that and of his deep concern that this legislation in fact may not be in the long-term interests of the profession.

I agree that the appearance of this Bill in this Parliament during this brief session is untimely. I think that the South Australian Government and the legal profession in this State, which over a long period of time has had an input into this legislation, should have waited for the New South Wales Law Reform Commission to bring down its final report on the practice of law in that State, because I believe that has many repercussions for lawyers and the public of this State.

That has been a very exhaustive, objective and innovative inquiry in the way in which it has been conducted, and the thoroughness of the work which has been done cannot be questioned. As the member for Playford has said, there has also been inquiries in many other jurisdictions where the common law is established, and yet this legislation takes into account very little of the thrust of those inquiries, and, in particular, the question of public accountability, the transfer of accountability from lawyers themselves, those who practice the profession, to a more objective group of people in the community. There is no doubt that there are grave doubts in the minds of many consumers of legal services that complaints in particular and generally the way in which the profession conducts itself is done in club. That seems to be for many people an impenetrable barrier.

I received a phone call the other day from a person involved in the organisation known as PRONAG. That organisation had rung the Law Society and asked for a copy of names and addresses of the members of the Council of the Law Society. That information was refused to that organisation, an organisation well known and established in the community. To me that is quite wrong; that information should be available to all members of the community, but particularly to a consumer group such as PRONAG.

The Law Society under the existing legislation is vested with statutory powers, and this legislation in fact entrenches that role of the society itself. So the society must take a more responsible position, a more publicly accountable position, of its own volition without being required to do so by legislation.

The member for Playford referred to some of the aspects of this legislation that have been omitted from previous Bills before this Parliament and from inquiries that have been conducted in other jurisdictions. I want to refer to some of those areas where I believe this legislation is lacking. First, I refer to the subject of specialisation. There is no doubt that this is a matter that should have been contained in this legislation. The previous Government established a committee to look into specialisation among legal practitioners in this State, and the present Government, on coming into office, abandoned that committee. That is disappointing. There was obviously strong support from sections of the Law Society that this matter be tackled and that we try to provide a better service to the public. Clients of legal practitioners in this State cannot very easily find out who is a specialist in a particular field of law. One can find that out in the medical field very easily. In fact, the medical profession has a very highly specialised system that assists patients in finding out who is a specialist in particular areas of medicine. In fact, it would be quite ridiculous if a person who was ill could not find out who was a specialist in a particular area of medicine, yet that situation occurs with the legal profession.

Legal ethics forbid a legal practitioner from putting on his plate outside his office or chambers the information that he is a specialist in, for example, family law, commercial law, patent law, or the like. It does not allow him to advertise in legal journals or any other journals where he may advertise (and there are very few areas where he can advertise his speciality). So, it is either by word of mouth that this is known, or it is unknown to many consumers. In fact, they go into a legal practitioner's office and receive advice which may not always be the best advice available. That is a most unsatisfactory situation. This matter is being tackled in other jurisdictions, and it must be tackled in this jurisdiction before too much time passes.

This is integrated with the system that we have in this jurisdiction and in other Australian States and in England,

that is, the appointment of Queens Counsel. In itself, I suppose that is a form of specialisation; it is a form of seniority, an attainment of high office at the bar. However, in a small State like South Australia it is not an effective way of bringing about a degree of specialisation within the profession. Whilst no doubt there are historic arguments and perhaps even strong practical arguments for the retention of Q.Cs, that in itself is not sufficient response to the need for the specialisation to be brought about in the legal profession. Some of the antiquated rules which surrounded Queens Counsel are certainly coming under consideration—for example, the New South Wales Law Reform Commission's investigations of the rules whereby a Q.C. cannot appear in court without a junior. In the eyes of many Queens Counsel, many legal practitioners, and, of course, many people who must pay quite exorbitant legal fees for two persons to appear in court, in many cases that could be done by one person, perhaps with a clerk or by one practitioner alone who happens to be a Queens Counsel.

Another matter has been rectified to some extent in recent years by the increased number of legal practitioners in South Australia, namely, the maldistribution of practitioners in this State. The committees of inquiry into poverty that were conducted by Professor Henderson in the early 1970s indicated that the Adelaide suburbs were the worst-served suburbs of those in any Australian capital city for people seeking the services of legal practitioners. At that stage, 90 per cent of legal practitioners practised in or near the square mile of Adelaide.

I readily admit that there has been a devolution of practitioners, particularly young practitioners, out of the city into the suburbs. Certainly, not many long-standing practitioners have moved out into the suburbs to act as general practitioners. However, I suggest that there are still many problems in providing adequate legal services in this State's rural areas.

I believe that the Government has a responsibility to ensure that there are resident legal practitioners in country towns. If this is not a financial proposition for practitioners, certain incentives (financial and otherwise) should be given to legal practitioners to live and establish their families and practices in country towns. This is an important part of building up rural communities, and one should not place great burdens on persons who, because they live in a certain geographical position in a State that is as sparsely populated as South Australia, must go to the city to obtain these essential services.

I believe also that there would be a much better practice of the law if there was more than just one practitioner in many country towns. It is often difficult (and the practitioners themselves admit this) to practise alone in a country town. It is unfair where, for example, they may act for certain commercial interests in a town and then act for persons who deal with those commercial interests. It is difficult for the practitioners to appear in the criminal courts, and so on. Apart from all those things, I believe that the establishment of permanent legal practices in rural towns would add much to the strengthening of those local communities.

The member for Playford, and honourable members in another place, have referred to the absence of attention to legal education in this measure. Previous Bills that were introduced in this Parliament in 1975 and 1976 attended to this matter. A private member's Bill which was introduced by the then Leader of the Opposition (now the Premier) did provide quite substantially for legal education. It is a tragedy that this matter has been omitted from the Bill. There is a need for the standards and content of education given to law students to be maintained at the present high level. This has a strong relationship not only to the profession but also to the community.

The provisions in the previous legislation brought about this mixture in the public interest. Further, I believe that there is a need for continuing legal education. The law is constantly changing, and, unless practitioners are very mindful of this, it is possible for them to become out of touch with areas of the law in which they may not practise at all or very often. In some jurisdictions, there are quite elaborate continuing education schemes for practitioners, and there have been strong suggestions this should be compulsory. In order to maintain certain standards of service by legal practitioners, this matter should have properly been included in the Bill.

Another matter which has not been attended to but which should have been included was that of wigs and gowns. It is high time that we abolished wigs and gowns in our courts. This is something that is quite alien to the proper—

The Hon. Jennifer Adamson: How about in here? Would you abolish them here, too?

Mr CRAFTER: Certainly. I think that on ceremonial occasions it is fine that we pay respect to the heritage that we have acquired in our institutions of Parliament and the law. However, in practice I think that they have disadvantages that may outweigh the advantages. They often frighten clients, and they may bring about an aura for the law that is not healthy in its administration. In all respects, I believe that they are just a relic of the past. Undoubtedly, there are justifications for them, and members would know of those justifications that existed in the past. However, they do not apply today. The practice of the law is always slow to change. There are some good reasons for that, although in this case I believe it is time that change took place.

Mr Randall: They did bring a bit of respect, too.

Mr CRAFTER: I think that lawyers should earn that respect themselves rather than rely on wigs and gowns to win this respect. I think that most lawyers would agree with that comment. Besides that, it is a costly exercise for a young practitioner, who would pay perhaps $1 000 for wigs, gowns and so on, when beginning to practise. That cost is passed on to his clients and to the community. That need not take place.

Mr Randall: Maybe he could dye his hair.

Mr CRAFTER: One irreverent client asked me whether I was growing my own wig at one stage. I had a hair cut after that! Another matter which has not been attended to and which I think is of growing importance in the profession is the role of para-legal practitioners, that is, those many persons who already hold positions in the practice of the law but who are not lawyers. I refer to the accountants, bookkeepers, conveyancers, people involved in the completing of taxation returns and other matters relating to taxation, to investigators in criminal practices and family law practices, as well as to the many other persons who specialise and bring about an improved delivery of service. Often, they are able to reduce the cost involved and improve the standards.

Those people require the attention of this legislation. I know that the Victorian Law Institute has a special section for such persons. It provides educational programmes for them, and maintains standards in the delivery of services by those non-legal practioners. That is another area that has been excluded from this Bill.

Earlier, I referred briefly to the matter of advertising by lawyers, with reference to specialisation. However, the whole area of advertising requires the attention of the law. It appears that, if this matter is left to the Ethics Committee of the Law Society, it will remain unresolved.

In the United States, some quite bold moves have been made in this area, and perhaps some of those experiences are not entirely desirable. However, it is still very difficult for a person to ascertain where he can consult a lawyer and in which speciality that lawyer practises. Even such basic information as how much it will cost him and some of the details about resolving legal disputes seem unascertainable to many people.

Another matter that is not attended to in this legislation is the establishment of legal fees. I believe that this matter should be attended to by legislation. I would have thought that it should be included in this Bill. A matter that has been occupying the time of the New South Wales Law Reform Committee is that of the involvement of the wider community in many aspects of the delivery of legal services in the community, and it would seem that it is an opportune time, given the thrust of the consumer movement, and the concept of public accountability, that there be at least some form of advisory committee, whereby many of the associated providers of services in the community can be brought in to work with such a body as the Law Society to ensure that the services provided by lawyers are integrated with those, for example, of social workers, Government departments that serve the community directly, the medical profession, the many private welfare agencies that are perhaps co-ordinated through the South Australian Council of Social Security, the trade unions, the employer organisations, and the like. That move is afoot in other jurisdictions, and I believe that it would be welcomed by many of those groups in this State; it can only be in the overall interests of the community. That matter has not been attended to.

As the member for Playford said, this Bill has undoubtedly been prepared very closely by the Attorney with the Law Society and, because there has been very narrow consultation in the preparation of this measure, a lot of these questions of the involvement of the wider community have been overlooked and the community is the worse for that. I have argued about the matter in the Councils of my Party, and I pleased to see that we are pursuing amendments. One of the amendments we are pursuing is that an annual report be brought down in this Parliament by the Attorney-General on the functions of this Act. I think that at least that aspect of public accountability should be brought about, and I can not see why that amendment should be opposed by the Government.

The concepts of public accountability and self-regulation should have been brought together much closer in his Bill than they have been. The Bill introduced in 1976 by the previous Government provided at least some minor attempt, in my view, to bring about a greater degree of public accountability with respect, for example, to the tribunal that considers complaints and brings down discipline aganst solicitors. This Bill constitutes a tribunal of 12 legal practitioners. Let us contemplate an industrial situation, for example, in the building industry where industrial disputes were settled or resolved by a tribunal consisting of 12 members of the Builders Labourers Federation, where the Secretary of that tribunal was a person appointed by the Builders Labourers Federation, where the meetings of that tribunal were held in the Builders Labourers Federation offices, and where the employers could have a lay observer who could not vote on matters but who at least could listen to the proceedings as they were carried on. He could not report directly to the public, but he could report to a senior member of that Builders Labourers Federation. We can see, if the cards are perhaps turned in this way, that the public may not regard as acceptable the establishment of a tribunal which is supposed to bring about a standard of behaviour in the public interest but which is in fact constituted solely of those same persons. I believe that this is one of the greatest weaknesses of this legislation. The fact that the Government has not seen fit to appoint even an independent Secretary to that committee is unfortunate. I believe that when this legislation is passed the situation will be little different from that which exists today, and that is unfortunate, because the opportunity is here now to change many of the negative attitudes that exist in the community towards legal practitioners.

I want to join the member for Playford in the comments he made about the high standards that have been achieved consistently by the profession in this State over many years and about the fact that many of the complaints made against legal practitioners are as the result of a lack of understanding of the nature of the practice of the law, a lack of communication between practitioner and client, or some trivial matter that can easily be remedied. Of course, there are some serious breaches of ethics and the law by legal practitioners and they will continue to be dealt with as they have in the past. One area which should be mentioned and in relation to which much credit is due to the legal profession is the way in which legal aid was provided in this State by legal practitioners up until the early 1970s. In fact, Administrations prior to 1970 had given little funding to the Law Society, which carried on a legal aid program from the time of the Depression.

In the 1930s the Public Solicitor's office in this State was closed down. That work was handed over to the legal profession, and it carried on that work for about 40 years and did so often at great expense to the practitioners themselves. They received very little, if any, remuneration for the work they did, and yet they saw that in the important cases in our courts where liberty was at stake, no person went unrepresented. It was not until the return of the Dunstan Government in 1970 and with the work of the Attorney-General at that time (the present Chief Justice) that there was a great boost in funds to legal aid. Then, in the latter part of the 1970s the Legal Services Commission was established in this State, and in the early part of the 1970s the Australian Legal Aid Office was established around Australia. In that interregnum period the legal practitioners of this State kept providing those services, and much credit is due to them.

The previous Bills that appeared before this House did provide for the delivery of legal aid and other aspects of legal services, and they are now contained in the Legal Services Commission Act, which I understand is operating to the great benefit of this community, despite very tight and unfortunate financial restraints on that commission, both from this Government and from the Federal Government. With those comments, and bearing in mind what I regard as some serious shortcomings in this Bill, I indicate my support for the measure.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Interpretation.'

Mr. McRAE: I move:

Page 4—Line 37—Leave out 'includes' and insert 'means'.

After line 39 insert paragraph as follows:

(ab) any failure by the legal practitioner to act in accordance with proper standards of professional legal practice;

The intent of this amendment is to ensure that the failure by a legal practitioner to act in accord with the proper standards of his practice is capable of being dealt with. The definition as its stands is not really satisfactory in that potentially it does not deal with some of the most

objectionable practices in legal offices which are not necessarily unprofessional conduct within the scope of the Bill. I refer in particular to delays. There is no humour, except a very sick humour, in this story. I refer to a recent bulletin of the New South Wales Law Society, which indicated that it hoped that in future members would attend to their business more promptly, and it drew attention to the fact that it had finally persuaded a solicitor to wind up a simple probate on which he had first received instructions in 1954. It is possible that that disgraceful conduct might fall within the definition in this clause; on the other hand, it might not. He might say, 'Yes, I have been very haphazard about it. I have been very lazy about it but, on the other hand, I am not within the strict ambit of the clause.' There is no doubt that, if my amendment is carried, the case law will show that the jurisdiction of the Supreme Court will clearly deal with that situation.

Amendment negatived; clause passed.

Clause 6—'Separation of legal profession.'

Mr McRAE: I would like the Minister to indicate where the Government stands on this situation. The concern of the Opposition is that potential division of the profession into a group of solicitors, on the one hand, and barristers on the other, as is the case in England and in the Eastern States of Australia, is potentially a very costly exercise indeed to the community. I would have thought that this should be a matter the Government should have control of and that it was very much in the interests of the Government to maintain that control. I would like to know the views of the Government.

The Hon. H. ALLISON: The Attorney-General made quite clear the Government's position on this issue when he said that the division of the profession could happen only if three things occurred. One of those was that the Law Society should make an application to the Supreme Court, the Supreme Court then making a decision to effect the rules, and those rules being laid before Parliament and not disallowed. The Government ultimately would be in charge. I believe that is what the honourable member was asking should happen.

Mr McRAE: I have to disagree with that analysis, because the rules are only such rules as may be considered necessary to give effect to a division of the legal profession. This is an ancillary thing. Perhaps the Minister could indicate whether his stance here tonight is that none of these amendments will be agreed to, no matter how logical or reasonable, except those he chooses.

The Hon. H. ALLISON: Yes, that assumption is correct.

Clause passed.

Clauses 7 to 11 passed.

Clause 12—'Minutes of proceedings.'

Mr McRAE: I will not proceed with my reasonable amendment in view of the intimation I have had.

The CHAIRMAN: I take it that the honourable member does not intend to proceed with any of his amendments.

Mr McRAE: Try clause 51.

Clause passed.

Clauses 13 to 50 passed.

Clause 51—'Right of audience.'

Mr McRAE: I move:

Page 27, lines 34 and 35—Leave out 'or a legal practitioner who is in the full-time employment of any such legal practitioner' and insert 'or a legal practitioner who is acting in the course of his employment by such a legal practitioner'.

This has the added advantage of not only being logical, practical, and reasonable, but of being acceptable to the Government.

Amendment carried; clause as amended passed.

Clauses 52 to 77 passed.

Clause 78—'Establishment of the tribunal.'

Mr McRAE: I move:

Page 40, lines 14 to 16—Leave out subclause (2) and insert subclause as follows:

(2) There shall be twelve members of the tribunal of whom:

(a) four shall be legal practitioners appointed by the Governor on the nomination of the Chief Justice;

(b) four shall be legal practitioners appointed by the Governor on the nomination of the Society; and

(c) four shall be persons appointed by the Governor on the nomination of the Attorney-General.

Mr CRAFTER: I do not think this amendment can be cast aside without at least some comment, because it is fundamental to the concept of public accountability and the Government, I believe, has erred in residing all of the authority for this tribunal in legal practitioners. There have been very cogent and strong arguments put in another place, and I believe that the defeat of this amendment will raise a great deal of criticism in the community of the Government's desire that the proper practice of the law is undertaken in this State and appears to be practised in a proper and responsible publicly accountable way. I believe that there is substantial latitude in this amendment so that, if the Government is of one mind that all those persons should be legal practitioners, then it should go ahead and appoint all the members of the tribunal who happen to be legal practitioners, but a future Government should have the option to try another system, that is, to appoint some persons to this tribunal who are not legal practitioners, but who no doubt are other responsible members of the community who would see to it that the public interest is not only done but is seen to be done.

The Hon. H. ALLISON: Any succeeding Government, irrespective of its political leanings, would have the right to amend the legislation. The Attorney-General did, when he discussed this matter in the other place, say quite clearly that he felt that, should a complaint be laid before the Legal Practitioners Complaints Committee, which does comprise a maximum of four legal practitioners and three lay persons, and if a charge were subsequently laid he believed that matters would in all probability be of such a complex legal nature that they would have to be examined and comprehended by members of the legal profession.

[Midnight]

Mr Crafter: What about juries?

The Hon. H. ALLISON: The Attorney-General was strongly supported by Cabinet on this matter; and he believes that the panel of three should be selected from 12 members of the legal profession. That is the course of action that I propose to support.

Amendment carried; clause as amended passed.

Clauses 79 to 94 passed.

Clause 95—'Payment of moneys to society.'

The Hon. H. ALLISON: I move:

Page 8, line 3, insert new clause 95 as follows:

(1) The Treasurer shall in each year pay to the Society:

(a) a prescribed proportion of the moneys paid by way of practising certificate fees for the purpose of maintaining and improving the library of the Society; and

(b) a prescribed proportion of the moneys paid by way of practising certificate fees to be credited by the Society to the guarantee fund.

(2) The Treasurer may, upon the recommendation of the Attorney-General, make payments towards defraying the costs of administering Part VI.

(3) This section is, without further appropriation, sufficient authority for the payment of the moneys to which it relates from the General Revenue of the State.

Mr McRAE: The Opposition accepts the amendment.

Clause inserted.

Clauses 96 and 97 passed.

New clause 98—'Reports by the society and the committee.'

Mr McRAE: I move:

Page 49—After clause 97 insert new clause as follows:

98. (1) The Society shall, on or before the thirtieth day of September in each year, report to the Attorney-General upon the operation of this Act during the financial year ending on the preceding thirtieth day of June.

(2) A report under subsection (1) must contain particular reference to the operation of Part IV.

(3) The Committee shall, on or before the thirtieth day of September in each year report to the Attorney-General upon the work of the Committee during the financial year ending on the preceding thirtieth day of June.

(4) The Attorney-General shall, as soon as practicable after his receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

Mr McRAE: This is the one clause on which the Opposition will divide. It is a new clause. We have heard the incredible doctrine this evening that no amendment, no matter how logical, reasonable or sensible, will be accepted. Taking into account the realities of that comment, we must draw the line when it comes to total secrecy. The Law Society is now assuming Mafia proportions. It has written the Bill and the amendments, it has appointed the members, it controls the whole of the discipline, and the money, and now it even keeps the accounts. If Government back-benchers are not disturbed about that, I am absolutely stunned.

The Hon. E. R. Goldsworthy: Stoned or stunned?

Mr McRAE: Stunned. A point of order, Mr Chairman. The Deputy Premier reflected on me by implying I had indulged in marijuana when he said I was stoned.

The CHAIRMAN: Does the honourable member ask for the remarks he considers offensive to be withdrawn?

Mr McRAE: I surely do.

The CHAIRMAN: If the honourable Deputy Premier uttered those remarks, I would like him to withdraw them.

The Hon. E. R. GOLDSWORTHY: Certainly, Mr Chairman. I was asking a question; I did not hear clearly. I asked whether the honourable member was stunned or stoned. I withdraw.

Mr McRAE: I am trying to indicate to the Government back-benchers that, if they want to get some respectability into this whole farce, the circumstances that we have had tonight, they should at least make the society produce the accounts in Parliament. If everything else is to be secret, Parliament has no function at all.

Mr Crafter: It is a secret society.

Mr McRAE: It is a totally secret society. I indicated earlier that in many ways I support the Law Society, but in other respects I am critical of it.

Mr Lewis interjecting:

Mr McRAE: I hope the member for Mallee understands that the sum referred to is not inconsiderable, and that his constituents will be looking to this pool of money for their legal aid. If a lawyer defrauds, it is to this money that the member's constituents will look for recovery. If this amendment is lightly cast aside, the blame will be on the Government.

The CHAIRMAN: The question is—

Mr McRAE: Am I to understand that I am not even to receive a reply from the Minister in charge of the Bill?

The Hon. E. R. Goldsworthy: The answer is 'No'.

Mr McRAE: The position now is that not only will no reasonable amendment be accepted in any circumstances but also I cannot expect a reply. I am amazed.

The Hon. H. ALLISON: We are ransacking the front bench to find a copy of the amendment. The Government will not accept the amendment: it is against the wishes of Cabinet and the Government.

Mr McRAE: Is it too much to ask whether, in addition to the statement that this amendment is against the wishes of the Government, the Minister can give any reason that can be advanced to Parliament, or have we now reached the stage where Parliament does not get reasons?

The Hon. H. ALLISON: The proportion of the interest that is to be paid into a specific fund to cover legal aid and guarantee losses is regarded by the Government as being sufficient guarantee in this matter.

Mr McRAE: Obviously, I hope it is sufficient, but that is not the point. I am asking that the accounts be tabled in Parliament. That is what the new clause provides. I hope the Minister will take advice from the law officers to ensure that the provision means what I say it means and that it is not unreasonable.

Mr CRAFTER: The accountability of the Law Society for moneys contained in solicitors' trust accounts is the subject of great discussion in the community. It is a scandal that only two-thirds of the money held in solicitors' trust accounts collects interest. The remaining one-third remains with the banks, which do not pay interest on that sum. It has been calculated that, if that one-third interest was collected and put to the purposes of this Bill, that is, the solicitors' guarantee fund and Legal Services Commission purposes, an extra one-third of a million dollars would be provided for those purposes in this State.

While the council of the Law Society approves the collection of money on 100 per cent of the minimum monthly balance of solicitors' trust accounts, a general meeting of the Law Society disagreed with its council and, in a statement prepared by the Law Society when this matter was last discussed some time in 1978, the society told its members that the collection of 100 per cent interest on solicitors' trust accounts involved the following:

> Such a situation would be clearly against the interests of both the banks and the solicitors. It would, first, result in the severing of an established and mutually valuable relationship that exists between banks and members of the Law Society who are also bank customers; secondly, it would create difficulties and inconvenience for solicitors; thirdly, it would preclude solicitors from exercising the normal right in the community to choose where they do their banking business.

The requirements of the proposal at the time were that solicitors' trust accounts would probably all be deposited in the one bank so that interest could be efficiently collected. Nowhere in that statement from the Law Society or in any other statements were the community's interests adequately considered, and the community will suffer because it is those clients of defaulting solicitors, those recipients of legal aid, who are suffering in our community.

I would suggest that those legal practitioners who enter into favourable agreements with banks would be the ones who would be losing out if this scheme takes place. I raise this matter because this is clearly an attitude taken by the Law Society that is not in the community's interest. One-third of a million dollars each year and possibly more each year in this State is not coming to those sources to which it should come, and that is the reason why such accounts and other matters should be contained in a report to Parliament. I think it is a matter of some scandal that this situation can be supported by the Government.

New clause negatived.

The Hon. H. ALLISON (Minister of Education): I am informed that the 'No' from the Government benches relating to the passing of clause 78 was either not heard or was disallowed by the Chair. I move:

That clause 78 be reconsidered.

Motion carried.

Clause 78—'Establishment of the tribunal'—reconsidered.

The Hon. H. ALLISON: I move:

That new subclause (2), paragraphs *(a)*, *(b)* and *(c)*, be omitted and that the former provisions be reinstated.

Amendment carried; clause passed.

Title passed.

Bill read a third time and passed.

PERSONAL EXPLANATION: MEMBER FOR SALISBURY

Mr MATHWIN (Glenelg): I seek leave to make a personal explanation.

Leave granted.

Mr MATHWIN: Earlier this evening the member for Salisbury took umbrage at what he claimed I suggested or said in this Chamber, namely, that he was inebriated or drunk. What I said was:

> . . .until I saw the member for Salisbury stagger to his feet first of all to attack the Minister handling this Bill for his absence from the Chamber, the Minister being away in Canberra.

I was personally upset that the member for Salisbury had attacked the Minister in his absence on Ministerial duty. I may have picked the wrong word when I said the member for Salisbury 'staggered' to his feet, but in no way did I intend to suggest that I thought the member for Salisbury had been drinking. As far as I know, he is a teetotaller. I do not know whether that is correct, but the last thing I would suggest is that the honourable member had been drinking. If the honourable member took it that way and feels that I indicated that, then I personally apologise to him.

APPROPRIATION BILL (No. 1), 1981

Returned from the Legislative Council without amendment.

CONSTITUTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

GOVERNORS PENSIONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 12.17 a.m. the House adjourned until Thursday 11 June at 2 p.m.