HOUSE OF ASSEMBLY

Tuesday 2 December 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

EDUCATION (MATERIALS AND SERVICES CHARGES) AMENDMENT BILL

Her Excellency the Governor, by message, assented to the bill.

CHAMBER PHOTOGRAPHY

The SPEAKER: I have authorised the taking of photographs of the proceedings of the house today from vantage points where photography is not normally permitted. The photographs are for use in a publication that is to be prepared as educational material in the public interest about the parliament.

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The Deputy Leader should not cause us to speculate about where we might turn next.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard*.

TRANSPORT COSTS—STUDENTS WITH DISABILITIES

In reply to **Ms CHAPMAN** (Estimates Committee A, 19 June).

The Hon. P.L. WHITE: The state government has a general budget provision for transport of all students (government and non government) of over $1.1 million, of which $230 000 (made up of last years figure plus a CPI component) will be expended this financial year on the non government students transport needs.

I am also advised that a similar figure will be allocated to the non government schools transport needs in the forthcoming year.

Primary and secondary students of non government schools 'who reside more than 5 kilometres by the shortest most practical route from the nearest appropriate government school'—may access government transport; where a bus exists, where there is available room and if the vehicles are not involved in additional travel to deliver non government students to school.

I am unable to answer the member's question as the department does not collect data relating to the 'disability' status of non government school applicants when allocating funding to the non government sector for transport assistance.

WOMEN'S AND CHILDREN'S HOSPITAL

In reply **Hon. DEAN BROWN** (13 November).

The Hon. L. STEVENS: The figures referred to in the question are stated in the Women's and Children's Hospital 2003 Financial Statements and Statistical Data.

The Women's and Children's Hospital (WCH) were not required to reduce hospital activity last year and the change in activity had nothing to do with funding levels.

The activity in a highly specialised hospital such as the WCH fluctuates depending on the issues of the time, for example it is expected the WCH will exceed last year's activity levels in this current year due to higher than anticipated activity during the winter months.

There was a reduction in the number of emergency attendances, outpatient attendances and total admissions in 2002-03, with emergency attendances down by 2.7 per cent from 49 806 to 48 424, outpatient attendances fell by 4 per cent from 262 231 to 252 037, and total admissions fell by 0.2 per cent from 30 114 to 30 054. I would like to think that this is as a result of a growing improvement in the health of our women and children. However attendance at hospital is only one small measure of health improvement.

The 2003 figures state a 1 per cent increase in the number of births at WCH. With the expansion of services at Lyell McEwin Health Service, women and children who live in the northern suburbs will not need to travel to the WCH to receive care and over time this is anticipated to influence the levels of activity and the profile of services at WCH.

FLINDERS MEDICAL CENTRE

In reply to **Dr McFETRIDGE** (15 October).

The Hon. L. STEVENS: All metropolitan Emergency Departments (EDs) are experiencing increasing pressures. The acuity of patients is continuing to rise even though the numbers of patients presenting has not risen in the last year. Due to demographic factors including our aging population, the number of patients requiring admission from ED is increasing, placing additional pressure on the system.

Flinders Medical Centre (FMC), which is the major tertiary referral centre for the South with over 51 000 ED presentations annually, has in particular experienced extreme pressure over the last 12 months. The number of patients requiring admission from the FMC ED has increased from 35 a day two years ago, to 45 a day now. The standard of care has been maintained, but lengthy delays have been unavoidable.

The patient in question attended the FMC ED at 10.04 a.m. on 14 October 2003. He was seen by a doctor at 12.06 p.m., at which time it was determined his condition was not serious. A number of tests were undertaken and a surgical opinion was requested to confirm this assessment and whether or not there was a need to undertake an endoscopy to exclude an internal source of bleeding. The on-call surgical registrar was not immediately available due to other urgent patient commitments, which included his direct involvement with 5 theatre cases. The after hours on-call surgical registrar took over at 5 p.m. and the patient was reviewed within the next 90 minutes. As is routine practice in all major hospitals, the registrars also have significant other patient responsibilities outside of the ED and therefore must prioritise their workload accordingly.

On this occasion the patient did not require an urgent surgical assessment and was provided medical and nursing care within the ED while awaiting review. When the surgical registrar saw the patient that evening, he was able to confirm the diagnosis made by the ED doctor and it was decided the patient could be discharged home. This occurred at 8.26 p.m. and a follow-up outpatient appointment was also arranged.

The hospital is committed to providing the best and most timely care possible for all patients. It acknowledges that the initial two-hour wait to be seen by a doctor is too long and regrets that this occurred. The hospital also recognises there was a delay for review by the surgical registrar and has asked that we apologise to the patient and his family for the delays they experienced. The hospital will endeavour to ensure that this situation does not recur, however the current working demands mean that this may be difficult to achieve at all times.

A number of steps are being taken by the hospital and the Department of Human services to address these issues. An external review of the ED's workload, staffing and performance has been undertaken and a major project is being undertaken both within the hospital and in the ED, specifically with the aim of improving waiting times and patient services.

The solutions to these issues are complex and cannot be achieved overnight. However the hospital's objectives are to implement change processes within the ED as soon as possible and to have effected significant results before next winter.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. M.D. Rann)—

Adelaide International Film Festival—Report 2002-03

By the Treasurer (Hon. K.O. Foley)—

Police Superannuation Board—Report 2002-03

Regulations under the following Act—

Public Corporations—Land Management Corp—Board

By the Attorney-General (Hon. M.J. Atkinson)—

South Australian Equal Opportunity Commission—Report 2002-03
Summary Offences Act—Annual Statistical Returns—
Authorisations Issued to Enter Premises
Dangerous Area Declarations
Road Block Establishment Authorisations

By the Minister for Health (Hon. L. Stevens)—

Occupational Therapists Registration Board of South Australia—Report 2002-03

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

South Eastern Water Conservation and Drainage Board—Report 2002-03

By the Minister for Social Justice (Hon. S.W. Key)—

Office for the Ageing—Department of Human Services—Report 2002-03
Immigration Detention in SA—Memorandums of Understanding—
Child Protection Notifications and Child Welfare Issues pertaining to children in immigration detention in SA—Memorandum of Understanding between the Department of Immigration and Multicultural and Indigenous Affairs and the SA Department of Human Services
Providing access for immigration detainee children in South Australia to education in South Australian Government schools—Memorandum of Understanding between the Commonwealth of Australia and the State Government of South Australia
Unaccompanied Humanitarian Minors—Memorandum of Understanding between the Commonwealth of Australia and the State Government of South Australia

By the Minister for Transport (Hon. M.J. Wright)—

Regulations under the following Act—
Road Traffic—
Expiation Fees
Taxis in Bus Lanes

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Alpaca Advisory Group, South Australian—Report 2002-03
Cattle Advisory Group, South Australian—Report 2002-03
Deer Advisory Group, South Australian—Report 2002-03
Goat Advisory Group, South Australian—Report 2002-03
Horse Industry Advisory Group, South Australian—Report 2002-03
Sheep Advisory Group, South Australian—Report 2002-03

By the Minister for Local Government (Hon. R.J. McEwen)—

State Electoral Office of South Australia—Report for the South Australian Local Government Elections—May 2003.

ROAD SAFETY REFORMS

The Hon. M.J. WRIGHT (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: I advise the house that the remaining road safety measures in the Statutes Amendment (Road Safety Reforms) Act 2003, passed by this parliament in June, will come into effect on 15 December this year. The regulatory measures contained in this act are part of the Rann Labor government's first comprehensive road safety package. Other elements of that package have already been implemented over the past 18 months, including a state black spot program—the first ever for South Australia—additional funding for shoulder sealing, the introduction of 50 km/h as the urban speed limit and a doubling of rural arterial roads speed zoned at 100 km/h In many ways, the regulatory measures are simply catching up with other states. Mobile random breath testing, for example, has been in place in New South Wales for 20 years. In South Australia, it has been introduced in a restricted form starting with the September school holidays. I understand mobile RBT already has been very successful in catching more drink drivers with a detection rate around 10 times that of fixed RBT stations.

The key road safety measures that commence on 15 December include:

- demerit points for camera-detected speeding offences—drivers who habitually speed will now face losing their licence;
- the use of red light cameras to also detect speeding offences and combined penalties for committing both offences—drivers who risk the life of other road users by speeding through a red light will now get two fines and two lots of demerit points;
- loss of licence for drink driving offences between 0.05 and 0.079 blood alcohol concentration where the driver already has drink drive convictions;
- the theory test for learner drivers is being expanded to include questions on road safety matters, not just the road rules, and learners must hold their permit for a minimum of six months;
- the period on a provisional licence increases to two years or 19 years of age, unless the person incurs one or more demerit points, in which case they must remain on P-plates until 20 years of age; and
- higher penalties for driving unlicensed where the person has never held a licence for the class of vehicle involved.

In accordance with an undertaking I gave at the time the act was passed, a comprehensive publicity campaign to inform drivers about the changes to demerit point and drink driving laws has commenced and will run for some months.

I also gave an undertaking that appropriate signage would be erected warning drivers of the possible presence of speed detection cameras. To this end, advisory signs will be erected before each dual capacity red light and speed camera location and, over the coming weeks, general advisory signs will be erected in black spots and other areas where speeding offences are regularly detected. This government is determined to reduce the needless deaths and injuries on our roads—and it is good to see the opposition still going soft on road safety.

ELECTORAL COMMISSIONER'S REPORT

The Hon. R.J. McEWEN (Minister for Local Government): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. McEWEN: I have just tabled the State Electoral Commission's report on the South Australian Local Government elections of May 2003. The report provides the context for the conduct of the May 2003 local government elections as well as consolidated results of the election. The Electoral Commissioner's report also makes some specific suggestions on administrative matters relating to the conduct of local government elections and briefly touches on some of the matters of policy. I recognise the work of the Electoral Commissioner, his staff, deputy returning officers, electoral officers and council staff in conducting the elections. Elections are carried out professionally and diligently by all

those involved. In addition, in his report the Electoral Commissioner acknowledges the commitment of others who contributed to the conduct of the 2003 local government elections. I congratulate the Electoral Commissioner and his staff on the conduct of the elections. The report is a useful record and provides valuable data, which will be used as a source of information for many years. The report will be available on the Local Government Association's web site and I encourage all those who are interested in local government matters to peruse it.

The report's statistical data shows there were 1 201 persons nominating for 751 local government positions. It is pleasing to see that 26.1 per cent of the candidates were women. This represents a 3.4 per cent increase in candidates standing for election compared with the last local government elections held in 2000. Some 53 per cent of the candidates nominated for elections were local government representatives who wanted to continue their work on council.

Mr Venning interjecting:

The Hon. R.J. McEWEN: Some 26.1 per cent were women. What was your problem?

Mr Venning interjecting:

The Hon. R.J. McEWEN: Your mathematical skills astound me. In 2003 there were 258 possible elections. Some 183 of these elections were contested; 69 were uncontested, which I think is unfortunately high; while six supplementary elections were required to fulfil remaining vacancies. Some 32.7 per cent of eligible electors voted in the elections. Although this was down on the previous 2000 elections, the Commissioner notes certain factors, such as the time at which ballot packs were mailed out, that might have contributed to the decrease in voter turnout. The ballot packs were mailed out for the most part during the post-Easter and Anzac Day week, which was also the second week of the school holidays, so many electors may have been away.

Of the members who were elected, the majority were in the 55 to 64 year age range—I hear a moan from my colleagues—followed by 27.5 per cent in the 45 to 54 year age range. Female representatives comprised over 26 per cent of those elected, and approximately 80 per cent of those elected were previous council members. Other interesting data includes council representation ratios, which range from 105 electors per representative to 6 412, an average of 1 758 electors per representative, excluding mayors and area council oppositions. It is also interesting to note that seven councils moved to 'at large' elections from the ward structure.

The Electoral Commissioner's report provides an opportune time, given the need to commence a review of matters relating to local government representation and elections. While there is a practical imperative for the review in the need to deal with the close proximity of state and local government elections currently scheduled in 2006, I expect that the review will consider a wide range of matters. Local and state governments will consider the valuable suggestions made by the Electoral Commissioner's report, both the administrative matters relating to the conduct of local government elections and the matters of policy raised in the report. I hope the review will stimulate discussion and consultation broadly within the local government sector and the wider community. I see the review as an opportunity for local government, in consultation with their constituents, to reconsider fundamental representation and electoral matters with the objective of increasing the capacity of the sector and its ongoing evolution as a separate sphere of government.

QUESTION TIME

RADIOACTIVE WASTE STORAGE

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Environment and Conservation. Given that the chair of the EPA gave the audit of radioactive waste materials storage to the minister so that it could be considered in cabinet on 20 October this year, why has the minister not publicly released the audit?

The minister has previously told the house that the audit was expected to be released in the middle of this year, about six months ago. The opposition understands that the audit, which contains 20 recommendations and nine key recommendations, was given to the minister so that it could be considered by cabinet on 20 October this year. The final report has still not been released and South Australians still do not know where this material is stored, and if it is stored safely.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his ongoing interest in this matter. We know that the opposition wants all Australia's waste stored in this state, and that is what they have been campaigning on. They will get a very good opportunity in the near future when Mr Howard calls the election.

Members interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: Sir, I rise on a point of order, a simple one needing clarification from you: does the minister have to speak the truth when he makes comments such as he just made?

Members interjecting:

The SPEAKER: Order! The chair is flattered by the inference of the member for Mawson that the chair knows all the truth, and that anything other than what the chair knows cannot be the truth. It is not something that the chair itself considers to be a valid observation. However, it is a matter for the house to decide, within the standing orders and the procedures available to any member to pursue them, whether or not a minister has misled the house in giving an answer or otherwise making a statement to the house. One always assumes that ministers understand the need to serve the best interest of the public by providing valid information to honourable members and, through the medium of proceedings in the chamber, to the public at large. The chair knows that previous incumbents in the chair have held that view for hundreds of years.

Mr BRINDAL: I rise on a further point of order. Ministers are required to answer questions for which they have a responsibility to the house and are not supposed to entertain debate. Therefore, I ask what responsibility the minister has to the house for the policy of the opposition, because that is what he is commenting upon.

Members interjecting:

Mr Brindal: No, I do not. It is not his business.

Members interjecting:

The SPEAKER: I think it would be a good idea if we just got on with it. I have to tell the honourable member and all members in the chamber, though, that ministers have no responsibility for the policies of the opposition. They may have a responsibility to point out what the consequences of such policies would be according to the best information available to them; however, the question was not seeking

information about what the opposition's policies were. Better the minister address that.

The Hon. J.D. HILL: Thank you, Mr Speaker. I apologise to the opposition if they have changed their policy position and now support the government's position in relation to radioactive waste being stored in South Australia. That is a good thing. Come out and support our position; we would love to have your support. This ought to be a bipartisan debate. But in relation to the audit that the—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson has previously been invited to put his finger back in his holster, and if he doesn't I'll take it off him.

The Hon. J.D. HILL: We on this side, sir, hope you are referring to his holster rather than his finger. The EPA has completed the report about which the member for Davenport asked. Cabinet is considering it. Through the process of government it has undertaken a considerable amount of work to respond to that report. As soon as cabinet has dealt with it, I will release it to the parliament.

HENSLEY INDUSTRIES

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Environment and Conservation. I want the minister to assure the house that the EPA will not go soft on Hensley Industries and deal with conflicts of interest with the highest ethical standards. With your leave, sir—

The Hon. I.F. EVANS: I rise on a point of order, sir.

The SPEAKER: The member for Davenport will resume his seat. So far, the chair makes the observation to the member for West Torrens that he has not asked a question. Therefore, there is no need for leave to explain it.

Mr KOUTSANTONIS: I will rephrase the question, sir. Will the minister assure the house that he will not go soft on Hensley Industries and deal with conflicts of interest with the highest ethical standard? Yesterday, the house was informed that there was a conflict of interest on the EPA board in relation to Hensley Industries.

The Hon. I.F. EVANS: I rise on a point of order, sir. The EPA by legislation has always been independent of, and cannot be directed by, government. Therefore, the question is hypothetical and out of order. The government cannot direct the EPA to be tough on Hensley Industries. It is impossible under the law.

Members interjecting:

The SPEAKER: Order! The chair makes the observation to members that, left to their own devices, it is unlikely that any questions will be asked and any answers obtained. The chair is not a schoolmaster: the chair is one of the peers of the 47 members in this place. Notwithstanding the valid point the member for Davenport makes, the minister may choose to address the matter in the way in which, one presumes, he will do so in cabinet.

The Hon. J.D. HILL (Minister for Environment and Conservation): Thank you, Mr Speaker. It is interesting that the member for Davenport does not want me to answer this question. Yesterday he was happy to slur the EPA in here, as was the member for Morialta, but when I come to give an explanation they do not want to hear me. The EPA board has members with a wide background of skills such as in the law, agriculture and the wine industry. From time to time, issues go to the EPA board that could be of direct interest to one or more members. It is then very important that its members are scrupulous about declaring any conflicts that may exist. As I said yesterday, one board member—

Mrs REDMOND: I rise on a point of order, sir. I wonder how this statement from the minister differs from the ministerial statement yesterday. So far, it is word for word, as far as I can hear.

The SPEAKER: I take the point made by the member for Heysen. I trust that the minister will have uniquely different factual information to provide to the house.

The Hon. J.D. HILL: I can assure you, sir, that I have uniquely different information to provide to the house. I wish to amplify the statement that I made yesterday and provide information that the house will find of great interest. As I was saying yesterday, one board member, Ms Anne Shaw Rungie (who has been named in the press), has a conflict of interest in relation to Hensley Industries because she is engaged by CQMS, the parent company to Hensley Industries. I have been advised that from July 2000 to June 2002—covering much of the period that the member for Davenport was the minister—there were 39 occasions when the EPA board noted a conflict of interest amongst its membership.

Since that time, there have been 16 occasions on which a conflict has been noted. The new EPA board, which has operated since April this year, has put in place a policy that members with any conflict of interest vacate the room. This was not normal practice for the previous body. Also, in the case of Ms Anne Shaw Rungie, as it was known that she had an interest in the Hensley/CQMS issue, she was never sent any agenda papers with her board meeting folders. In addition, she vacated the room whenever these issues were discussed.

Hensley has been a key issue for the EPA for many years. Back in July 2002, Hensley Industries advised the EPA that it was investigating the possible relocation of its foundry activities to the cast metals precinct at Wingfield. Hensley later advised that, due to cost, it had abandoned that move to Wingfield. It is plainly inappropriate for the opposition to imply that the EPA will go soft on Hensley because one of its members has a declared conflict of interest. As the situation stands, Hensley will cease operations by March 2004. However, CQMS, a shareholder in Hensley but a separate company, is seeking to redevelop the foundry to continue production of cast metal for the mining industry.

The City of West Torrens referred the development application for the CQMS proposal to the EPA in July 2003. The Development Act requires the EPA to respond to referred development applications. The CQMS application did not contain sufficient information for the EPA to properly assess the proposal and the necessary information was formally requested.

The CQMS application proposed that odour be controlled by the capture and dispersion of air emissions, which is not considered by the EPA to be best available technology because it simply disperses, not destroys, the odour. The EPA then requested CQMS to modify its proposal to include destruction of odour using a proven technical method. Other requested information included a health impact assessment and details of emissions treatment, engineering design, waste management (especially for used foundry sand), community consultation, and so on. The requested information was not provided in time for the proposal to be considered at the November EPA meeting, and the board will now consider the matter at its 9 December meeting.

It should be emphasised that the planning authority, EPA and other agencies have statutory and moral obligations to

consider a development application on its merits. Accepting an application and seeking further information does not imply support or otherwise for an application. The EPA has not been 'negotiating to replace the Hensley Foundry with a new foundry,' which I understand is a quote from the member for Davenport on radio today: rather, it has been stipulating strict environmental criteria and demanding further and better particulars of the proposal.

It is also important to note that, should the EPA board determine that the CQMS proposal meets stringent environmental standards, this does not constitute approval of the development application. That responsibility lies with the planning authority (in this case, the City of West Torrens). The planning authority must consider all planning matters, including advice provided by the EPA. Options available to the EPA board include directing the planning authority to refuse the application if it is a significant risk to the environment and directing the planning authority to impose specified conditions should the development be approved.

The EPA board has invited the key parties (CQMS and the Linear West Resident's Association) to speak at the board meeting to assist the board in understanding the economic and social issues associated with the development application.

BUSHFIRE BLITZ PROGRAM

Mr CAICA (Colton): Can the Minister for Emergency Services provide details of the Bushfire Blitz Program announced by the government?

The Hon. P.F. CONLON (Minister for Emergency Services): Not only can I, but I will, provide details of the Bushfire Blitz Program because I know that members opposite are always very keen to hear more from me on what we are doing about our bushfire season. The Bushfire Blitz Program, which members would remember, was inaugurated last year and has been funded again this year. However, one of the things I would like to recognise, for the house's information, is that this year the program is sponsored by SGIC to the tune of $100 000.

Mr Brokenshire: How much are you putting into it?

The Hon. P.F. CONLON: A great deal.

Mr Brokenshire: How much?

The Hon. P.F. CONLON: I have been asked how much we are putting in—a great deal, in addition to the 10 per cent increase in the CFS budget this year. The CFS is now funded to a level it has never been funded to before under this Labor government. Insurers, often for good reason, have suffered the opprobrium of the community in the past, so it is important when an insurance company does something for the community. This program is all about the fact that the government can do so much but the community and individuals need to do their bit. Bushfire Blitz is all about community education, working with high-risk communities to teach them the importance of being prepared for the worst. I recognise that the member for Mawson, on afternoon talkback radio, said the very same thing. It is one thing on which he and I agree. There are not a lot of things on which he and I agree, but we did agree on that. We have the same message and we are funding that message. The key message to be promoted this year, consistent with the questions asked by the member for Morialta, is to be prepared, to prepare your house, to develop a bushfire action plan, and decide early whether to stay or whether to go.

The member for Mawson, having had experience as a CFS volunteer himself, which is something for which he should be commended, identified quite correctly that often the best thing to do will be to stay with your home. Sometimes it will not be the best thing to do. The important thing is to get the message out and to understand what is the best thing for you to do. It is an education program, as I said, introduced for the first time last year and targeting the high bushfire risk suburbs of the Mount Lofty Ranges. During December 2002 and January, February and March 2003, Bushfire Blitz project officers conducted meetings in predetermined locations on street corners, cul-de-sacs and open space areas, and provided information to local residents on a range of bushfire-related issues.

Members interjecting:

The Hon. P.F. CONLON: I can go on talking about this, because I did not drop the paper, even though it is only copious notes, and I am not reading my answer—I would never do that. Ultimately Bushfire Blitz aims to lessen the impact of a bushfire by assisting residents to plan to survive. At the completion of the 2002-03 program, over 3 500 residents had attended a blitz meeting. That is a very good outcome. Blitz project officers conducted 83 street meetings and 20 community events. That is not quite as many Labor Listens meetings as the Premier conducted when he was leader of the opposition, but it was still a pretty fair effort. The blitz program conducted meetings in 26 high bushfire risk suburbs in the Mount Lofty Ranges. It is one part of the continual improvement in our preparedness for and prevention of bushfire, and it goes with the laws passed through the upper house just yesterday. It is a comprehensive approach by the government. The CFS is to be congratulated, as is SGIC.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. I.F. EVANS (Davenport): Will the Minister for Environment and Conservation advise the house how many EPA referrals to the Office of the Director of Public Prosecutions have been forced to be 'knocked back'? On 24 November the Director of Public Prosecutions, Paul Rofe, advised the public that his office workload was causing difficulty in getting less than criminal cases before the courts and that as a result EPA referrals have been what he described as 'knocked back'.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am happy to get an answer for the member, and I will do so as quickly as I can.

EQUAL OPPORTUNITY ACT

Ms RANKINE (Wright): My question is to the Attorney-General. How is the government evaluating and improving the Equal Opportunity Act?

The Hon. M.J. ATKINSON (Attorney-General): On 7 November the Minister for Social Justice and I invited the South Australian public to make submissions to the most comprehensive review of our state's anti-discrimination laws in almost 10 years.

Mr Brokenshire: How many?

The Hon. M.J. ATKINSON: Many. The member for Mawson can belittle the equal opportunity laws and the Equal Opportunity Commission, but this government values the laws and the commission. Members of the public or organisations can view the paper at the SA Central web site or on the Equal Opportunity Commission web site at eoc.sa.gov.au. The framework paper was released to allow broad consulta-

tion on the government's major election promises. We are committed to modernising our laws to ensure they protect South Australians from unjustified discrimination comprehensively. Our state's Equal Opportunity Act was among some of the nation's pioneering legislation when it was first enacted in 1984, but now it is time for a fresh look at the challenges, difficulties and downright unfairness that can still face many South Australians going about their daily lives.

Discrimination can be an emotionally crippling experience, whether it arises from age, disability, sexuality, race or family and caring responsibilities, just to name a few. The proposals contained in the framework paper go beyond what was pursued by the former Liberal Government after it ordered the Martin report in 1994. The former government introduced a bill to carry out some but not all of the recommendations made by Brian Martin QC and the bill lapsed when the last election was called. Time has still overtaken that proposal and some of the other Martin suggestions, although his outstanding recommendations will be re-examined as part of this consultation.

Mr Brokenshire: Boring!

The Hon. M.J. ATKINSON: The member for Mawson, having belittled the Equal Opportunity Commission and the equal opportunity law now says that considering reform to the equal opportunity law is boring.

Mr Venning interjecting:

The Hon. M.J. ATKINSON: The member for Schubert says it is boring. I will convey that to Linda Matthews, the Commissioner.

Mr HAMILTON-SMITH: On a point of order, sir: the minister is responding to interjections and entering into debate. You have previously ruled on this, sir.

The SPEAKER: Then maybe the member for Schubert had better shut up.

The Hon. M.J. ATKINSON: I will be happy to convey to the Equal Opportunity Commissioner that the members for Mawson and Schubert and, indeed, most of the Liberal parliamentary party, find reform of the equal opportunity law boring. He has invited me to convey that and I am happy to. The review will examine whether vilification laws should be extended to include matters other than race, such as sexuality. The framework paper canvasses responses on many things, including widening the definition of disability to mirror the commonwealth's law so that it includes mental illness; making employers vicariously liable for sexual harassment (whether or not they instruct, authorise or connive at it—although reasonable diligence to prevent the harassment will be a defence); extending grounds of discrimination to include family and caring responsibilities; breastfeeding; or indirect discrimination, also catering for potential pregnancy, political belief, industrial activity, irrelevant criminal or medical record and—

Members interjecting:

The Hon. M.J. ATKINSON: I would have thought that that was blindingly obvious—and occupational discrimination. My office has already received responses to this review, and I am pleased to announce that the period for submissions will be extended to Monday 2 February 2004 to give community groups the best possible opportunity to contact and contribute to the review. This will give the public more than 12 weeks to respond to the government's proposal before a bill is drafted. I encourage the public to include its voices by making a submission.

REGIONAL ASSESSMENT STATEMENT

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Employment and Training advise the house whether a regional assessment statement was publicly available in the community for consideration and input prior to both the Working Towns projects being scrapped and the implementation of major changes to employment strategies, to be announced tomorrow, which have resulted in the loss of funding for regional development boards and the training and employment programs they run? On 5 June 2003 the Minister for Regional Development updated the house on what he called:

> . . . the government's overall approach to ensuring that South Australian regional areas are given the profile they need and deserve in state government decision making and resource allocation determinations.

At the time, he advised that the government was committed to adopting a comprehensive package of arrangements and procedures for assessing the regional impact of any proposals to change government services and this would include regional impact assessment statements which, and I again quote the Minister for Regional Development, 'are for significant government decisions and which are publicly available to the community for consideration and input.'

The Hon. J.D. LOMAX-SMITH (Minister for Employment and Training): I think that there is some degree of disquiet that the honourable member is firing about programs being stopped or defunded, and that is not the case. What we are actually doing in relation to our regional developments boards is giving a commitment for ongoing funding to the boards in terms of the operations of their management and office workings. We are also looking at programs that we will change in regions, and I did explain earlier this week that we are going to implement some different types of employment policy. The trick here is that the Working Towns program, which funded a whole range of business development and planning measures, was not strictly focused towards employment.

The Hon. DEAN BROWN: On a point of order, this was a very specific question that asked whether a regional assessment statement had been done or not, and we are waiting for that answer.

Members interjecting:

The SPEAKER: The chair does not need the assistance of the member for Mawson and neither does the deputy leader to explain the point of order taken by the deputy leader, and protestations from the member for Giles and other people on the government benches need not otherwise distract. If it was not the member for Giles, I apologise to her and suggest that the member for Wright is more of a ventriloquist than I had imagined! The honourable minister has the call and I am curious to obtain the same information. I trust it is to be disclosed in the near future.

The Hon. J.D. LOMAX-SMITH: Essentially, the requirement for that impact statement relates to a reduction in services, and I am very mindful of the need to provide employment and training services to the regions. I am very mindful of the requirements to provide services and funding. I am particularly aware that we will not be defunding the regions: we will still have employment funds going to the regions and they will still be working through the regional development boards. The reality is that we do not need a regional impact statement if we are not cutting funds, and the reality about these programs is that we are putting money, as

before, into regions. We have given a commitment to support regional development boards.

The only difference—and I believe that this is the Leader of the Opposition's problem—is that we are changing programs. But no programs will be changed until each of the regional development boards has had a chance to discuss the reconfiguration and each of the boards has been part of that reconfiguration process. So, the regional impact statement is not required.

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. A big part of the question was whether or not an assessment was done on the scrapping of working towns. The minister has talked about employment programs. What about working towns?

The Hon. J.D. LOMAX-SMITH: I think the Leader of the Opposition is confused, and I am very happy to speak very slowly and repeat what I have said. The regional impact statement is required when there is a reduction in services. We have no intention of reducing services. When you have a new government, one of the great opportunities is to change the programs. If we were elected and kept everything the same, I could stay at home and not bother to come here, but the joy of being in a new government is that you can change things, and we are changing the regional programs. I repeat: the regional impact statements are required if we were cutting services—we are not.

PETERBOROUGH HORTICULTURAL CENTRE

The Hon. R.G. KERIN (Leader of the Opposition): I think I will give up on that one, sir. My next question is to the Attorney-General. Will the Attorney advise the house whether there has been any assessment of the impact of dismantling the community crime prevention programs, particularly the impact on young, highly disadvantaged people in Peterborough? The opposition has been advised that one of the most significant impacts resulting from the Attorney's cuts to crime prevention funding has been the dismantling of the Peterborough Horticultural Centre. The centre was a winner in the youth category of the SA Great 2002 regional awards. In the past two years, the centre has helped more than 37 young people with education, employment skills, social confidence and self-esteem; and, according to the coordinator of the program, school retention rates in Peterborough also drastically increased and crime rates decreased while that program was in operation.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson.

The Hon. M.J. ATKINSON (Attorney-General): I do not doubt that, from time to time, there are adverse consequences as a result of cuts in government programs, and I regret those. There were local crime prevention programs that lost their funding and we would have preferred that they continue, but I also know that many local government crime prevention programs have continued and are funded by local government because they are thought worth while. Let us be clear about where this money went. The money cut from local government crime prevention was redirected into the Office of the Director of Public Prosecutions and, indeed, we have increased the funding for that office in two budgets, with an extra increase recently. The Office of the Director of Public Prosecutions is better funded now than it has been at any other time and, if members asked the public, 'What was the priority, was it local government crime prevention or was it the timely prosecution of home invaders?' I know what they would say.

The Hon. R.G. KERIN: I have a supplementary question. Given the Attorney-General's answer to that question, is he standing by the statement that we are better off prosecuting people than preventing crime from occurring?

Mr Williams interjecting:

The SPEAKER: The member for McKillop may fancy the portfolio, but he is not the Attorney-General.

The Hon. M.J. ATKINSON: This government, just as the previous government did not, does not rely on one strategy of dealing with crime, one approach to criminal justice.

Members interjecting:

The Hon. M.J. ATKINSON: Let's face it, the crime prevention programs were introduced by a Labor government when Chris Sumner was attorney-general. They were continued under Trevor Griffin, and spending on them was increased because they were a favourite of Trevor Griffin. But you may recall that at the height of Trevor Griffin's superintendence at the attorney-general's portfolio there were thousands of people outside parliament house protesting against his policies, and something like 100 000 South Australians—

Mr BROKENSHIRE: I rise on a point of order, under Standing Order 98 about relevance: this is not answering the question about Labor's cuts in crime prevention.

The SPEAKER: There is no point of order. The Attorney-General.

The Hon. M.J. ATKINSON: So, crime prevention spending was introduced by Labor. It was continued by the Liberal government, but to the point where the public of South Australia thought that the previous government's criminal justice priorities were wrong. Indeed, the leader of the opposition had to sack Trevor Griffin as attorney-general—

Members interjecting:

The SPEAKER: Order! The member for Newland has a point of order.

The Hon. D.C. KOTZ: The point of order is relevance: it was a specific question on whether the Attorney-General believes in prosecuting offenders rather than prevention of crime. Very simple question.

Members interjecting:

The SPEAKER: Order! I am sure the Attorney has understood the question, though I forgive members of the opposition for believing that he has not. Notwithstanding that, the solution to the problem is in their hands, not mine. The Hon. Attorney-General.

The Hon. M.J. ATKINSON: We believe in crime prevention. We also believe in timely prosecution. You may recall that as a result of Trevor Griffin's policies there were thousands of South Australians out there on North Terrace, besieging parliament—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson persists in drawing that Glock from its holster.

The Hon. M.J. ATKINSON: It does not matter who photocopied the petitions, 100 000 South Australians signed the petition and they had a big banner out there saying, 'Sack Griffin', and that is just what the leader of the opposition did when he became Premier.

We are still spending $600 000 a year on local government crime prevention, and there are other crime prevention

programs worth more than that being carried out by the police. We have a Crime Prevention Unit within the Attorney-General's Department. We are committed to crime prevention, but we do not have spending on it at record levels. We have marginally adjusted government priorities to the timely prosecution of offenders. If we had not adjusted government spending and boosted money to the Office of the Director of Public Prosecutions, the opposition would not be asking questions about local government crime prevention; they would be asking questions about home invaders out on bail, continuing to commit crime, because their indictable offences had not been prosecuted in a timely fashion.

STUDENT ABSENTEEISM

Mrs GERAGHTY (Torrens): Contrary to a comment in this morning's paper, as a member of the government I ask the Minister for Education and Children's Services: how is the government working to reduce the levels of student absenteeism in this state?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I acknowledge that the member for Torrens is a very good advocate for the government. I am proud of this government's record and achievement when it comes to student attendance in our public schools. It is a significant area of reform that this government has embarked upon since coming to office. It is a matter that was neglected and not even recognised by the previous Liberal state government. It is important because, while this state government is putting millions of extra dollars into our state schools, if the children do not turn up for school they do not get the benefit of that investment. So, we want to see that investment maximised, because even a few days missed per term in a school child's life adds up, over their years of schooling, to one full year's worth of tuition missed.

Mr Brindal: That's not right.

The Hon. P.L. WHITE: That is right. Per term, it adds up to a full year missed. The member for Unley should work it out. Shortly on becoming minister I set up an absenteeism task force within my department with representation from the South Australia Police, FAYS and a number of other agencies. An attendance improvement package has been delivered to all schools in the state and, as well, every public school in the state has been required to put an attendance improvement plan in place. We have appointed an additional four attendance counsellors around the state—that is a 40 per cent increase in the number of attendance officers that we employ—and I am pleased to announce to the house—

Mr Brindal: Truant officers by another name, is that what they are?

The Hon. P.L. WHITE: Extra officers, yes. I am pleased to inform the house that $1 million worth of projects are being implemented in schools across our state to improve the reporting of student absences to parents and to get truanting students back to school and overcome the barriers that non-attenders have. The projects are being implemented in the five attendance action zones which have been set up by this government and which include schools with some of the highest levels of student absenteeism in the state.

To give members an idea of the nature of the projects, they are things from improved technology—SMS text messaging—to let parents know when their child is absent from school; extra school service officer staffing to make direct personal contact with parents of absent children; school-based case management for habitual and chronic non-attenders; on-site child care for young mums so that they can attend school; community liaison workers to build stronger school and family relationships and personally follow up on absences; and specialist literacy programs to improve children's interest in schooling and ability to take part in the learning program. They are just a few of the programs that are being implemented as part of that $1 million of funding. Those attendance action zones are matching the projects with better data collection on student attendance so that improvements can be measured. I am also very pleased to say that this package of attendance measures coincides with improved attendance results in this state, and I am very proud to announce to members that, in just one year, this year's attendance results show a 12 per cent improvement in reduction of public school absences right across the state.

BOATING FACILITIES ADVISORY COUNCIL

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Transport inform the house of the number of projects that have been approved by the Boating Facilities Advisory Council this calendar year? The last funding announcement that was made to the house was on 11 July 2002. Since then we have heard nothing from the minister, despite the levy continuing to be collected. The opposition has been contacted by stakeholders concerned that the council has not convened since February this year, and we are aware of at least two important projects now being stalled which are causing major concerns.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the Leader of the Opposition for his question. He asked a question yesterday of which I said I would check the detail, and I have done so. What I said yesterday was that a couple of nominations had not been received, and that is the case. Those nominations are required under the legislation, and the department is following those up. I have written to all stakeholders asking them to provide their nominations. I also said to the Leader of the Opposition yesterday that it was my understanding that no projects have been held up—and that has been confirmed to me today.

NORTH HAVEN BOAT RAMP

The Hon. R.G. KERIN (Leader of the Opposition): Is the Minister for Transport aware of any concerns raised by the South Australian Boating Facility Advisory Committee (whilst it existed) regarding the North Haven boat ramp? The opposition has been informed that major concerns were expressed that the North Haven boat ramp facility, built and funded out of the recreation boat levy, varied from the proposal agreed to by the advisory committee. These concerns were to be discussed at the first committee meeting after March—a meeting that has never occurred because a committee has not been appointed, despite the delay of eight months.

The Hon. M.J. WRIGHT (Minister for Transport): I will check the detail of the question in relation to North Haven. I do not know that detail off the top of my head. I am happy to get that information for the Leader of the Opposition. The other point I make is: why would the government not want this committee to form? There is no reason whatsoever. As I said yesterday, and as I have confirmed today, two major stakeholders, which I would prefer not to name but which are required under the legislation to be a part of this committee, have been written to and asked—

An honourable member interjecting:

The Hon. M.J. WRIGHT: I will get that detail for you.

An honourable member interjecting:

The Hon. M.J. WRIGHT: Some time ago. They have been asked to provide their nomination. As I said in answer to an earlier question, the department is following that up. I hope they provide their nominations as soon as possible, because the government would like to proceed to ensure this committee is in place. There is no reason not to do so.

The Hon. R.G. KERIN: I have a supplementary question. If in fact the government wanted this committee to continue when it expired in April, why did the minister make his first call for nominations in August?

The Hon. M.J. WRIGHT: Very simply. The work of the previous committee was in relation to the last round of funding which I think was in July. Another round of funding is due—

An honourable member interjecting:

The Hon. M.J. WRIGHT: Not July last year: July this year. The next round of funding is due in January next year, or thereabouts. That is the reason for this sequence. The Leader of the Opposition is making something of nothing, as he always does.

GLENSIDE CAMPUS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that the occupational therapy and resource centre at the Glenside campus of the Royal Adelaide Hospital will permanently close on about 19 December; and will she explain why she has not allocated resources to maintain such a vital centre? I have received a letter from an inpatient and I have spoken to people who use this centre. Patients and staff use the centre for daily activities such as woodwork, ceramics, cooking, computing, sewing, fundraising and organising daily tours. The letter states:

> It would be a great disappointment to see the centre close. Can you assist?

The Hon. L. STEVENS (Minister for Health): I am not aware of the issue. I will certainly look into it and report to the house.

METROPOLITAN FIRE SERVICE

Mr BROKENSHIRE (Mawson): Does the Minister for Emergency Services stand by his answer of 27 November, when he stated:

> I rely on the advice, I accept it and trust it, and my advice is that absolutely no operations of the Metropolitan Fire Service have in any way been affected by the current communications centre.

The Hon. P.F. CONLON (Minister for Emergency Services): That remains the advice I have to this moment.

Mr BROKENSHIRE: I have a supplementary question. Given the minister's answer to my previous question, can he explain why firefighters contacted the media and me, confirming that 000 calls did go unanswered and that temporary communications systems did fail for several hours on the evening of 26 November?

The Hon. P.F. CONLON: For the sake of the member for Mawson, I will explain the difference. He has actually asked two different questions. He asked, 'Do I stand by the advice that operations were not affected?' I say, 'Yes, absolutely.' As I understand what occurred on the night in question, there was a very large fire, with a large number of 000 calls, and some oversight in the recording of a message telling people they were being transferred down the line occurred. They did not know they were being transferred down the line and may have hung up. I can say that I think something like a third or fourth alarm had been dispatched to that large fire already. What that means is that no operation was affected and no member of the community was put at risk. I am surprised I have to explain that, but that is simply the truth.

MUSEUM

Mr HAMILTON-SMITH (Waite): My question is to the Premier as Minister for the Arts. Is the South Australian Museum experiencing hardship, and are artefacts and infrastructure at risk as a consequence of the government's decision to significantly cut maintenance, administration and expenditure on cultural galleries? Under the previous government, the museum underwent a rebuild, involving an increase in floor space. For some time, whistle blowers have been contacting the opposition with serious concerns about funding cuts to support the new facilities, and this has now been confirmed by the Auditor-General. His report has revealed on page 983 that maintenance at the museum has been cut by $38 000 and general administration by $228 000, and $137 000 has been cut on expenditure on the Australian Aboriginal Cultures Gallery, which is a total reduction of $403 000.

The Hon. M.D. RANN (Minister for the Arts): I will get a full report for the honourable member.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Oh, gosh, the member really does want to do his Private Pyke imitations. Will the member listen to what I have to say rather than play games? The fact of the matter is that he should be aware of increases, and the decision to provide some hundreds of thousand of dollars worth of solar panels for the roof of the museum to assist with its energy and also—

Mr Hamilton-Smith: I don't know what that has to do with maintenance and administration.

The Hon. M.D. RANN: The member does not know what it has to do with—

Mr Hamilton-Smith: Maintenance and administration.

The Hon. M.D. RANN: It has to do with electricity costs and, of course, it is also an education thing. The member would also be aware of the funding that was provided to the museum for the care and storage of a whole range of its artefacts, and that was a special allocation of many hundreds of thousands of dollars. The member would also be aware of other support being put into the museum. So, nice try; I will get you a report on the matter.

BIO-INNOVATION, COMMONWEALTH FUNDING

Ms CICCARELLO (Norwood): My question is to the Minister for Science and Information Economy. How have South Australian companies fared in the latest round of bidding for commonwealth bio-innovation funds?

The Hon. J.D. LOMAX-SMITH (Minister for Science and Information Economy): I am pleased to report that the South Australian bioscience companies applying for bio-innovation funds (otherwise known as BIF funding) have been unusually successful this year, thanks to the efforts, I

might add, of both the extensive and high achieving bioscience sector and, in particular, the support given to them by BioInnovation SA. I know the Leader of the Opposition would be interested in the successful response to BIF funding applications and, clearly, BioInnovation played a major part in this.

The funds that were supported amounted to four companies. They received $900 000 in funding, and this amounted to 15.7 per cent of the national moneys allocated. That is well above our expected level of performance and was equal to the number of grants given to Victoria. At a time when often Queensland markets itself as being a very high achiever, it is interesting to note that we received one more fund than Queensland achieved.

The four companies that were successful are as follows. Reproductive Health Services received money for screening abnormal chromosomes, and that will have a clear impact on women who have antenatal testing. TGR Biosciences, based at the Thebarton precinct, received funds for high throughput screening technology that will also be useful in human testing. The company Nidor, which works in cancer treatment, received funds to develop a novel breath test to predict, diagnose and monitor debilitating side effects of chemotherapy. The fourth company, from Daw Park, is Pristine Forage Technologies, which received funding for plant growth technology and will test the viability of a new range of pasture crops.

As I said, Bio Innovation SA was instrumental in assisting all these companies and should be commended, as should the four companies, which have allowed bioscience in South Australia to once again punch above its weight, receiving almost 16 per cent of national funding. This is a good achievement for South Australia.

SCHOOLS, BOOLEROO CENTRE

The Hon. G.M. GUNN (Stuart): Will the Minister for Education and Children's Services take immediate steps to allow the Booleroo Centre school council to finalise an ecologically sustainable water development project, which has the potential to save up $20 000 a year for the school? I have a letter to the minister from the chairperson of the school council, which states:

> Our governing school council writes to you today to express our feelings regarding the way and manner you and your department have handled our ecologically sustainable water development project. To say the least we are very disappointed and at this stage left wondering why a simple solution couldn't be found to help us finalise our project.
>
> Unfortunately, we believe that you and the department have not performed satisfactorily. We strongly believe that the service provider only looked at one side of the matter, which was negative. No matter what positive points were presented for the project being approved, we were ignored.

The letter goes on to make further explanation. This is the second occasion that I have brought this matter to the attention of the minister in the house. While the minister is answering this, perhaps she can also tell us why nothing has happened at the preschool at Peterborough.

The Hon. P.L. WHITE (Minister for Education and Children's Services): My understanding is that the school has been given the go-ahead for that project.

COMMUNITY ROAD SAFETY FUND

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house what is the current value of the Community Road Safety Fund? Will he also advise whether any funds from the Community Road Safety Fund have been allocated to any new projects? If so, to which projects and how much? As part of the Labor Party's election promises, it stated that all revenue raised from anti-speeding devices, including speed cameras and laser guns, would be directed into the Community Road Safety Fund. The Community Road Safety Fund, as stated by the Labor Party in its election promise, is only for the funding of road safety projects and policing, and was to commence as of 1 July 2003.

The Hon. M.J. WRIGHT (Minister for Transport): The member for Light is dead right. This was part of the government's road safety package, and it was a commitment that we gave in the lead-up to the last election. All members can be proud that we have in place the Community Road Safety Fund. Obviously the member for Light has asked for some detailed information about that, and I will be happy to bring that back for the honourable member.

SCHOOLS, CHRISTIES BEACH HIGH

Mr BROKENSHIRE (Mawson): My question is to the Minister for the Southern Suburbs. Will the minister explain why the government is now calling for expressions of interest to develop what is currently the western campus of the old Christies Beach High School sports grounds? When in opposition during 1998 the now minister publicly stated that the sale of the land for development would be the loss of 'very valuable open space'. At that time he and the member for Reynell publicly committed to saving the grounds as open space. Now that they are in government, both members are silent on the issue.

The Hon. J.D. HILL (Minister for the Southern Suburbs): I thank the honourable member for his question. I would be interested if he could document those claims he just made in relation to statements I made at the time.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: You are not allowed to table things, but it would be interesting—I will look at them afterwards. It is certainly true that the western oval of the former Christies Beach High School is a matter of some interest to my constituents. I organised a public meeting some years ago and had a discussion with the community about what it wanted. Its first preference was for open space and its second preference was for accommodation for retirement or for senior citizens.

Mr Brindal: What is wrong with their first preference?

The Hon. J.D. HILL: Nothing is wrong with their first preference—both preferences are of interest to me. I have had conversations with both the local government, the Onkaparinga Council and officers of various government departments about intentions for that land. As I understand it, the normal process in relation to disposal of land will have to be gone through. The first option goes to government bodies and subsequent opportunities go to local government. There are a number of proposals for that land and they are being worked through.

FEDERAL COST SHIFTING REPORT

The Hon. R.J. McEWEN (Minister for Industry, Trade and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. McEWEN: On Monday 24 November a report from the House of Representatives Economics, Finance and Public Administrative Committee entitled Rates and Taxes: a Fair Share of Responsible Local Government, and also known as the Cost Shifting Report, was tabled in federal parliament. This long awaited report focuses not only on cost shifting but also on local government financing in general. The report recognises the financial pressures faced by all state and local governments and, in particular, the difficulties in setting priorities and making decisions about the use of finite resources in the face of competing and ever increasing community expectations and demands. It is an extensive report, with a great deal of detail and 18 recommendations.

First, the state government welcomes the recognition of the report and, for the first time at a federal level, of a major funding inequity that has affected South Australians more than any other state. I refer, of course, to the inequitable distribution of local road funding in South Australia. The government has supported the South Australian Local Government Association's fair road funding campaign to highlight awareness of the obvious commonwealth funding inequity.

The report recommends that the existing local road funding inequity be addressed by combining both the general purpose grant pool and the identified local road pool, and allocating grants based on need.

Another key recommendation of the report that was welcome was the proposal that a state/federal intergovernmental agreement be established to identify the roles and responsibilities of local government in delivering federal and state programs, as well as policy priorities and strategies at a local level, appropriate allocation of funds to local government and the expected performance and funding responsibilities as part of all levels of government.

I am pleased to be able to report that the state government and local government of this state are already well on the way to developing an effective state/local government relations agreement through the Local Government Forum. I am confident that such an agreement between state and local government sectors will be the most effective means by which we can collectively engage with the commonwealth to achieve better funding outcomes for South Australia.

A further report recommendation of great significance for South Australia is the proposal to replace the current funding allocation model used for general purpose grants with full horizontal fiscal equalisation (or needs based) allocation across Australia. If adopted, this measure is anticipated to be of great benefit to all councils in the state. The Office of Local Government is currently considering all recommendations of the report in conjunction with Treasury to ascertain the impact the report's implications will have on this state. We will be providing a detailed response to the federal select committee and to the commonwealth government in due course.

An underlying theme of the report is that government at whatever level needs to work more collaboratively. In reality the three spheres of government for the most part where South Australia is concerned operate in a spirit of maturity and cooperation and I look forward to further working with both the federal and local governments to ensure that our shared constituents continue to receive the best value for their tax dollar.

GRIEVANCE DEBATE

EDUCATION, CEO

Ms CHAPMAN (Bragg): The plot thickens in relation to the chief executive performance agreement entered into between the Minister for Education and Children's Services and the chief executive of her department. On Thursday 27 November I asked the minister for some explanation to the house as to why it had taken more than 12 months to finalise the performance agreement as required under the Premier's ministerial code of conduct, and pointed out that the chief executive had taken up his appointment on 14 October 2002. The minister was quick in her response to suggest that everything was wrong in the information provided in the question, save and except the date of appointment. Yesterday, however, she indicated that in relation to her response there was a further error and tabled a document that I will refer to in a moment. Importantly, the minister went to some pains to explain in her response that she had entered into a performance agreement with her chief executive. She did not explain when or in what form, but she went on to say that 'in fact a performance agreement was put in place for the 2003 school year'.

The minister explained, as she suggested in her response, that the request for information was for the 2003-04 financial year and the response that the 2004 performance agreement had not been finalised was therefore correct. In other words, at the end of 27 November the minister had clearly left this house with the impression that she had executed a performance agreement with her chief executive and, furthermore, that it was a performance agreement in place for the 2003 school year and not in the financial year as she claimed had been sought under the freedom of information application by the Hon. Angus Redford.

I pointed out to the house later that day that in fact the application brought under the freedom of information application was not identified or in any way restricted to the 2003-04 year and, furthermore, that her responding officer in her department, Mr Don Mackie, in providing his answer to the FOI application had said (and I quote the relevant aspect):

> The facts of my investigation are as follows: I have located a document relevant to your application, namely, the 2003-04 Chief Executive performance agreement. I have examined the document and found that it is a draft still under development. I have been advised that the minister has not yet seen the draft document.

The combination of all that information to that stage was that there was a performance agreement in place, that there had been a performance agreement executed applicable to the 2003 year, and, in any event, the Hon. Angus Redford had only sought for the 2003-04 year and that is why it was in draft form.

Yesterday we had an explanation by the minister that she was wrong in one respect, that is, that the original request was specifically for the 2003-04 year. The minister did not apologise to the house but explained that that was in error in relation to her explanation to the house. Then she tabled a document, saying:

> I table the signed, final performance agreement put in place between the chief executive and me for the 2002-03 financial year, with performance indicators for the 2003 school year.

The document is numbered pages 2 to 28 and is purportedly signed by the minister and the chief executive for the period 14 October 2002 to 30 June 2003. It is a document which on

every page is marked 'draft', and I ask that that be noted by the house. Quite clearly, the document produced, even if it purports to be a document binding between the minister and her chief executive, does not cover the current year, and the minister remains in breach of the ministerial code of conduct.

Time expired.

STATUTORY AUTHORITIES REVIEW COMMITTEE: SA HOUSING TRUST

Mr SNELLING (Playford): I rise today to commend the Statutory Authorities Review Committee on its report into the South Australian Housing Trust. One of the most frustrating problems that I have to deal with as a member of parliament is that of disruptive tenants. It is difficult to obtain an eviction, and constituents who approach me about these disruptive tenants often do not understand that I as a local member of parliament cannot personally arrange the eviction of these disruptive tenants. I can kick and scream to the main two agencies that I deal with, the Housing Trust and the Aboriginal Housing Unit, to try to obtain evictions, and often I am successful, but it is generally a fairly Pyrrhic victory because I know that all that happens is that these disruptive tenants are rehoused somewhere else and they become someone else's problem.

The SPEAKER: They're my problem.

Mr SNELLING: As you indicate, Mr Speaker, often they become your problem, and in my electorate I am sure I inherit other members' problems. I do say, however, that on the whole both those agencies are very good at dealing with inquiries from my office and do get back to me, in spite of the difficulty of the circumstances. But the other complicating factor is that, more often than not, children are involved in these houses, and these children generally are not being well cared for. Nonetheless, they are the innocent victims, in many ways, of their carers' delinquency. So, I was very pleased to see the Statutory Authorities Review Committee's report being released. Some of the recommendations I think are excellent and, if implemented by the government, would go a long way to rectifying the problem. It is a large report with many recommendations, but there are a few highlights. Recommendation 8 is that the trust should play a more proactive role in tribunal hearings initiated by neighbours by providing all relevant information available to it to the tribunal member as a matter of policy in tribunal hearings. That is basically saying that the trust should cooperate far more with neighbours who are faced with trying to obtain an eviction in the Residential Tenancies Tribunal.

I think the key recommendation is recommendation 12, that tenants evicted for disruption not be rehoused or assisted for a period of 12 months. It also says that exceptions may be granted for extreme cases, but only with the approval of the general manager. I think that is a good recommendation because, on the whole, these tenants know very well that they can cause as much mayhem as they want and, even in the unlikely event that an eviction is obtained, they are simply rehoused somewhere else. Recommendation 21, again a key recommendation, is that the act be amended so as to enable the trust to implement a three strikes policy; a very wise recommendation. Recommendation 24 is that the minister investigate as a priority the availability of specialist housing or supported accommodation for those unable to live independently and in harmony with neighbours. Again, that is a very good recommendation.

As I said, there are certain tenants who just do not seem able to live in a neighbourhood in close proximity to other people, and often there are children involved. Certainly, the government has to take responsibility to an extent because there are children involved who are innocent third parties, and recommendation 24 makes a lot of sense. Personally, I am committed to public housing, but public housing does require the support of the immediate neighbourhood. We are quickly getting to a situation where neighbours will protest about having public housing put in their area. I commend the report and look forward to the government's response.

Time expired.

SCHOOLS, BOOLEROO CENTRE AND HAWKER

The Hon. G.M. GUNN (Stuart): I am pleased that the Minister for Education is in the chamber, because I will finish reading the letter that I received from the Booleroo Centre School Council. It reads as follows:

> As this dilemma hasn't been resolved, we would like to ask you for further assistance to work through our issues. We are asking you to personally visit and see for yourself that this is a project that can work and save our school 20 000 a year. We would like to show you frogs and yabbies living in this environment and introduce you to council and community groups who are willing to help us. If there is no other way to approve this project other than contamination testing, our school will commence with this as we now have allocated funds.
>
> It is also possible for you to go over the findings of the EPA report you received and explain it further to us. We are looking forward to your reply and resolution to this problem. You can feel free to contact us direct on 08 8667-2124. Kind regards, Noreen Arthur, Correspondence Secretary and Lyall Fisher, Chairperson.

That was sent to the minister on the 24th. A copy was given to me and I got it in my office the day before yesterday. I was at the school yesterday morning on the way down here. These are very decent, hard working, good people. This school has the total support of the community and has an outstanding record of producing highly qualified students. One of the difficulties is that the land that was available has now, I understand, been withdrawn from the market and will have to be renegotiated. But this project can work.

I was fortunate enough on Friday to be at the opening of the aquaculture project at the Hawker school. There is another example of where you have very strong community support. The builder, a local person, provided his services without any cost to the school. The same sort of thing will happen at Booleroo Centre. For goodness sake, minister, please give these people the opportunity to get on with this very good project, which will be of great assistance to the government and to the education community.

It must be my day for whinges about schools. On Friday on the way to Hawker I called in at the Peterborough Primary School to see how the new preschool was going and whether 'blue hills' was still in function. Sure enough, it was. The first thing I was advised of was a letter from the District Council of Peterborough, which read:

> Earlier in the year, Council was told you were going to relocate to the campus of the Peterborough Primary School. . . Could you please advise Council what the current situation is, as we need to be able to plan for the future use of the existing buildings—

which are owned by the district council. The school wrote to me as follows:

> Further to the discussion we had on Friday, November 28 at the Peterborough Primary School regarding the relocation of the preschool to the primary school site, please find attached the letter the Preschool Governing Council has recently received from the

District Council of Peterborough. The letter refers to the expiry of the lease formerly held by the preschool, which concluded in 2001.

No renegotiations have taken place although the Minister for Education, Trish White, had been informed of our predicament a year ago and representatives from her office assured us the appropriate measures would be taken to ensure our occupancy would continue until relocation could occur.

Regretfully, council informs us this did not happen. Hence, the current letter was sent to our governing council, re-inquiring politely but earnestly of our current situation. You are aware, the land will be reclaimed by council for possible redevelopment after we have vacated. It is fortunate that our district council shows great empathy and community support for our centre or I fear we may have been placed in a difficult situation that was not of our making.

We would greatly appreciate any assistance that you could afford us with either clarification or resolution of this matter. The ongoing situation has been unresolved for a number of years, and both governing council members and pre-school staff, along with the wider community have become very insecure and disillusioned with the uncertainty.

It is signed by Robyn Mercer on behalf of the Peterborough Community Pre-School Governing Council.

Everyone knows the answer to the problem is to relocate the existing freestanding building, which is an excellent building, and put the pre-school in it. It will be required for generations in the future. If there is a slight increase in the cost, what does it matter at the end of a lifetime: it is in the long-term interests of the people of Peterborough.

ONESTEEL PELLET PLANT

Ms BREUER (Giles): Today I want to talk about a matter which causes me great concern in Whyalla, that is, the dust emissions from the pellet plant. First, on the one hand, I have the directly affected residents who live in close vicinity. They certainly have real concerns about the dust problem and have agitated continuously about it. Secondly, and on the other hand, I have concern for OneSteel which has made a very genuine effort to clean up the problem and which has allocated a huge amount of money and effort into solving the problem in recent times. Thirdly, I am a member of the government who has a great respect for the EPA and minister Hill who is somewhat of an umpire in this situation. However, an issue I feel bound to report on is the recent EPA report which was tabled in parliament.

I remember Whyalla when the pellet plant was built. I grew up in an industrial environment which did have a dust problem, and it has certainly increased in recent years when mining commenced at the Iron Duke Mine where different size iron ore particles are produced. So, we have a much more pronounced dust problem in that part of the town. Once again, we have an industrial site right on the edge of the town. It would not happen nowadays but it certainly did happen 30 or 40 years ago. However, I do challenge media images that it is a red town. The area that is covered by the dust is only a small area, maybe a one to 1½ kilometre radius: it certainly does not cover the whole town.

In relation to the EPA report tabled in parliament recently, OneSteel has said that it cannot accept the EPA report that states that dust from the pellet plant is the worst it has been in 11 years. The report was tabled on Monday 24 November and it stated that in 2002 the EPA requirement for PM10 (measure of fine particles) at Hummock Hill, adjacent to the OneSteel pellet plant, was exceeded 18 times. The report said that this was a significantly worse result than for the previous 11 years of monitoring. In our local newspaper, *The Whyalla News*, OneSteel Manager, Mr Jim White said that he could not accept that the dust was worse after all the initiatives the steelworks had installed to reduce it, and I certainly have to agree with this supposition by the Manager of OneSteel. Mr White said that while he acknowledges the need to work continually at reducing dust emissions from the steelworks site, he cannot accept that dust is worse today than it was before the commissioning of the pellet plant's waste gas cleaning plant in December 1998. In the article Mr White said:

OneSteel supports the role of the EPA in monitoring our environmental performance but I challenge this report's interpretation of the data.

In the report, the EPA acknowledges that 'The Air National Environment Pollution Measure (NEPM) standards do not apply to locations adjacent to individual sources (such as an industrial facility) where peak concentrations may be expected but relate to the exposure of the general population in residential zones or areas.'

Notwithstanding this acknowledgment, the EPA has based its comments about OneSteel's performance on monitoring undertaken immediately adjacent to the steelworks pellet plant boundary and not the community monitoring station in Walls Street.

The EPA and OneSteel have previously agreed that community monitoring at Walls Street is the appropriate measure for Air NEPM standards.

Mr White said that the information presented to parliament failed to acknowledge a number of key points—

and these key points are very important—

- OneSteel is subject to no condition that imposes PM10 standards at the pellet plant boundary;
- the pellet plant boundary monitor has been located to its present site for only three and a half years (since April 2000) and not 11 years; and
- the number of sampling days is not the same for each of those three years (40 sampling days in the year 2000, 29 in 2001, and 97 in 2002) and therefore the monitoring results cannot be directly compared.

OneSteel will be meeting urgently with the EPA to discuss the report.

There are two main issues: the location of the monitoring has changed and the number of days they have monitored has changed. I was not asked by OneSteel or anyone else to discuss this today, but I feel that it is imperative to present OneSteel's case. Certainly we do have a serious dust problem in Whyalla, but we do not want the pellet plant to be closed. I believe that proposed developments by OneSteel in the near future will sort out this problem. It does affect the lives of many residents nearby, to the extent that I know one couple who wash their plants every day because of the dust problems. Health risks have been implied but I seriously refute that this is an issue.

Having experienced living in the city for many years, I do not believe that there is a major health issue from this dust—it is not carcinogenic. There seems to be no other issue apart from a dirt problem. I believe that OneSteel has made a genuine attempt to clean-up and I believe that it may have been misrepresented by this report. I think it is up to our community to work together and, while I respect those residents, I believe we do have to pay tribute to OneSteel for its efforts.

SCHOOL CARD

The Hon. D.C. KOTZ (Newland): I find it ironic that the three speakers on this side of the house during the grievance debate have alerted the house to complaints they have received relating to the Minister for Education and Children's Services' portfolio, although when the minister comes into this house with a supposed answer to a question asked in this house and does not give any form of answer at all, then those grievances are not that surprising. On 26 November, the

minister made a ministerial statement in answer to a question I had asked on School Card applications. The ministerial statement stated that I had quoted from a letter from one of the schools. The minister said:

> At the time I did not know which school that was. However, my department has looked at all the schools, and today I received an email from the school to which the honourable member referred. I can report that the information she gave was incorrect.

Of course, several other comments in the first paragraph of the ministerial statement suggest that the opposition member was incorrect.

I suggest that the minister is in a sense of denial with anything relating to her portfolio. Rather than taking on the job of minister, who is supposed to use her department and public servants to ensure that the students of this state, plus the volunteer parents who organise some of the governing councils within the schools, are looked after by the department, the minister denied that public servants could possibly have got it wrong. The question I asked the minister in the house at that time was: would the minister advise why the education department had not completed processing school applications for the 2003 school year; and how many are presently held by the department across the state? Of course, neither of those two questions has been answered as yet.

In the explanation I said that all but one of the eight schools in my electorate of Newland were still waiting for approvals or rejections on School Card applications. The governing councils and schools advised me that a total of some 150 families did not know whether or not they were eligible for the $161 government concession for their children for this year. I can say at this time on this day that the situation has still not changed; that is, 150-odd families have not received any response from the minister's department in terms of rejection or acceptance of their application. As I said previously, the whole tone and form of the minister's ministerial statement was one of complete and utter denial.

To the best of the knowledge of the schools that I am talking about—that is, seven out of eight schools, and not the one the minister chose to think that I was talking about—there are still 150-odd outstanding School Card applications. They believe they have not made it past the DECS system; they believe they have not yet been submitted to Centrelink. The minister said that the schools were asked to confirm that no data was sent or to contact the department to inform it whether a mistake was made, so that errors can be corrected immediately

I can tell from the information that schools have provided to me that this has occurred with monotonous regularity. On one occasion, a DECS staff member was on the telephone with one of the school finance officers comparing line by line data received from that school and verifying that it had been received. Yet, the data was subsequently said to be not supplied. The minister also stated that term 1 collection of data occurred between 3 and 7 March and that she had received an email today—which is the day she made her ministerial statement—from a member of that school (which the minister determined, not I). The email indicates that the majority of outstanding applications relate to applications submitted in the first term of school. She went on to say that it was surprising, if that was the case, that the school did not act on those applications before lodging the applications on 20 October. That is certainly not the case. The applications were actually lodged in term 1, term 2, term 3 and term 4. In fact, there is one particular parent who applied in term 1 and who, in frustration, has subsequently contacted DECS directly and submitted their details on at least two occasions, but whose application at this point still has not yet been processed.

I suggest that the minister go back to her department and demand to get accurate details and make sure that these families, who are sitting there not knowing whether they have to find $161 or $320-odd or multiples of that for their students at the school for this year, are not going to be asked for that amount of money prior to Christmas, or whether they are going to be billed for that amount of money at the beginning of next year, when they will also have to come up with the current school year's School Card amount, if they are not accepted. There is no excuse, minister.

Time expired.

HENSLEY INDUSTRIES

Mr KOUTSANTONIS (West Torrens): I rise today on the issue of Hensley Industries and the foundry that has tormented my electorate since I have been the member. It has operated in a way that the EPA has found to be hazardous to the health of local residents. As a result, it has had its licence withdrawn, expiring in March 2004. The residents and I fought under the previous government, under the previous operating standards of the EPA, to have the foundry relocated or closed, with nothing occurring. With the changes to the EPA and its operation since the election, the EPA is now completely independent. We have given the toothless tiger some teeth, and it has gone out and done its job.

I was disappointed with the member for Morialta's question in the parliament here yesterday, where she claimed that the EPA board was not dealing with any conflicts of interest in the appropriate, ethical manner. I find that to be offensive not only to the good people of the EPA but also to the minister and the residents who are dealing with the EPA. I think members will find that in question time today the minister revealed that under the previous government there was no policy in place of removing yourself due to conflict of interest.

If I heard correctly, there were 39 cases of conflict of interest. The new practice and procedures dealing with ethical problems with conflicts have been put in place since the new government was involved. This board member, Ms Anne Shaw Rungie, who has a conflict of interest because she is engaged by CQMS, the parent company of Hensley, has been removed. In fact, she has had no dealings at all on the board on any issue related to Hensley since the operation of the new government and the new terms of reference that the EPA operates under.

I have total confidence that the EPA and the board will do the right thing. If they do not, we will obviously be very upset and will do what we can to appeal that decision. Ultimately, however, the decision does not rest with the EPA: the decision rests with the councillors of the City of West Torrens. It is those elected members who must go to their committee and vote on whether or not a new licence for a foundry can be issued. All the EPA does is evaluate the application and say whether it can operate within the current environmental standards within the state. If a new foundry opens up in Torrensville, it will not be the fault of the EPA or the state government: it will be the fault of the City of West Torrens and the councillors who sit on that. The mayor has come out, I believe, and is supporting the local residents. I hope that the rest of the councillors show do as much goodwill as the mayor and oppose this foundry. They cannot

act politically: they must act on the best environmental and planning advice that they have at their disposal. It concerns me that the council may indeed allow this foundry to go ahead, but I do not believe that it is in the best interests of the local residents.

The government has done all it can. As I have said, we have given the EPA some teeth. They have gone about their job and have removed Hensley's licence; they have taken it away. Hensley cannot operate after March 2004. We cannot change the zoning that is there, because there was an existing use of a foundry. The problem with a new foundry being given a licence is that is takes time to monitor these foundries to make sure that they are operating within improved environmental standards. Once you do find they are in breach, it takes a long time to remove their licence to stop it from operating. I urge the council to do what it can in deliberations to ensure that the best interests of the residents of Torrensville are represented, and I will be informing local residents myself about what they can do to inform the board on the date that it will be meeting. I will be inviting as many residents as possible to turn up to the board meeting to have their point of view heard by the board.

I believe that the EPA board is doing all that it can to minimise and exclude any conflicts of interest or perceived conflicts of interest, and I do not think it will be an issue. Indeed, as I said, Ms Rungie will not even be sitting on the board when this decision is being made. I am convinced that the rest of the EPA board members are ethical, upstanding citizens who will not be influenced by anything Ms Rungie has done or said.

Time expired.

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 984.)

The Hon. I.F. EVANS (Davenport): It gives me pleasure to make some contribution to the second reading debate. I understand that the agreement is that we are finishing at 6.00 p.m., so my contribution will be significantly shorter than it might have been on another day, because I know that there are a number of my colleagues on this side of the chamber who wish to make some contribution to this debate. The reason we are having this debate is that, during my time as the minister for Environment and Heritage, I had responsibility for the Dog and Cat Management Act. A document came across my desk that indicated a high level of dog attacks, and that concerned me, because I had not seen anything public on the level of dog attacks during my six or seven years in politics to that point. I sought more information in relation to the dog attack issue. I am the father of four young children and have been a dog owner, but the level of dog attacks did concern me. It took some time, because there were some in the bureaucracy who thought that it may raise public alarm if you released information on the level of dog attacks. It took some time for us to find the right public officers who would provide us with the right information, but we found them and we ultimately released the information on the level of dog attacks, not because we were concerned about the good dog owners out there—the responsible dog owners—but because we were more concerned about it from a public health point of view, that is, an injury point of view.

The view of the then government was that, through proper education and proper encouragement about responsible dog ownership, we would be able to reduce the level of dog attacks within the community and ultimately reduce the level of medical treatments being provided through our hospital system.

From memory, we were told that there were something like 29 000 dog attacks a year—that was the best estimate at the time—and something like 6 500 of those would require some form of medical treatment. In fairness to dog owners, I must say that the vast majority of those are minor. Then there were about 800 that would have to go to the emergency sections of hospitals, and about 250 of those would be people under the age of 12—kids. Those were the statistics that were presented to the previous government in relation to dog attacks and, frankly, the level of it—the 29 000—really did surprise me.

We then set about reviewing the Dog and Cat Management Act. We put out a discussion paper and received a large number of submissions, and ultimately we put a motion to the parliament to send it to the Social Development Committee. The reason that we did that was because we wanted to listen very carefully to what the community had to say about dog ownership, particularly responsible dog ownership. We wanted to make sure that whatever legislation was brought before the house reflected the right balance, because the opposition sees dog ownership as a positive experience and something that should be encouraged.

There are a whole range of studies that show that people who own a pet live happier, healthier and generally longer lives. So it was not about us seeking to run a campaign against dog owners—far from it. What we were really about was trying to work out what the cause of the level of attacks was and how, through proper education and incentive programs, we could reduce the level of attacks—particularly savage attacks—that occurred within the community. That is the background as to why we are here today and, to their credit, the current government then picked up on the work done by the previous government, reinvented the discussion paper—it was probably written by the same officers in the department—put out the discussion paper, and have come to a landing that we are starting to debate here tonight.

Up until about five days ago, the government was out there saying that their solution to the problem was that every dog had to be leashed except for off-leash areas. It is fair to say that the government got that wrong—and they got it totally wrong—because you only had to listen to the dog lobby and to the responsible dog owners to realise that that was not the answer to the issue. The answer to the issue was that the local community should design their dog laws to suit the local circumstances of dog ownership in that area, and the facilities available to them. And the best place for that to happen, through a public consultation process, has always been through the local council by-laws and the development of a dog and cat management plan.

So last Tuesday the Liberal Party signed off on the fact that we would support the concept, and that we were moving amendments to the effect of the government's then bill to bring it back to, essentially, what the government is proposing now, and that is that we think that leashing on public roads and footpaths should be obligatory but after that it should be left to the council by-laws to decide what are on-

leash areas, what are off-leash areas, what are on-leash times and what are off-leash times.

I guess it is a concern to the parliament that in some areas local government has yet to go through and complete that process, and this bill will, no doubt, encourage local government to do that because—as I understand the bill—each local government authority will have to go through and do a dog and cat management plan. That will bring the issue to a head in each council area, and then each community will be able to design how it wants to manage its dogs and cats in relation to the pet and human populations of that area, and the facilities that are available in its area. That is important because there are councils, and I understand that the Norwood council is one, that do not have any area that would be suitable, for instance, for an off-leash area, and they would have to negotiate with other local council areas. So it is important that the Dog and Cat Management Board see all these plans, sign off on them, and coordinate that activity so that there is proper consultation between the councils and the community groups.

So the government has had a huge backdown in the last week, going from compulsory leashing everywhere down to now just leashing on public footpaths and public roads. I think it is a win for commonsense in that regard. If there is to be any change at all—and there would be lots of people who would argue that there should be no change to that control section of the act—then that minor change probably reflects what community opinion would see as a reasonable next step in this regard.

There are a whole range of issues that I was going to raise in quite some detail during the debate, but as there is this arrangement that we are finishing by 6 p.m. I will not go into quite the detail that I was going to. But I do want to make some comments in relation to the changes proposed in the bill. The opposition has no problem with reducing the age of dog ownership from 18 down to 16; if people can drive a car then I think they can probably control a dog, so we do not have problems with that. We do not have problems with the extra breed being brought into the definition of the prescribed breed. We also note that the minister has realised that there is great community confusion about the proposal to have dogs restrained in vehicles, and I understand that the government's position now is that they are not going to proceed with implementing that section of the act until they have further consultation. We further note that the bill brings into the act the fact that the act does not apply to Crown dogs or dogs working on behalf of the Crown.

We also note the changes to the board: that there are currently six LGA members with one appointed by the minister, and it is proposed in the bill to be a nine member board—

The Hon. J.D. Hill: Do you support this particular proposal?

The Hon. I.F. EVANS: Well, I think it is an interesting mix that the minister brings to the board: four LGA, four minister-appointed, and one chair jointly appointed by the minister and the LGA. The bill gives the board the power to accredit certain training programs and procedures and also certain types of dogs defined in the bill as disability dogs, and I will come back to talk about those a little later.

One of the issues of great interest to the opposition is the setting of registration fees. Essentially, that power currently lies with the government, and the bill takes that away and gives it to the board to set—as I understand it—a range of registration fees, and then the councils can pick a figure within that range. That is the way that it has been explained to me. As I mentioned earlier, every council will have to produce a five year dog and cat management plan, with the first one of these having to be competed within three years of the act being passed, which—it is noted—is conveniently just past the next election.

As I understand it, there has also been a change in the government's view about how the dog and cat management officers within the councils will or will not have to report dog attacks to the police. I believe that there was a proposal tabled in the parliament to make it compulsory that dog and cat management officers would have to report to police every dog attack that caused a prescribed injury; a prescribed injury being defined as one needing medical attention. That has now been watered down to the point where, basically, they only have to report those dog attacks that the police ask for information about, which makes it a lot easier for the dog and cat management officers within the council.

The penalties in the act have generally been increased across the board by about 20 per cent, but I will not go through those in detail in my second reading contribution. We know that there is a proposal to accredit or register or license, pick your own word, the shops that supply dogs, and the way that I interpret that is that pet shops will now have to be licensed to sell dogs. There is also a proposal about the aggregated offences. This is where you get a higher penalty if your dog attacks a child who is under six years of age: the monetary penalty doubles. So, if your six year old gets bitten by a dog then the fine is X amount, and if your seven year old gets bitten by a dog then the fine is half of X amount. That is what the government is proposing.

There is also, within the bill, a proposal to bring in a form of minimum sentencing where the bill instructs the courts to make sure that, if a matter goes before them and the person is found guilty, that at least 25 per cent of the maximum is given out as a minimum sentence. So, the principle of minimum sentencing is also enshrined in this bill. That gives the house a brief description of what the opposition sees as the major issues in this bill. We understand we are doing the third reading when we come back after Christmas, and we might have some amendments to table in relation to some of those issues after the election.

I now want to comment on some matters as Iain Evans, member for Davenport. The views I am about to express do not necessarily represent the views of the Liberal Party. I want to make some comments about my view of some of these issues. I am not convinced that the bill will reduce dog attacks. I am happy, generally, to support the bill in its amended form. There are some issues I will be questioning during the committee stage, but I want to make comments as to why I do not think this bill will tackle the issue. All the evidence given to me when I was minister, and all the evidence I have seen since, suggests to me that about five breeds are responsible for about 75 per cent of dog attacks. Government officers and some dog group lobbyists say, 'You can't legislate for breeds.' I think the slogan they tend to run is: Don't judge the breed: judge the deed. I can understand that, to a point. My understanding is that the evidence, whether from Australia, England, Europe or America, shows that the same five breeds are in the top seven or eight breeds for level of attack per head of population for that breed. So, if you divide the number of attacks by the population, these four or five breeds tend to be around the top all the time. We have special laws for P plate drivers, because they have a high incidence of accidents in cars, and we have special laws

for drink drivers, because they have a high incidence of accidents in cars.

It seems to me that eventually a parliament will take the move to say, 'If this evidence is consistent and scientifically accurate, then why can we not have laws that deal with those five breeds?' For instance, you might say to owners of those five breeds that the dogs need to be leashed in areas where other dogs are not leashed, because they have a high level of attack incidence. In the future, owners of those breeds may need to go to obedience training with their dog, and they may get discount off their registration if they do that. I do not have a problem with giving incentives to dog owners for obedience training and those sorts of positive, responsible dog reinforcement messages. I have no problem with that concept. But all the evidence suggests that those four or five breeds are responsible for 75 or 73 per cent of the attacks.

We can be relatively comfortable that those statistics are accurate because, as a result of the most severe attacks, people end up in hospital. The government's own statistics show that between 50 per cent and 80 per cent—I was advised at least 50 per cent of the attacks and the minister has been advised at least 80 per cent of the attacks—happen on someone's own property or it is a dog they know. Therefore, when they go to hospital and report the attack, we can be relatively sure there is a reasonable degree of accuracy, because it is their dog or their grandparents' dog or their neighbours' dog they are reporting as having been involved in the unfortunate attack. I am talking about severe attacks where people end up with medical treatment at the emergency section.

It seems to me that the accuracy of the identification of the breed in those circumstances is reasonably reliable. Given that the parliament has that information before it, why are we not putting in place processes to check the accuracy of figures given to both the minister and me as the former minister? Why are we not putting in place processes to ask for an annual report on those dog attack statistics? Why are we not putting in place reporting mechanisms at our hospitals about those sorts of issues? Why are we not doing something about the breeding issues of those particular animals? I am told that sometimes breeding might be a problem, particularly with temperament issues: if an aggressive dog breeds it can easily go down the chain. I personally—not necessarily the Liberal Party—have a view that eventually the parliament may have to take decisions about some breed issues. Maybe that is something the Dog and Cat Management Board can look at. How long do we categorise all dogs as the same? We make special laws for certain categories of human behaviour in a whole range of activities: maybe we could start doing that for dog behaviour.

I am a bit surprised that we are licensing pet shops. I cannot work out why we are licensing pet shops. In *The Advertiser* on Saturday—any Saturday—when reading what is for sale, I read 'American Staffordshire, American Staffy pups, Bull Mastiff, Rottweilers'. If one looks at dogs mainly involved in the attacks, a lot of those breed types are for sale in Saturday's *Advertiser*. Someone who has invested their life savings in a pet shop and who has dogs for sale will be licensed—for what purpose, I am not sure—and have a code of conduct. So, when someone buys a golden retriever or Rottweiler, or whatever, the sale has been achieved through a code of conduct.

But the backyard breeder, who could be breeding a crossbreed of any description out of a dog of any temperament and selling it to a person who may not have the skills or property to manage a dog of that size, escapes licensing, registration and scrutiny. The people who are being honest, up-front and open about what they are selling get licensed and have a code of conduct put upon them, but the backyard breeder can go about their business breeding dogs at will and there seems to be no approach from the government at all about backyard breeding. If we are going down the path of accrediting pet shops, then we are not too far away from doing something about backyard breeders, particularly backyard breeders of the five or six breed types that are high on the list of dog attack injury rates. Someone eventually might want to look at those breeds in particular.

The minister wrote an article in the paper on Thursday 27 November, which is when the government announced its new position about leashing. The minister started off talking about the very unfortunate attack of the young May children, which was a very savage and nasty attack. Anyone reading that article might assume that the leashing laws that the minister is moving might have prevented that attack. I want to comment a little on that particular attack. My advice at the time was that the dog involved in that attack was a Rottweiler that had already been declared dangerous in the Northern Territory.

Just as we have a provision in our act to declare a dog a dangerous dog—because it has already attacked someone—my advice as minister at the time was that this dog had already been declared dangerous in the Northern Territory. Apparently, it had attacked a young lad in a wheelchair and was declared dangerous. The fault in the system is that there is no national register of dangerous dogs. A dog could attack five people in Queensland and be declared a dangerous dog in Queensland, but it can come to South Australia and be registered at Campbelltown or Stirling. It is just another dog until it attacks here and then everyone puts their hand on their heart and says, 'Isn't that a terrible thing,' and our act then reacts to that situation.

I will be suggesting to the government that there be a national register of dangerous dogs, and I raised this matter with the minister's advisers when they briefed me the second time. They advised me that there is no national register but the state was working on a state register of dangerous dogs. Imagine if this particular dog, if it was still alive, then moved to Victoria—it could have been a dangerous dog that had attacked people in the Northern Territory and South Australia, moved to Victoria, and still not been dealt with as a dog that had attacked.

So, I do have a concern that we are not tackling the main game here in relation to dangerous dogs from a national viewpoint. The dangerous dogs issue needs to be dealt with at a national level by way of a national register so that the councils and the states know when a dangerous dog is moving from jurisdiction to jurisdiction.

The other issue I raise on behalf of a constituent who lives at Belair, who was in my electorate but has now moved, my constituent raised with me when their child was attacked by a neighbour's dog. The mother had gone to some trouble to ring up the dog and cat management officer at three different councils to ask, 'What is this type of dog generally like with children?' and got three different answers ranging from, 'There is a problem with children with this particular breed' to 'There is no problem at all with this particular breed of dog.'

As I understand it, there is no mandatory training at council level for dog and cat management officers. That means we have 69 local councils out there, and they all have

one or two dog and cat management officers and, quite often, in small rural councils that person is designated the weeds officer, the parking inspector, and goodness knows what else because of resource issues, and I accept that. It seems to me that, particularly in metropolitan Adelaide, where there is a very high level of dog population and ownership, we as a parliament might have to look at some form of uniform training for the dog and cat management officers at local council level so that information being handed out to people about breeds and their suitability is uniform. I think that would be a positive thing.

When my family got our two dogs many years ago, we went to the Pet Advisory Service where, from memory, you paid a small fee and they ran you through a little test; they recommended whatever breed you should have. We got landed with two King Charles Cavaliers, which are pretty harmless, but they certainly suit our family quite well in that respect. I raise those issues in regard to other things that the government might want to consider as part of the bill.

The other issue that is not dealt with, as far as I can see, is the Schutzen training (that is, attack trained dogs). There is a sports association called Schutzen Training and, if you are training your dog to attack (and we are bringing in legislation concerned about dog attacks) I guess there might be a reason to question the government about why it is not looking at that issue of Schutzen training and whether it really is a sport that needs to be encouraged or discouraged, as the case may be.

An issue is also raised about the council scanners for microchip reading and whether councils actually have multi-read scanners. When I was minister, my understanding was that there was a huge problem that, even though dangerous dogs were being microchipped, there are different types of microchips and scanners, and that they did not always read, and that became a problem for councils with regard to identification.

The fact that dogs of the Crown are exempt from the act means that the practical result of that amendment will be that it will be harder to successfully sue for injury caused by government-owned dogs, and that means the strict liability that applies to privately owned dogs will not apply to government-owned dogs. The only way to sue the Crown in relation to injuries caused by the Crown's dogs is to essentially take them to court and take your chances because the strict liability will not apply. That is my best memory of the information given to us by crown law at the time we asked that question about exempting dogs of the Crown from the act when we had our own amendments drafted.

At the time, issues were also raised as to whether the RSPCA has the capacity to hold dangerous dogs. There was advice to us late in the piece that the RSPCA believed it did not have the appropriate physical facility to hold dangerous dogs brought to them. I have been going through an old file, and I am interested whether that issue has actually been resolved.

I mentioned earlier the government implementing a new definition into the act which gives the Dog and Cat Management Board the power to accredit disability dogs. What is a disability dog? Most people have heard of the hearing dogs. In fact, when I was a builder many years ago, I helped build the Lions' hearing dogs compound up at Verdun. We have all heard of the seeing eye dogs (guide dogs), but there are other forms of dogs that assist people with a disability. There was a particular case of a lad who applied to the Dog and Cat Management Board for his dog to be acknowledged as a guide dog because it helped him in relation to his epilepsy. At that stage, the board had no power to deal with that issue because they could not define the dog as a guide dog.

This bill slightly broadens the powers of the board so that, if a dog can be proven to assist someone with a disability, the board can accredit the dog as a disability dog and then attract the usual concessions available to hearing dogs and their owners, etc. We have no problem with the concept of a disability dog definition going into the bill.

In relation to the dog attack numbers. In case people think I was being alarmist about the breeds (going back to my personal view about breeds), it is also the view of the government department. A great little leaflet was put out by the Women's and Children's Hospital called 'Dogs and Kids: How to protect your children'. I do not know whether it is still available, but it was certainly available during my time as minister. It states:

> Some dogs are not suitable for young children. Research by the South Australian Health Commission has shown that the following five breeds (representing only 30% of all dogs) [are responsible for]. . . 75% of. . . treated attacks.

The leaflet went on to list the breeds as German Shepherd, Bull Terrier, Blue/Red Heeler, Doberman and Rottweiler. As I said earlier, those statistics are not perfect but they are reasonably consistent. The leaflet goes on to state:

> The risk of attack by these breeds is estimated to be between four and five times greater than other popular types of dogs. They are simply too dangerous to mix with. . . children.

This is the view of the Women's and Children 's Hospital in the leaflet it distributed, and that is why I come back to the start of my brief contribution. That is why this legislation misses the boat to some degree, because I believe it seeks to penalise all dog owners by further restricting their leashing options, but the majority of the serious attacks are essentially by five breeds.

There is nothing in the bill that deals with them differently. So, the dogs that are responsible for 75 per cent of the attacks are treated exactly the same as the dogs that are responsible for only 25 per cent. Eventually parliament will have to deal with those issues in a different way, because the evidence is pretty clear, and the government's own departments have gone to the stage of putting it in writing and handing information out to parents.

The leaflet to which I refer was produced for distribution to parents of newborn children. People have a child and, when the child gets to four or five, they start to think about getting a puppy. This leaflet was produced because, each year, the Women's and Children's Hospital gets 250 kids in its emergency section who have suffered bad attacks and who need treatment, often long-term rehabilitation, including psychiatric treatment. The hospital is saying that some breeds are safer than others. If government departments recognise that, why is the parliament not being asked to recognise those issues? I again emphasise that these are my personal and private views. They are not necessarily the views of all opposition members, and I leave members to judge the issues on their merits. I am aware that six or seven of my colleagues wish to speak this afternoon. I know that the committee stage, which is when all the amendments are debated, will not be held until after Christmas. For those who are not familiar with the second reading stage, let me say that it is a chance to put some general views on the record, and the detail is dealt with during committee.

We have been in negotiation with the Local Government Association, and it has a whole range of views about

registration fees, registering dogs and the concept of menacing dogs. That is a new concept in the bill, and the opposition does not have a problem with it. The LGA is concerned about the duty of dog and cat management officers to report. It has concerns about the investigation of councils, the accreditation of guard dogs and the off-leash areas. The particular concern about the off-leash areas is exactly what that means by way of infrastructure, for example, fencing, lighting, drainage and play equipment—all the things councils might put into an off-leash area for dogs. Who will fund that? Will it be the registration fees of dog owners? I think that is where it will come from, but that will be fleshed out during the committee. With those few comments, the opposition indicates that it will generally support the thrust of the bill, but we will have lots of questions in committee.

Ms BEDFORD (Florey): No-one likes to see dogs attacking anything, let alone small children or other small animals, but as someone who has owned Dobermans for a very long time I feel that I have to mention some of the things that some of the people whom I know very well would want put on the record in this house. That is, a well-bred Doberman, like a well-bred human, is not usually a problem. The member for Davenport mentioned a brochure from the Women's and Children's Hospital, and I know from people who have spoken to me that the five breeds named are recognised as such, but most of the dogs involved are not pure breds, and it is very hard to identify what part of the dog is which. However, it all comes back to responsible dog ownership, which is the big problem, and that is what the bill is attempting to address.

I can also give the house some information on schutzen training, which is part of what Doberman owners take their dogs through to prevent the very things that we are talking about. There is a register of merit, so dogs that have been taken through all levels of training acquire a schutzen title, and it is a very rigorous process. The dogs that complete it are no worse than other dogs that live in houses with children. My own dogs were put through schutzen training and, while they failed miserably for a number of reasons (probably mostly to do with their handler), I saw nothing with the owners competing that would cause me any great stress. Schutzen training is given to dogs of many breeds, most notably German shepherds and Rottweilers. I support the minister in his attempt to put sensible laws in place, and I hope that the house will remember that it is not necessarily one specific breed but that it gets back to the ownership of the dog.

Dr McFETRIDGE (Morphett): This debate has been a long time coming, and unfortunately it will be a relatively short debate because of time constraints. I have only 20 minutes, so I will save a lot of my remarks for committee as we go through the amendments.

Mrs Redmond: And the third reading.

Dr McFETRIDGE: Yes, and the third reading, where I will have another opportunity to express my views. I have had a number of discussions with the minister and my office has received hundreds and hundreds of submissions—letters, emails, phone calls, faxes. I have had a number of personal discussions with animal control officers, with members of the Dog and Cat Management Board, with other veterinarians and with professional dog behaviourists. Nobody denies the fact that there is a need for some protocols, some standards, for dog behaviour. However, we do not need to cage every dog, put every dog on a leash and restrict the enjoyment of dog ownership.

I am the first to acknowledge that some people are genuinely afraid of even friendly dogs. I feel very sorry for such people, because I have been around dogs all my life and, having spent 20 years in veterinary practice, I could not imagine life without the companionship that dogs and other animals offer. A very friendly dog may come up to people like this while they are walking along the beach but, because of their unfamiliarity with dog behaviour or an incident in the past, they are reluctant to engage in any way with that dog. In fact, they are very afraid of that dog. That is not to say that we need to put every dog on a leash, that every dog needs to be caged up, that every owner needs to have their pleasure restricted and that every dog must have their ability to run around restricted.

To own a dog is not a right. It should be a responsibility and, in many cases, it becomes a privilege. It is always a responsibility but it becomes a privilege when a person shows himself to be an irresponsible dog owner. Then, through the efforts of education, and in some cases law enforcement, people need to change their attitudes, and then owning a dog becomes a privilege. I hope that what the government is about now is what the Australian Veterinary Association and groups such as the Holdfast Bay Dog Owners Association are about, and that is promoting good dog behaviour and responsible dog ownership. That is the sort of thing we need. We just do not need to come in with a lock-them-up, law and order attitude, bigger fines and heavier penalties. That is not the future we want for dogs in South Australia.

Many people came into my practice with what I called an ego on a lead. Some of these people should not have a dog; they should not be allowed to go near dogs. They have no idea of dog behaviour. They think that owning a Rottweiler cross bull-mastiff cross gorilla is an enjoyable thing, so that they can walk around the place intimidating people and imposing their presence on people in the street. Those sort of people should be kept on the lead, not the dogs. Those sort of people should not be allowed to own a dog, and I hope that this legislation will enforce that sort of change.

Mr Deputy Speaker, being an animal lover yourself and having owned pets, you would know that dogs are part of the family. People who do not realise that pets become an integral part of the family should talk to some members opposite who breed dogs, as do members on this side, and I know that the people in the gallery have a very close, affectionate relationship with their dog.

Unfortunately, I had to put down one of my old dogs and my daughter was very upset. I said to her, 'If you cry that much at my funeral, I'll be happy.' It is a well known fact that people grieve more for their pets than for their relatives. That is sad indictment on society nowadays. Part of my role as a vet was looking after an aged care facility at Aberfoyle Park and I had to euthanase old dogs, which were often the last link between the surviving owner and a dead spouse, and sometimes after an animal was put down the surviving partner died—whether of a broken heart or loneliness I am not sure. Animals are part of the family, and the government needs to realise that what they have been trying to achieve through this legislation has impinged not only on dog owners but also on families.

The government consulted a number of bodies in putting together the 10-point plan. I would love to have seen the submissions from the people it consulted. I am a little concerned about the submissions and the interpretation of

them in what we saw in the amending legislation, but I believe the minister is an honourable man and has listened to the submissions. On television Sunday week ago after a rally in Victoria Park, where 300 dog owners turned up to protest against the on-leash provisions of this act, the minister said that they will get what he was going to give them, namely, dogs on leads, but the minister has listened and has turned around and come up with a far more sensible solution to a problem that will not go away.

Part of the wind-up to the emotive response we have seen to promote what could have only been described as draconian legislation in its initial form were submissions from the government to all members of parliament showing graphic colour pictures of dog injuries. I have seen many dog injuries. I have been bitten a number of times by dogs and have had to have stitches as a result of a dog bite and I know how much they hurt. I know how intimidating dogs can be. We did not need the graphic pictures. The issue of dog behaviour and responsible pet ownership is not just illustrated by a very small graphic portfolio of a few dog bites. The member for Davenport has said that most dog bites occur in the home—60 to 70 per cent. Some authorities say that up to 90 per cent of dog bites are in the home and the vast majority are bites from a dog known to the person bitten—either the owner or a close associate.

It is good to see that all the dog bites will not have to be reported on a compulsory basis to the police by dog management officers because many bites treated in hospital are reported and are recorded in the dog and cat management report, which we have yet to see for this year. It should have been out on 30 September, but we have not seen it yet. I believe in the draft report the number of reported dog bites has gone down in the past 12 months. A considerable number of reported dog bites are accidental bites, where someone has been playing ball or, as in my case, using a knotted rope to encourage the dog to hang on, swing around and play. I have been bitten by my dog, but it was purely accidental: was that to be reported to the police? As the owner would I be reported for owning a dog that bit me? Commonsense has to come to the fore.

The press release the minister issued gave the 10-points. I was disappointed that No. 10 was educating the community about ways to reduce the number of dog attacks: that should be the No. 1 priority and that was perhaps the minister's intent. The bill also refers to identifying menacing dogs and requiring all dogs to be kept on leads on public roads and footpaths and all dogs being carried in vehicles being restrained. Things have changed: we have moved on since this initial press release. I definitely agree that all dogs should be kept on leads on public roads and footpaths because dogs can act on impulse and, if a delicious looking cat appears, they may chase it across the road and get hit by a car and jump up at another pedestrian or be involved in another incident where, if they are on a lead in a particularly busy part of the environment, they are under a more immediate form of restraint.

We need to talk about what is effective restraint. We live on the beach at Glenelg and a number of people enjoy the company of their dogs on the beach, but I see people yelling and screaming at their dogs and the dogs take no notice. They consider that their dogs are under control, but I do not think that is effective control. If they had taken their dogs to the Holdfast Bay Dog Obedience Club, perhaps they may be under control.

In his 10-point plan the minister was headed in the right direction. Some tidying up was needed and educating the community was the way he needed to go. The member for Davenport and other members of this place will refer to breed specific legislation to encourage controlling dogs and dog attacks. I have to differ from the member for Davenport. Certainly, 75 per cent of dog attacks can be attributed to particular types of dogs rather than breeds of dogs. I refer to the Australian Veterinary Association press release put out recently about breed specific legislation. It talks about the ineffectiveness and the inability to enforce the costs of breed specific legislation. Australian Veterinary Association policy clearly states, 'The AVA policy supports the development of dangerous dog legislation, provided it refers to deed and not breed.' It also emphasises in the press release that 'irresponsible ownership and lack of education is the main requirement'.

We will be talking about the ability of councils to register dogs and I will talk more about that later, but I have a note about dog registrations and ownership and identifying breeds. One of the problems with breed specific legislation is that often it is very difficult to tell what breed a dog is. The AVA said that breed specific legislation is unenforceable and it is impossible to definitely determine a breed with the genetic technology available. I have vivid memories of being in the local council office registering my dogs and a lady was at the front of the queue. The chap behind the counter said, 'What sort of dog is it?' and her reply was, 'A brown dog.' That is the point I am trying to illustrate. Many dogs look like a particular breed, but the breed specific legislation is not something that will be all encompassing and we should not be fooled into saying that because we have listed a specific breed it will then be able to be targeted in specific legislation. We have listed five breeds of dangerous dogs and those dogs are well known for their temperament and have been bred for a particular purpose—in most cases fighting.

This legislation is powerful. The amendments in it can be seen as quite draconian in their initial form, but fortunately everybody from the Dog and Cat Management Board to the AVA to dog owners and behaviourists have convinced the government to make some changes. I will read from some of the submissions that have come to my attention. The Dog and Cat Management Board in a letter to the interested parties said that it had serious concerns with some aspects of the bill. Some of its concerns included the definition of 'menacing dog'. They were concerned that that was not really a clear definition. In fact they said that it was potentially dangerous as who determines what is menacing and what is not.

The definition of 'prescribed injury' is something the Dog and Cat Management Board is interested in. The definition of 'owner' in relation to a vehicle is something that I certainly have concerns about. The ability for dog or animal management officers to take down the registration numbers of cars and get the information from the Registrar of Motor Vehicles is an area that needs to be looked at not only with this bill but also in the anti-graffiti bill. Animal management officers and general inspectors, in the case of enforcing other legislation, can take the details of the car but then go to the Registrar of Motor Vehicles and cannot get the details. Under this act they can, so maybe we need to change other acts to make that power more of an omnibus power because animal management officers and inspectors at councils need to be protected and looked after.

The Dog and Cat Management Board have a number of other concerns. I will be brief as I am running out of time.

One of their express concerns are the changes to the Dog and Cat Management Board and, if you were a member of the board, why would you not be concerned? They are concerned that the board could become in the future just another government board, instead of being the independent statutory authority, and that is a concern that I certainly am aware of. Some members of the Dog and Cat Management Board have expressed their concerns to me. I have some sympathy with the way the government is going. The Local Government Association has a huge responsibility for enforcement of its dog management plans. One particular council receives $40 000 a year from dog registration and spends $160 000 a year in enforcing its dog management plan, so local government certainly has a huge area of interest in the formulation of policy and implementation of plans. Perhaps this is where the Dog and Cat Management Board as it exists could listen to its critics and some change could be adopted.

Talking about council responsibility and privacy issues with people's accessibility to council records of dog ownership, there is a distinct danger that some people with malicious intent could access the information on council records. Neighbourhood disputes, custody disputes and marriage disputes are just a few. Women escaping domestic violence could be tracked down through corrupt use of these records and, heaven forbid, as the Dog and Cat Management Board suggests in its letter, members of parliament could even use these records for political purposes. I do not think that would ever happen, but who knows.

I will now read from the submissions of a couple of people I have spoken to personally about these changes in the legislation. One is Prof. Fran Baum from Flinders Medical Centre. Prof. Baum and the other people I cite here are speaking on their own behalf, not on behalf of the organisation they represent. Prof. Baum, who is Professor of Public Health, made the initial comment that this legislation was draconian and creates an anti-dog environment. She emphasises the fact that most dog attacks happen at home, and most happen to people known to the dog. Prof. Baum continues:

> It is very likely to reduce the positive benefits of dogs to humans. It will do this by making it too hard for people to own dogs or look after them.

Prof. Baum quotes from the Medical Journal of Australia, citing the positive health benefits of owning a dog: everything from stress reduction, exercise, community building and companionship. Owning a dog is a positive thing. I should not need to tell you, Mr Deputy Speaker, as I am sure that you are well aware of it. Another submission I have received (and which I believe has been passed on to the minister) is from Dr Dennis Smith, a comparative psychobiologist working in animal behaviour at Happy Valley. He deals with many dogs. He used to work with me in my practice and I can rely on his opinion in this case.

Doctor Smith points out again that it is education. In his case, 80 per cent of clients who attended his behaviour clinics were people who had never had a dog before. This is all about public education. It starts with Pet PEP in the schools and other programs being pushed by the Australian Veterinary Association and others, but it is all about public education, not just caging the dogs. Dennis Smith points out that most dogs attack out of fear. That just reinforces what the Australian Veterinary Association was saying: it is the deed, not the breed. In the last couple of minutes I have left I will quickly quote from Phil Kirkpatrick, Animal Management Officer at Holdfast Bay Council.

Phil was a founder of the Holdfast Bay Dog Owners Association. He started the puppy classes and is another one who is helping to reinforce that responsible dog ownership is the only way to go. In his submission, Phil states:

> Dog attacks or any type of attack on a person or animal should never be trivialised and indeed are very traumatic to the victim and families. However, we and the government must realise that when making any law there is a need to remember that these laws should be based on commonsense rational thinking and practical solutions, not from emotional feelings, victims with a high public profile and sensationalised publicity.

I think Phil said it all at the end there. A lot of the media statements have been about getting the front page grab, and the Premier and his ministers seem to be very good at that. There are a few other issues. In my last minute I need to quickly canvass the need for the Greyhound Adoption Program to be revisited so that those dogs can have their muzzles off in public. These are one of the most placid dogs out. They are a sight hound the same as borzois and salukis.

An honourable member interjecting:

Dr McFETRIDGE: I understand that that is going to happen. The minister is giving me that assurance in the house, and that is wonderful to hear. It is a great way to finish my contribution today. Certainly, I would be happy to work with the minister in bringing about a commonsense solution to reward responsible dog ownership, and that is what this legislation should be all about.

The DEPUTY SPEAKER: I think that was a greyhound contribution!

Mr SCALZI (Hartley): I believe that this is a very important bill and is of particular interest to my electorate.

Ms Breuer: Has it got same sex in it?

Mr SCALZI: The member opposite obviously has certain bills in her mind. On 8 November 2000 I presented two petitions to this house calling for the introduction of statewide compulsory leashing of all dogs on streets and in parks. There was also a petition regarding muzzling requirements for certain breeds of dogs in public places. I presented the petition on behalf of the late Karen May and Bill May, whose daughters were attacked in the parklands. I saw the scars, not only the physical but the psychological scars, on those children. I must say that the late Karen May really put a lot of work into trying to get those signatures and to present the petition to this parliament.

I presented 4 229 signatures on her behalf with regard specifically to having dogs on leads. I understand that the minister's original proposals answered that call and I commend him for bringing that to the house. Indeed, I understand the amount of work the minister has put into this, and that is why I was happy when the matter was referred to the Social Development Committee and the minister gave me his undertaking that he would deal with it. I welcomed the announcements that he made. It saddens me that this is no longer the case, and I understand that in three years' time we might get to the same position of having dogs on leads in parks.

I believe that it would have been a simple thing to implement. It would require councils to make sure that there were areas where dogs could be off leads. Indeed, you could have certain times—for example from 6 o'clock to 8 o'clock in the morning—where there would be clear signs so that someone who had young children or elderly or small dogs would know that dogs were off leads at that particular time. But to limit this to roads and footpaths I believe is really

giving in to unreasonable pressure by certain groups in our community because, at the end of the day, no-one is saying that there should not be areas where dogs could be off lead.

I agree that dogs need to be exercised, but I also agree and believe that, whilst acknowledging that responsible dog owners do the right thing, we must have public policy. Critics of that provision were saying that a big percentage, over half of the dog attacks, occur in the home, on private property.

We know that people get burnt in the home and have all sorts of accidents, but we cannot police what happens in the home to the same extent as we can police what happens outside the home. Surely, I should be able to walk along the street or walk in a park and know that I am safe, and I should be able to take a child to a playground and know that that child is safe. This might be the case in three years' time, but it is not happening now. This is what Karen May and the 4 229 signatories to the petition I presented to parliament wanted. I did talk to dog owners and associations. Many professional associations do not mind dogs being on leads. The other fact which many people have forgotten to take into account is that not only people but also other dogs are threatened. If dogs are not on leads, then your poodle, for example, my dog Sheila, might be attacked by a bigger dog.

If I know that between 6 and 8 dogs do not have to be on leads, or in a particular area dogs do not have to be on leads, then I will not walk Sheila at that time or in that area: I will keep her at home or on the lead and I will protect her. I will go through some other things more specifically during the committee stage but, in relation to Linear Park, which is in my electorate, how do you determine whether it is a road or a footpath? I know that a bicycle path goes all the way to Henley Beach. Will those areas be regarded as a park or a roadway? That is a very important question that needs to be answered, and I do not believe it has been answered in this bill. I do not believe, as do some of my colleagues, that we should have special provisions for different breeds because, as my learned colleague the member for Morphett said, it is not the breed: it is the type of dog.

Obviously, one can identify that certain dogs are a problem. I agree with the member for Davenport that we should have provisions so that we can track dogs from state to state, but it is really the type of dog that can cause problems. When I was talking to breeders, some breeders were concerned that, because people do not identify the breed of dog properly, certain breeds are blamed unfairly for some dog attacks. It is simple: dogs should be on leads. Councils should provide areas where dogs do not need to be on leads, or during specified times if they cannot find a separate area. That makes it easier. It is similar to road rules in that people will know when to walk their dogs and when not to walk their dogs. It makes sense to me and I am sure it makes sense to many people, especially the signatories on the petition from my electorate.

Whilst I acknowledge all the work that the minister has undertaken—and I appreciate the comments of my colleagues and I know that I will not be in the majority—I believe that we could have got this right and, at the end of the day, if you are a responsible dog owner, it should not be up to the rest of society to adjust to you, but you should adjust to society. If you care about your dog and you want to exercise it, then you should do so during an appropriate time and place, and you have every right to require your local government to find a place within the community where you can exercise your dog. However, leaving this matter now and giving councils three years to come up with a proposal is of concern.

I am equally concerned about the different penalties relating to children over six years of age and under six years of age, and I will be looking more carefully at this during the committee stage. It is just as serious for an eight year old child to be injured as it is for a six year old. Perhaps we should look at responsible parenting and responsible carers of children, whether that be from dog attacks or any other danger in the home. As I said earlier, there is a difference between what happens in the home and what happens outside the home. To say that because most dog attacks occur in the home we should be less strict in parks I believe is not a reasonable way to look at this serious problem. For those reasons, I am disappointed with the response regarding dogs on leads.

I was also contacted by constituents about having dogs restrained, and I know that will be looked at. I believe that we could have been a leader with legislation regarding dogs on leads, but we are too frightened to do so, because of lack of willingness to put the welfare of the community, especially children, first. I believe that dogs should be on leads, except where local governments provide specified areas, and also during specific times. Responsible dog owners would adjust. I also agree with the member for Davenport that we should track dogs which are and have been a danger to society.

Mrs REDMOND (Heysen): I do want to add some comments to the debate in this matter, and I am saddened to hear that we are constrained somewhat by time. Like the member for Morphett, I may have to make some further comments during the committee stage and the third reading to say everything that I want to say about this, but I will try to speak a little slower than the member for Morphett for the sake of our friends upstairs. I support a number of aspects of the proposed legislation, and there are some aspects that I am not keen to support. Largely, my lack of support is not just personal but based on the overwhelming response that I have had from my community.

I would have to say that, in the relatively short time that I have been in this place, this bill has attracted a significant response from my community; and a number of constituents have made the effort to make appointments to see me, as well as sending letters, emails and so on. I will try to go through the measures as outlined in the minister's second reading explanation, because that is probably the quickest and most straightforward way to approach this matter. In relation to the dogs that have been declared dangerous and the desire to amend the legislation for those dogs, I do not have any difficulty with what the government is proposing, and neither do I have any difficulty with the proposal that there should be a power to prohibit certain persons from owning dogs.

Similarly, in relation to menacing dogs, I do not have any difficulty with the action proposed by the government whereby councils will be able to require any or all of a number of things, including adequate fencing standards for these dogs, access to the area in which the dog is kept to be locked, the dog to be microchipped, the dog to be on a lead at all times in public, warning signs to be erected at the entrance and the dog possibly even to be muzzled in public.

Indeed, I think that the government should have directed its attention to looking at the breeds that are often problematic, the dogs that have been shown to have a propensity to be vicious, and muzzling them, because my instinct tells me that just having a dog on a lead is not necessarily going to stop it from attacking, in any event. Similarly, I do not have any difficulty with adding the new breed presa canario, from the

Canary Islands, to the list of those breeds that are considered to be a problem. Again, I support the government's position regarding attack and patrol dogs, and greyhounds.

I come into conflict with the government's position in relation to the measures supposedly to improve public safety. I would have to say that, in reading the second reading speech, I found it puzzling that the government was asserting that would protect, or improve, public safety by requiring dogs to be leashed at all times in public. I note that there is an amendment on file that will restrict the operation of that provision to streets and footpaths, rather than all public places, but, on the government's own figures, and as the second reading speech indicates, based on ABS statistics for the year 1995-96—which was apparently the last year for which these figures were available—there were only 1 405 cases of hospitalisation resulting from dog attacks Australia-wide.

That statistic throws into considerable doubt the figures that are being bandied about regarding the level and degree of dog attacks. If 1 405 attacks occurred Australia-wide in a year, whether we take into account the population of South Australia or our number of dogs per capita, we had a fairly small percentage of that figure. It seems to me that the government is giving us information that flies in the face of what it is attempting to do. It states, in the very same paragraph, that most of these attacks took place in the home of the person who owned the dog or where a family friend, a relative or someone else was visiting; the dog was in a private home—on private property—which was not the home of the person who was attacked. Those statistics account for 59 per cent of attacks. Regarding attacks on children, the minister actually said that 70 to 80 per cent of serious dog attacks occur in the home or in a friend's home where the dog is known to the victim. All these measures are directed towards the remaining 20 per cent. The government is not directing its attention to where the problem really lies—the 70 to 80 per cent of attacks that occur in the home of the dog's owner or in the home of a friend.

For that reason, I have difficulty coming to the conclusion that we are able to justify leashing dogs in public, as a general rule. I have no difficulty with leashing and, indeed, muzzling the breeds that are known to be dangerous or dogs that have been declared to be menacing. To say, however, that for every situation and at all times we are going to have all dogs on a lead in public is simply not addressing the real problem. It is not coming to grips with the issue of what we do about the 70 to 80 per cent of attacks that occur in the private home, and it is punishing the vast majority for the sins of the very few.

I appreciate that the government has, at least, changed its position to something more like what the Liberal Party was suggesting, but I am not even at one with my own party in relation to this, because it seems to me that, particularly up in the more rural areas that I represent, many people have dogs and will commonly will go about with a dog that is perfectly well-trained and that is not, and never has been, a danger to anyone. It is not going to make the world any safer for everyone else by putting that sort of dog on a lead.

There are a couple of other provisions in relation to improving public safety that I quite agreed with, and I understand that the government is going on with the one that will require dogs in the back of utilities to be restrained; whether that is by harness, lead or cage I do not suppose matters. But I accept that there can be a situation of some danger if a dog is not restrained, not only for people in the vicinity of the dog but also for the dog if the vehicle is travelling. In all probability I would have also supported—had the government intended to proceed with it—the introduction of the control of dogs in cars.

Now, I understand that, although there is no amendment before the house that will delete that provision, the government intends for us to pass this law although we are not really going to introduce it. With all due respect, it seems to me to be an odd approach to legislating that we would say, 'We want you to pass this legislation but we won't introduce it until we have canvassed some more opinion.' I had understood, from the government's earlier public statements in relation to this matter, that it had canvassed lots of public opinion. So, what was wrong with its consultation process in the first place, if it now finds that the legislation it introduced is so at odds with public opinion that it is not going to proceed with it? It will ask us to put this provision through but it will not introduce it until it consults some more.

However—and whilst I accept what I heard the minister say on radio the other day in relation to the difficulty of how you actually restrain dogs inside vehicles—I believe that that is a provision that is worthwhile going on with for the very good reasons that first, there is a significant danger to the dog itself in being a loose object. Just as before we had seat belts in cars for human occupants, because people were frequently thrown through windscreens, that is frequently what now happens to dogs in high speed collisions, and they can suffer terrible injuries and awful deaths as a result of not being restrained in the manner of humans.

There is also the difficulty raised in the minister's second reading speech in regard to ambulance officers, and I have some familiarity with their situation through some years on the ambulance board. It can be extremely difficult and very distressing, even with an uninjured animal in a vehicle, if someone is injured and the ambulance officers need to get that person out of the car but the dog decides it is going to protect its master. So, I would have supported that provision, but I understand that, whilst the government has not removed it, it expects us to put it through, notwithstanding that it does not intend to introduce it. I will not be proceeding to support any legislation put to us on that basis.

In relation to the private sale of dogs and controls on the suppliers of dogs, I have to say that I agree with the comments made by the member for Davenport that, unless you also introduce control on the private sale of dogs, it makes no sense to simply introduce an accreditation system for the others. I think we really need to look seriously at that whole issue.

There are a couple of other issues I want comment on, and I hope not to take up the whole of my 20 minutes, given the time constraint that we are now operating under, One is in relation to children on private property. As I said, that is the spot in the second reading speech where the minister indicated that 70 to 80 per cent of serious dog attacks occur in the home, or at a friend's home, by a dog known by the victim. I do not understand why the government is not addressing that issue, instead of simply pushing the consequences. They are not looking at how to stop those attacks from happening. They are simply saying, 'Well, we will introduce severe penalties for people who do not keep a proper lookout for that.' Again, I have a significant difficulty with the idea that there will be a higher maximum penalty if the victim is six years of age or younger at the time of the attack. That seems to be notoriously silly simply because, if I had a six year old who had a birthday on Wednesday but I

held the party on the prior Saturday, rather than the following Saturday, and there was a dog attack, a different set of consequences flows.

The Hon. J.D. Hill interjecting:

Mrs REDMOND: I disapprove of legislation which introduces discrimination, even if it is in favour of any group. Similarly, I have the same view in relation to the idea that we should have separate offences and penalties for an assault on someone over the age of 70. It makes no difference. What needs to be looked at is the appropriateness of the circumstances. I would suggest that the appropriate mechanism is to leave it to a court to look at what systems the parents had in place to restrain the dog and to manage the welfare of the children, the age of the child, whether the propensity of the dog to attack was known, and all sorts of things such as that, so each case is considered on its merits. I do not think it is appropriate to have a much more severe penalty for an absolutely identical attack against a child who is less than six, as opposed to that attack happening when the child is more than six.

In relation to barking dogs, it is an area in which I have a particular interest, simply because I once ran a trial in the Mount Barker court that ran for several days—and, would you believe, a dog started barking across the road as the trial commenced. I acknowledge that barking dogs can be a problem and that they do take up a lot of time and resources of councils. In fact, in the particular trial in which I was involved I know the council had had numerous complaints from the supposed victim of the barking, and proceeded to prosecute because that person asserted that the owner of the alleged culprits—the owner being my client, whose dogs and she I was defending—was a person of some repute in the community and that was the reason the council was not proceeding. I will cut a long story short to say that the council was forced to proceed in that case. They lost because the complainant supposedly kept a diary on which they based their evidence, but the complainant was caught out by me in cross-examination—I am happy to say—in an outright lie about the barking of the dogs. The complainant supposedly had kept a diary about the barking of these particular dogs over the Christmas-New Year period when those dogs were in a kennel elsewhere.

As a result being involved in that particular case, I am aware that people can make accusations that a particular dog or dogs are barking and causing a nuisance without being able to assert which dog or dogs are the actual culprits. It may be that the person who gave evidence, as the complainant in that case, was being absolutely honest when he said that he heard dogs on those occasions but, given I was able to prove the dogs in question were nowhere near the property at the time, there is a potential for error. I caution that we need to be very careful when we introduce legislation such that on the first offence the owner of the dog can be ordered to take steps to abate the problem. We need to be absolutely certain that the person being served with that notice is in fact the owner of the problem. As I said, I will try not to take up all the time.

The Hon. J.D. Hill interjecting:

Mrs REDMOND: Yes, I will have to sit down shortly. I do not have any great difficulty in relation to the other matters. I agree that most penalties need to be increased. I do not have any real difficulties with most of the rest of the legislation, but I will make more comments in the committee stage.

Mr VENNING (Schubert): I want to speak on behalf of our dogs. I think most members have a dog and most families have a dog. Therefore, I suppose I have a conflict of interest. We own not only a house dog, which is a German shepherd, whom we love dearly, but also farm dogs. When one sees legislation such as this it makes one think, and the chickens certainly come home to roost—or the dog comes back to the kennel in a real hurry. Dogs are an important part of our family, as they are in every other member's family. So many people own dogs for all sorts of reasons. I would like to do a straw poll in this parliament to determine how many members own a dog. I suggest it would be way over 75 per cent. When members consider how many dogs there are in the state, how many reported incidents are there? I reckon the percentage is infinitesimal; it is minute. Why do we come in with legislation such as this—which I think is an overreaction.

Certainly I speak on behalf of our dogs. We have a German shepherd, and our children, who are living in the city, have dogs that they use for not only companionship but also security—particularly my daughter. They have a black labrador and a golden retriever. They are great company and great watchdogs. As I said, they are great dogs and we love them as part of our family. Dogs serve our constituents so well. They are a man's or a woman's best friend, and in some suburbs in Adelaide where security is a problem the only things people have to keep themselves safe are a screen door and a dog. They are a man's best friend, but when one reads this legislation one would not think that.

I think this legislation goes too far. We are going to penalise all dogs and dog owners by keeping them on a leash at all times, except in designated areas. What about those who are not lucky enough to live near a designated area? As the member for Heysen said, 70 or 80 per cent of the reported cases of dogs' biting happen in the backyard. This legislation will not address that. This legislation does not go anywhere near that. The backyard is a dog's own territory and a stranger coming unannounced into a backyard is at risk of being bitten. Therefore, the legislation ought to provide there be a sign on the front fence that a dog is kept in the backyard and asking people not to go into the backyard. It ought to be an offence for people who own a dog not to warn people coming into the backyard that there is a dog there and there is a possibility they might be bitten. I think that is a much more commonsense way to go.

Dogs do protect their families and their territory. That is why backyards that are not vested in this legislation are the problem, not the beast. Dogs, especially large dogs, like to run their legs off on the beach to get exercise. Our dogs do approach strangers but they approach with their tails wagging. I am usually only a few metres away so I assure strangers that the dogs are friendly; I talk to them and they wag their tails and keep going. I know some people are apprehensive when they see a large dog coming along the beach, but they see me behind the dog with the lead in my hand. I am in control of the dog and I say, 'Brewster, sit down.' After a while people on the beach recognise the dogs and they get to know them by name. Certainly, I assure strangers that these dogs are friendly dogs. How can we have a big dog on a lead? Members should imagine taking a German shepherd for exercise on a lead.

An honourable member interjecting:

Mr VENNING: You could say that I could do with the exercise, but not at 40 or 50 kilometres an hour, and that is what the dog likes to do. The Speaker smiles. Yes, probably

I could do with the exercise. When I get the opportunity, we walk for between 15 and 45 minutes. I would probably walk three or four kilometres, but I can assure members that the dogs would probably walk 15 to 20 kilometres by the time they go round and round.

We walk on the beach most of the time, and I am very conscious of dogs doing their business on the beach (that is, manure) and that it must be picked up. You just have a plastic bag in your pocket. It is no big deal, you put your hand in the bag, pick up the business, and put it away. There is no problem, and I am sure that most dog owners are doing it. Others should be educated to do it, and I think the legislation should make it mandatory as well.

I will not go on for very long, but farm dogs should not be required under legislation to be restrained in the back of a ute, that is, restrained at all times. I am very opposed to that because a lot of dogs get injured in the back of utes when they are tied in. They fall over the side when they are tied in the ute, particularly when they are chasing sheep. They get anxious, and they jump. However, they are tied in, their legs go over the side, and there they are hanging by the neck inside the ute. That is pretty tragic for a dog, particularly if the owner does not notice. So, I would never support the tethering of a dog in a ute on a property. However, if they are travelling from farm to farm, or from the farm to town, or in the town, then, yes, I agree that the dog should be tied in the back of the ute. Our dogs are; they all have chains and they are tied in.

In relation to dogs inside the vehicle, I agree with the member for Heysen. I cannot see how you can tether a dog inside a car. Do you put a dog in a seat belt; do you tie them to a seat belt? I do not believe we should do that, and I understand that the minister has modified that proposal anyway. We do know of dogs with mean streaks—vicious and dangerous dogs—particularly guard dogs which are kept behind high fences, because that is what they are there for. If you go in there you know what will happen. However, when you see these dogs out and about, I believe that, if a dog has a mean streak, there must be a way in which it can be reported. If people are worried about a neighbour's dog, there should be a way in which it can be reported to the council, or whatever; that the owner be contacted and expected to do something about it. If something is not done about it, the dog catcher should take away the dog, particularly some breeds or types of dogs.

I believe that muzzles have to be an option. If we have to have a leash on a dog, why not muzzles because muzzles do exactly the same thing. A dog cannot bite you if it is wearing a muzzle. A muzzle also tells the person on the beach that the dog can bite—that is why the dog is wearing a muzzle—and that is why it should not be allowed to run. In relation to the sale of dogs, we bought our dog from a private person in Salisbury. Brewster came from a lovely family in Salisbury whose dog had pups. We bought one of the pups, and we are so pleased we did. If a private person can sell a dog, how do you differentiate between that and the pet shop? As long as a pet shop meets all the health standards, I have no problem with that.

In relation to cats—and this bill is all about cats, too—I am sorry, but I am not much of a fan of cats. I believe that cats should be de-sexed unless they are kept for special breeding purposes. We know what effective killers cats are. I certainly support tattooing of cats and, where possible and practicable, I believe a bell on the cat's collar, where there is large garden and lots of birds, is a very smart way of alerting the birds that a cat is around. Without further ado, I believe it is important that we support our dogs. A dog is a man's best friend, and I have one of them. I will be very cautious about what happens with this bill. Above all, we should allow our dogs to run off the leash in a public place.

Mr HANNA (Mitchell): When the government brought out a discussion paper in the middle of 2002 relating to dog management, I took an immediate interest. That was inevitable not only because of my passion for dogs but also because so many constituents were immediately interested in the proposals the government brought forward.

I called a public meeting in August 2002, which was very well attended and which canvassed a wide range of views. With the government bringing the bill to the parliament more recently, I attended a large gathering at the Victoria Park Racecourse, and I know a number of members of parliament were also present. I also called a public meeting in my electorate just two weeks ago and, again, a wide range of views were canvassed. For the sake of completeness, I also add that I chaired a meeting of animal management officers (commonly known as dog inspectors) and there were certainly a different range of views expressed there.

It is difficult for me to speak with precision on behalf of the Greens in relation to this bill. I have found that, both within the Greens Party and in the broader community, there is such a diverse range of opinions—and passionately held opinions at that—in relation to the measures proposed by the government.

The overall sense I have drawn from community consultation is that the bill is misdirected in some essential ways. The most contentious aspect was the original proposal to have all dogs leashed in public places. I am glad to see that the minister and the government have bowed to community pressure (and I would say common sense) in changing that proposal. The proposal now is that dogs should be leashed on roadways but be free to roam in parks until such time as local government in each area comes up with a dog management plan which will allow for dog off-leash areas and generally make local regulations about where dogs can and cannot be left off the leash.

As other speakers have pointed out, we need to recognise that the vast majority of dog bites occur in domestic circumstances, whether they be backyard or indoors, whether they be in the home at which the victim resides or at a friends or relatives place. This is where 70 or 80 per cent of dog attacks occur. I am grateful for the minister being frank in his consultation process. He has provided a great deal of useful material to members at least, apart from their discussion paper, which was issued last year.

One of the most informative documents I have seen in relation to this dog issue is a letter written by Dr Peter Thompson (an injury epidemiologist) to the department, as part of the consultation process, no doubt. Because most of the dog attacks occur in domestic circumstances, suggestions were made by Dr Thompson that particular reforms should be implemented to address this main cause of the problem. His letter states:

> Effective education must be directed at parents and carers and is more than just supervision. Instead it needs to be a multi-factor intervention promoting behavioural change to adopt new practices such as postponing ownership until the children are older, selecting less hazardous breeds, isolation fencing, the neutering of male dogs, and so on.

I make the point, on behalf of my dog owning constituents especially, that this is the way in which to go with dog law reform rather than simply trying to take dogs out of public reserves, which need to be shared by children, adults and dogs alike.

In other words, this bill does very little to address the core problem, and that is the central problem with it.

I will be supporting the second reading of the bill, as will the opposition. The reason for that is that there are some good measures in the bill and the changes to penalty structure—for example, the way in which the expiation notice fines are structured—is something of which I approve. The fundamental issue is not addressed by the bill, and I am concerned that the bill is actually not going to achieve what it sets out to do. It may not substantially reduce the incidence of dog bites, because it does very little to have an impact on domestic circumstances.

The other startling aspect of the dog bite statistics is the over-representation of young people, I mean children, in relation to dog bites. There is a very high proportion of people under five or under 13, depending on which statistic you choose to look at, but, again, there is not a lot in the bill to specifically deal with this problem. If the government was really willing to bite the bullet and do a lot to stamp out dog attacks, it would perhaps say that dog ownership should not be allowed in houses where there are children under six years old. That might seem extreme to most people, and it would spoil the joy of having a pet for security, exercise and affection purposes in many families who deal with their dogs responsibly, but we have to recognise that, when we talk about the danger of dog attacks, the primary danger is the attack on children in their own home or in the home of a friend or relative.

Education is the key, and I hope that in closing the second reading debate the minister will address the education measures that he proposes to promote to address the problem of dog attacks in the home. Children need to be educated about how to respond safely to dogs, and the parents of children and the owners of dogs need to be responsible when there are situations where children and dogs mix. It is disturbing to note in the dog statistics that many of the injuries occur about the head, particularly on the lips and the cheeks, so there is a suggestion that children are playing with dogs, getting up very close to dogs, perhaps while the dogs are eating, with their puppies or in circumstances where the dog might be cornered, and in those situations it is natural for the dog to respond in a harmful way, not necessarily intending to do great harm to the child concerned, but the dog only knows biting as a means of getting people away from it. In situations where it is not appropriate for the dog to flee in the face of something annoying or endangering it, it will bite. Thus education is essential if real headway is to be made in relation to the problem.

I would like to canvass some of the ideas that were raised with me when I met with the community a couple of weeks ago. The most contentious aspect related to dogs being off leash. However, I acknowledge that the government has done the right thing in backing down from that original proposal. It was overkill, in my opinion. One of the difficulties for dog owners is that there is nothing to ensure that, in each local council area, there will be adequate reserves set aside for dogs. It is all very well for the government to say that, within three years, each council must come up with a dog management plan that must address the issue of off-leash areas for dogs, but in a particular council area that could be a 10 metre square enclosure. That may be grossly insufficient. If dogs are going to be banned from public reserves in the rest of the council area, there could be considerable strife for dogs and their owners.

After all, given that most dog bites occur in the home, if in a few years' time we are going to see dogs restricted in a very inconvenient way from public reserves, we can expect more frustrated dogs, dogs that are not getting enough exercise, and if they are stuck at home or cooped up in a backyard, not able to get the exercise that they need, it may well promote more dog attacks in the home, and that would be a disastrous consequence.

It is not only about attacks on human beings. One of the problems that is not directly addressed in the legislation is the incidence of dog fights, that is, between dogs. Concern was expressed that, if councils are going to set up enclosures, perhaps by putting a wire fence around particular areas in their local reserves, there could well be too many dogs crowded into those areas at the times most popular for exercise, and this could increase the likelihood of dog against dog attacks. There is a correlation to that and human injury, because a significant minority of dog attacks occur when owners try to separate fighting dogs. Although I support the concept of dog exercise enclosures or dog playgrounds, as I prefer to call them, if they are not done properly, they could increase the likelihood of dog bites.

The dog owners whom I have spoken to, and that really is many, many dozens of dog owners, have consistently raised the issue of education. Some would go to the extent of requiring a licence to own a dog. Just as people have to have a licence to own a car, it has been put to me that people should have some sort of licence to own a dog, perhaps a licence that depends on some sort of acknowledgment of responsible dog ownership, or perhaps it could work in a negative licensing manner so if a person has shown themselves to be irresponsible their licence should be taken away. In effect, the bill goes some way to achieving that without a licensing regime as such.

One of the suggestions that was put to me is that dogs should require training before being sold, so that perhaps before registration or perhaps after the first year of registration has passed and the second registration is coming up, each dog should have had a certain amount of training. At the moment, only a very small minority of dogs are trained for obedience, and even a short course of training—four or six weeks—would make a huge difference to the behaviour of dogs. It is not just about being able to listen and obey command: it is also about socialisation with other dogs and other people. So, there would be huge benefits from in some way encouraging a greater number of dogs to be trained. This could be done, I acknowledge, in a differential registration fee regime. Under the government's proposal, it would be up to councils if they wanted to give a discount for dogs that had been trained to a certain level. That could work well, but so much is going to depend on each individual council.

I suspect that, for the sake of parity between dog owners in different council areas, greater responsibility should be taken by the government and greater responsibility should be accorded to the Dog and Cat Management Board in terms of setting fees and in ensuring that the same sort of rules would apply across the state.

In terms of parity, it would also be good to see a common approach to the enforcement of dog laws.

In relation to education, the South Australian Canine Association has developed an excellent program for educat-

ing primary school children. Obviously there is a cost involved and, unless the government comes to the party and commits itself to greater education of children through that means, obviously the program will be limited according to which schools can afford it. I have been informed that the Victorian government provides dog education to all school children. I have not verified that independently and I would appreciate the minister's guidance on it if he has research available. I have also been informed that dog owners and their properties are inspected by the equivalent of the RSPCA in New Zealand prior to the owner being allowed to purchase a dog. I would appreciate also if the minister could share any research that has come to light in relation to that.

A number of other concerns were raised by my dog owning community. People were very concerned about inappropriate breeding and selling of dogs—so-called puppy farms, where people are simply out to make money by breeding dogs, often mongrels, and selling them without any training or socialising at all. These are the dogs, in the opinion of the people I have spoken to, that are most likely to cause harm to other dogs and humans, yet there is absolutely no regulation in relation to this practice. Thus, it was a strongly held view that breeders should be registered, just as, for example, second-hand car dealers are registered. If people are breeding and selling more than a litter of dogs every so often, then the inspectors should come around and ensure that the breeders are taking care of the dogs and taking care of the education of owners when dogs are sold so that inappropriate cross-breeding does not take place.

Backyard breeders came in for heavy criticism from the people I have spoken to, as did pet shops because some pet shops behave unscrupulously, taking dogs from so-called puppy farms, confining them and then selling them to unsuspecting young people who like the look of a dog in a little box in the pet shop, not knowing that because of they have been brought up in a frustrating way without any training they are a potential behavioural problem.

In summary, I support the principle behind the bill because there are moves in it to better manage dogs in our community. It is an attempt to strike the right balance between community safety and the interests of dog owners and dogs. I suspect that the legislation is misdirected because it does not deal very well at all with the primary problem, namely, the injury to children in their own homes. I am very open to the suggestion of amendments and look forward to seeing what the opposition comes up with over the summer break, and I will also give consideration to appropriate amendments when we come back to debate this legislation in February.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That the time for moving the adjournment of the house be extended beyond 6 p.m.

Motion carried.

Mr WILLIAMS (MacKillop): I rise to speak on this matter and I will be very brief, but I wish to make a couple of points. The old adage is that a dog is a man's best friend. If the dogs were congregating out on the street discussing what we are discussing at the moment, they would not agree that man is a dog's best friend. Another adage is that hard cases make for bad law. We are travelling down the path of making bad law that is unworkable. It is a very difficult process to legislate against dog injury because it happens in places where I do not believe we should be interfering or legislating. Most dog injuries, the statistics show, happen in the home of the dog owner, in the home of the child or the person who is unfortunately attacked by the dog. I do not think we can legislate to overcome that. I think we can and should be legislating, but the government has not felt obliged to do this here.

We should be legislating to ban certain breeds of dog from this state. It is quite stark that most of the problems we have are caused by a very small number of breeds. Most dogs cause little or no problems in the community, other than the occasional barking late at night. As a practising farmer I can say that the dog is a man's best friend. I have spent not just my working life but my whole life living on a farm and being around and working with working dogs. They are a magnificent animal. I do not mind what the minister does in the city: some of what he is proposing is pretty silly, but do not attempt to interfere with farm working dogs because they are such an important part—

The Hon. J.D. Hill interjecting:

Mr WILLIAMS: The minister says he does not want to touch them, but I understand he has some proposals that he wants to pass through but not enact relating to the restraining of dogs in vehicles. I will certainly oppose any move to restrain dogs on vehicles. It is impossible to run a farm without having a dog unrestrained on your vehicle as you go about your business, and that includes being on a public road. On my farm and on many farms farmers are moving up and down a public road or coming across stray stock that has got out of a paddock on to a public road. My concerns are mainly around working farm dogs. I will leave my comments there, as I note the time, and will take the opportunity to contribute in the third reading.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank all members who have contributed to this debate, which has been an interesting and useful debate conducted without acrimony or too much point scoring. This legislation in many ways has been inspired by the work of the late Karen May. I acknowledge the hard work she put in in convincing both the former and current government of the worthwhile nature of doing something to try to get a proper balance between responsible doing owners enjoying their dogs and being able to exercise their dogs and the rights of the general community to go about their business without fear of attack. I recognise the time, so I will go through a number of the issues raised by members but will not address tonight all the issues that have been raised.

The first point I will deal with is that of the leashing of dogs in public places. Most people have accepted that dogs ought to be on leash on public streets and public roads—there is a reasonable consensus about that. The government is wanting in relation to public parks and reserves to have some consideration given to the appropriate nature of those reserves so that the public knows where dogs are or are not allowed into the reserves and, if they are allowed, what conditions may apply, should they be on a leash or off leash. That was always the intention of the legislation and the intention of the original wording in the bill. The intention was that councils through appropriate consultation with their local community would make that determination. The way the original amendment in the bill is worded is that, until councils were to make that determination, there would be an automatic exclusion of dogs from public places and it was that provision that caused most of the concern in the community.

It was my intention not to proclaim that part of the legislation until councils had had a reasonable period of time to enact it. In fact, I had spoken with the Local Government Association about that, because it was one of their concerns. I said that I believed they needed a reasonable period of time and we would give them that before that section of the bill was proclaimed. If the member for Davenport thinks that is not true, I invite him to have a conversation with the Local Government Association, because that was the conversation we had with them. However, because of the concerns that people had, I was happy to change and clarify the legislation to make sure that a suitable period of time was placed in the legislation.

As I understand it, originally the legislation said that councils would have three years to develop a dog and cat management plan for their area. It seemed appropriate to include the provision of identifying appropriate parks where dogs could be exercised and appropriate parks where dogs were excluded as part of that management plan. In effect, that is what we have done. I note that that seems to have taken the heat out of the concerns of the dog owning community and I am pleased that that is the case, because I certainly did not want this to be a dog lovers versus dog haters debate. That was never my intention. It was always to try to get the right balance between those who are fearful of being attacked by dogs and those who are dog owners and lovers and who want to exercise their dogs.

There is no doubt that dogs do need plenty of exercise and the government certainly would not want to see dogs not being exercised. So, I think we have addressed that issue. The issue of the board is worth noting. The government is reforming the Dog and Cat Management Board. I do not believe that the government is well served by the current board—not that I have anything in particular against members on it, but I do not believe it has the right expertise to provide the government with the advice that it needs. As a consequence of that, I had to approach other bodies to get the sort of advice I needed in relation to this legislation. We are reforming the board to make it a true partnership between local and state government, as the member for Davenport already explained, but we are also making sure that there is a lot more expertise and skill on that board.

One particular set of skills will be for training and education, an issue that has been raised by a number of members here tonight. We want the board to have a much stronger role in education: it is obviously key to proper dog management. Legislation can go so far, but we need people to understand a lot of the issues a lot better, and education will go that way. The member for Davenport raised the issue of breeds and, in particular, pointed out that five or six particular types of breeds are responsible for a large number of dog attacks, and he asked why we do not just put restrictions on those rather than on all breeds. I must say that when I first started looking at this issue that was my response: if five or six breeds cause all the problems, why not restrict them in some way?

I argued this case with my advisers and was persuaded eventually that this was not a practical thing to do. Apart from the fact that not all examples of a particular breed are dangerous or likely to cause problems, so it would be unfair on those that were not dangerous, and there are other dogs which are not in those categories but which can cause injuries. More importantly, the more problematic issue from a point of view of definition is: what do you do with cross breeds? How do you identify a breed? Does it have to be more than 50 per cent Doberman or less than 30 per cent of this? It becomes very complicated, and the advice I have is that some of the most dangerous dogs are mongrels bred in back yards, and what do you do about them? That is why we came up with the general provision.

It also becomes difficult to sell to the community that certain breeds of dogs are excluded and others are not. It can create unpleasant feelings between people who say my dog is this and your dog is that: this is more dangerous than that, that kind of thing. So, we stuck with what we have. The statistics were mentioned a number of times by the member for Davenport and other speakers. There are different statistics depending on which research you refer to. It is clear that the majority of dog injuries occur in the home, although whether it is 50, 70 or 80 per cent is a little unclear. That certainly is where the greatest emphasis ought to be. We ought to be stopping dog attacks in the home and in other people's homes. How do you do that?

A number of members have raised this issue, including the member for Mitchell. The legislation attempts to deal with it in one of two ways. First, we have made it an aggravated offence if a child under the age of six is involved in a dog attack. We did that not because we particularly want to punish parents but to send a clear message to them that you have to be careful when you leave dogs and children unattended, so that they might think. This is part of the educational program. We certainly do not want to have parents taken to court at the same time as they are looking after their children in hospitals, but we want to send a very clear message to them.

We also need very strong educational programs. The member for Davenport talked about a pamphlet that the Women's and Children's Hospital had distributed. That is part of the program, but we need to get parents to think very carefully when they are purchasing a dog. The member for Davenport described the process that his family had gone through, and I commend him for doing that, but many people do not. We have to get that message over to them somehow; it is partly education, partly legislation.

The honourable member mentioned licensing pet shops and why back yard breeders are not also licensed. That is one of the issues that I was very keen to look at myself, and this legislation does not do that. I think that, once the legislation is through the parliament, we should ask the Dog and Cat Management Board to have a close look at back yard breeders. One option would be to contemplate legislation that would treat them in the same way as legislation for the sale of used vehicles treats those who sell vehicles. You are allowed to sell one or two a year, I think, as part of your normal life, but if you start selling five or six, or sell litter after litter after litter then you are a commercial breeder and you ought to be subject to appropriate regulation. That is one thing we could do. We also contemplated making it compulsory for people who advertise dogs for sale to include some sort of warning in their advertisement.

We looked at a whole range of things but there was no clear consensus about it, and we probably need to do a lot more work on that. But I do agree with the honourable member that that is an issue. The issue of greyhounds was raised by the member for Morphett. The proposal in the legislation is that the board will be able to regulate greyhounds to be without muzzles. Most members seem to be supportive of that.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: That was a recommendation to me. I was happy to do it. Perhaps during the committee stage we can explain in detail why that was the case. This is one set of reforms; it does not necessarily address all the problems that are before us, but I think that it is a substantial start. It is a result of very broad consultation, and this is a consensus that has come from a diverse group of people: from the RSPCA, the Canine Association, the vets association and a whole range of others. This is what the community believes we should be doing and, on that basis, it is worth supporting.

The member for Heysen raised the issue about six years of age: why choose six? She did not like the discrimination that children under the age of six should be treated any differently. I provided members with a copy of the statistics.

The statistics show that there are more dog attacks requiring hospitalisation for under six year olds than for other age groups. I believe that over almost a two-year period, 95 children under the age of six required hospitalisation at a mean length of stay of 33 hours, yet in the age group between seven and 18, for the same period and for the same length of stay, there were 45 kids. If you assume that there is roughly the same number of people in each of those age cohorts, there are about four times as many attacks on children under the age of six than on those above the age of six. That is why we had that figure. The law at various places does provide age cut-offs for when you can do certain things: for example, drinking alcohol in a hotel occurs at 18; getting a driver's licence at other ages; and being able to give testimony in a court case and being able to be charged with an offence, I think, is the age of 10. If the members of this house were of a view that six was the wrong age and they would prefer eight or 10, we could certainly look at arguments in relation to that.

One other issue that the member for Heysen and a couple of other members raised was dogs being leashed in vehicles. The member for Heysen took the view that we should have proceeded with our original plan to have compulsory leashing of dogs in cars. That suggestion came out of the consultation process, but of itself it was not subject to very wide consultation: it had been suggested to us but it was not in our original plan. The response to that was fairly sharp and a whole range of practical questions were asked of me about how we would do it. After contemplating the matter, I decided it would be best not to proceed with that proposal at this stage. However, there is a general power within the legislation that would allow, by regulation, some sort of restriction of dogs in cars. What I have said, though, is that I will not proceed with regulating in that area until and unless the Dog and Cat Management Board has consulted and has come up with something practical, because there is no point in introducing a measure if there is no practical way of enforcing it.

The final point relates to the issue raised by the member for McKillop about working dogs. The legislation does not attempt to interfere with working dogs when they are being worked, and I am happy to answer detailed questions in relation to that issue during the committee stage. However, the member for McKillop can be assured that it is not intended to affect his dogs, or the dogs of his constituents, when they are in the process of being worked. That is all I want to say at this stage. Obviously, many other things in the legislation have not been addressed during the debate today, and no doubt they will arise during the committee stage. I thank members for their contributions and acknowledge the support of the opposition and other members. This is important legislation. It addresses a real concern in the community and does it in a balanced way which, hopefully, will produce fewer dog related injuries and without unduly interfering with the rights of dog owners.

Bill read a second time.

The SPEAKER: Before the house goes into committee, can I place on the record my own concerns about the legislation and the way forward where we are seeking to get dog and cat management plans prepared by local government. As far as questions about dogs are concerned, members have addressed them in a fulsome fashion and have drawn attention to those matters about which I had some concern. I am strongly sympathetic to the view that backyard breeding ought to be prevented in pretty much the same way as the minister has said but with a considerable measure of rigour, and that anyone who makes a habit of selling dogs, that is, pups, that are of indeterminate breed should be required to have, after having disposed of two litters in that fashion, the bitch desexed; and that legitimate breeders should be registered as such and in the manner in which the minister has suggested.

Unlike the remarks that have been made about which dogs to place on a leash in urban settings and which ones not to, my belief is that the better way to go about it is to enable those dogs which are less than three or perhaps four kilograms at the most in body weight to be free of the necessity to be on a leash, and that other dogs can be free of leash if they have reached a certain standard of behaviour in an accredited obedience class. There are plenty of clubs around—and the more of them the better—to which legitimate dog owners can take their dogs and train them properly and make it safe.

With respect to the question of cat management, I have said before and I say again, the best thing we can do is give 12 months notice and, after 12 months, require people (albeit with assistance if they are on a pension and need a companion animal, be it a cat or a dog, but particularly in this instance a cat) to take the animal to the vet and, having prescribed the price at which vets must provide the service of desexing and fitting a microchip, have it desexed, fitted with an ID chip and, more particularly, immunised against parvo virus. Once that has been done, 12 months down the track, if you have not taken your animal and had it immunised and desexed, or if you want it to be entire so that you can breed from it, then you pay a much higher registration fee of something in excess of $250, in my judgment, so that you only have legitimate breeders of cats left, then you release the virus and wipe out the problem.

Any cat that is loved will be properly desexed and immunised. Any cat that is not does not deserve to live in Australia. It is so devastating to our small native birds and mammals that it is quite improper for us to contemplate a future in which we allow that to happen. It is the only way in which we will get rid of cats that are out of control, cats that are feral and cats that are devastating in their impact on the wildlife on this continent. I thank honourable members for the opportunity to make a contribution.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: In question time today, the member for Davenport asked me how many EPA referrals to the Office of the Director of Public Prosecutions had been forced to be knocked back. I undertook to bring back to the house an answer to that question. I am advised that the answer is that none have been knocked back under this government. The chief executive of the EPA has advised me that, over the past year, there have been two referrals from the EPA to the DPP. The two issues relate to SA Water and TransAdelaide and are both currently before the courts.

BOATING FACILITIES ADVISORY COUNCIL

The Hon. M.J. WRIGHT (Minister for Transport): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. WRIGHT: Today during question time, I advised the house that nominations for two positions to SABFAC were outstanding. I am now advised there is only one stakeholder nomination outstanding. That stakeholder has indicated today that their nomination will be with me this week.

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 5, page 3, lines 7 and 8—
Delete heading to Part 3A and substitute:
Part 3A—Port River Expressway Project
No. 2. Clause 5, page 3 (new section 39A), lines 15 to 18—
Delete definition of *authorised project* and substitute:
authorised project means the Port River Expressway Project;
No. 3. Clause 5, page 4 (new section 39A), lines 9 to 21—
Delete definition of *project*
No. 4. Clause 5, page 4 (new section 39A), lines 23 and 24—
Delete "an authorised project or any part of an authorised project" and insert::
the authorised project or any part of the authorised project
No. 5. Clause 5, page 4 (new section 39A), lines 26 and 27—
Delete "an authorised project or a particular part or aspect of an authorised project" and substitute:
the authorised project or a particular part or aspect of the authorised project
No. 6. Clause 5, page 4 (new section 39A), lines 32 and 33—
Delete "an authorised project" and substitute:
the authorised project
No. 7. Clause 5, page 4 (new section 39A), line 35—
Delete "an authorised project" and substitute:
the authorised project
No. 8. Clause 5, page 4 (new section 39A), line 38—
Delete "an authorised project" and substitute:
the authorised project
No. 9. Clause 5, page 4 (new section 39A), lines 39 and 40—
Delete "an authorised project" and substitute:
the authorised project
No. 10. Clause 5, page 5 (new section 39B), lines 22 to 35—
Delete subsections (1), (2) and (3) and substitute:
(1) A project outline must be published by proclamation for the authorised project—
(a) containing—
(i) reasonable particulars of the principal features of the project; and
(ii) any information about the project required under the regulations; and
(b) specifying the land to which the project applies.
No. 11. Clause 5, page 5 (new section 39B), line 38—
Delete "a particular project" and substitute:
the authorised project
No. 12. Clause 5, page 6 (new section 39B), lines 5 to 8—
Delete subsection (6)
No. 13. Clause 5, page 6 (new section 39C), line 10—
Delete "an authorised project" and substitute:
the authorised project
No. 14. Clause 5, page 6 (new section 39C), lines 18 and 19—
Delete "an authorised project, or a particular part or aspect of an authorised project," and substitute:
the authorised project or a particular part or aspect of the authorised project
No. 15. Clause 5, page 6 (new section 39D), line 33—
Delete "an authorised project" and substitute:
the authorised project
No. 16. Clause 5, page 6 (new section 39D), line 35—
Delete "an authorised project" and substitute:
the authorised project
No. 17. Clause 5, page 7 (new section 39E), line 3—
Delete "an authorised project" and substitute:
the authorised project
No. 18. Clause 5, page 9 (new section 39I), line 13—
Delete "a proposed" and substitute:
the
No. 19. Clause 5, page 9 (new section 39I), line 15—
Delete "an authorised project" and substitute:
the authorised project
No. 20. Clause 5, page 9 (new section 39J), lines 23 and 24—
Delete "Port River Expressway Project" and substitute:
authorised project

NATIONAL ENVIRONMENT PROTECTION COUNCIL (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Long title—
Delete "and the *Casino Act 1997*" and insert:
, the *Casino Act 1997* and the *Independent Gambling Authority Act 1995*
No. 2. Clause 3, page 2, line 18—
Delete "meet" and substitute:
pay the required contribution towards
No. 3. Clause 3, page 2, after line 20—
Insert:
(2a) Section 25(2)—delete "payments towards the costs of the investigation" and substitute: part payments towards the required contribution
(2b) Section 25—after subsection (2) insert:
(2a) The Authority must, when first requiring a part payment under subsection (2), provide the applicant or licensee with a written estimate, approved by the Minister, of the total cost of the investigation.
(2b) If the Authority has required a part payment under subsection (2), the Authority may, from time to time during the course of the investigation, provide the applicant or licensee with a revised written estimate, approved by the Minister, of the total cost of the investigation.
(2c) The total of part payments towards the required contribution under subsection (2) must not exceed the amount specified in the estimate provided under subsection (2a) or, if a revised estimate has been provided to the applicant or licensee under subsection (2b), the final estimate provided to the applicant or licensee in respect of the investigation.

No. 4. Clause 3, page 3, lines 3 and 4—
Delete subclause (4) and substitute:

(4) Section 25(4) and (5)—delete subsections (4) and (5) and substitute:

(4) At the end of the investigation, the Authority must notify the Minister of the cost of the investigation.

(4a) The Minister must then determine an amount, which must not exceed the amount notified by the Authority under subsection (4), that he or she considers to be a reasonable contribution by the applicant or licensee towards the cost of the investigation.

(4b) If the required contribution is less than the amount (if any) paid by the applicant or licensee towards the cost of the investigation, the Authority must, within 1 month of the Minister's determination under subsection (4a), refund the amount of the difference to the applicant or licensee.

(4c) If the required contribution is greater than the amount (if any) paid by the applicant or licensee towards the cost of the investigation, the applicant or licensee must, within 1 month of receiving notice of the underpayment, pay the unpaid balance to the Authority.

(4d) If the whole or a part of an amount payable to the Authority under this section is not paid to the Authority as required, the amount unpaid may be recovered from the applicant or licensee as a debt due to the Authority.

(5) In proceedings for recovery of an amount under subsection (4d), the Authority's certificate is to be regarded as conclusive evidence of the amount owing by the applicant or the licensee.

(5) Section 25—after subsection (6) insert:

(7) In this section—

required contribution towards the cost of an investigation means the amount determined by the Minister under subsection (4a) to be a reasonable contribution by the applicant or licensee towards the cost of the investigation.

No. 5. Clause 5, page 3, line 24—
After "written estimate" insert:

, approved by the Minister,

No. 6. Clause 5, page 3, line 30—
Delete "provide the licensee with a certified account for" and substitute:

notify the Minister of

No. 7. Clause 5, page 3, after line 31—
Insert:

(3a) The Minister must then determine an amount (the *required contribution*), which must not exceed the amount notified by the Commissioner under subsection (3), that he or she considers to be a reasonable contribution by the licensee towards those administration costs.

No. 8. Clause 5, page 3, line 32-37 & page 4, lines 1-6—
Delete subsections (4) and (5) and substitute:

(4) If the required contribution for a particular financial year is less than the amount specified in the estimate provided under subsection (1) in respect of that year, and an overpayment has been made by the licensee, the Commissioner must, within 1 month, refund the amount of the overpayment to the licensee.

(5) If the required contribution for a particular financial year is greater than the amount specified in the estimate provided under subsection (1) in respect of that year, and the total amount of the required contribution has not been paid by the licensee, the licensee must, within 1 month of receiving notice of the underpayment, pay the unpaid balance to the Commissioner.

No. 9. Clause 5, page 4, lines 10-12—
Delete subsection (7) and substitute:

(7) In proceedings for recovery of an amount under subsection (6), the Commissioner's certificate is to be regarded as conclusive evidence of the amount owing by the licensee.

No. 10. Clause 5, page 4, line 22—
After "written estimate" insert:

, approved by the Minister,

No. 11. Clause 5, page 4, line 31—
Delete "provide the licensee with a certified account for" and substitute:

notify the Minister of

No. 12. Clause 5, page 4, after line 32—
Insert:

(3a) The Minister must then determine an amount (the *required contribution*), which must not exceed the amount notified by the Commissioner under subsection (3), that he or she considers to be a reasonable contribution by the licensee towards those administration costs.

No. 13. Clause 5, page 4, lines 33-44—
Delete subsections (4) and (5) and substitute:

(4) If the required contribution is less than the amount specified in the estimate provided under subsection (1), and an overpayment has been made by the licensee, the Commissioner must, within 1 month, refund the amount of the overpayment to the licensee.

(5) If the required contribution is greater than the amount specified in the estimate provided under subsection (1), and the total amount of the required contribution has not been paid by the licensee, the licensee must, within 1 month of receiving notice of the underpayment, pay the unpaid balance to the Commissioner.

No. 14. Clause 5, page 5, lines 4-6—
Delete subsection (7) and substitute:

(7) In proceedings for recovery of an amount under subsection (6), the Commissioner's certificate is to be regarded as conclusive evidence of the amount owing by the licensee.

No. 15. New clause—
After clause 5 insert:

5A—Amendment of section 90—Annual report

(1) Section 90—after subsection (1) insert:

(1a) The Commissioner's report must include any written estimate of administration costs provided to the licensee under Part 2 Division 10 in respect of the relevant financial year and the required contribution by the licensee towards those administration costs.

(2) Section 90(3)—after paragraph (c) insert:

(ca) for investigations completed during the relevant financial year—any written estimate of the total cost of the investigation provided to the applicant or licensee under section 25 and the required contribution by the applicant or licensee towards that cost; and

No. 16. Clause 8, page 6, line 10—
Delete "meet the costs" and substitute:

pay the required contribution towards the cost

No. 17. Clause 8, page 6, after line 12—
Insert:

(2a) Section 25(2)—delete "payments towards the costs of the investigation" and substitute: part payments towards the required contribution

(2b) Section 25—after subsection (2) insert:

(2a) The Authority must, when first requiring a part payment under subsection (2), provide the applicant or licensee with a written estimate, approved by the Minister, of the total cost of the investigation.

(2b) If the Authority has required a part payment under subsection (2), the Authority may, from time to time during the course of the investigation, provide the applicant or licensee with a revised written estimate, approved by the Minister, of the total cost of the investigation.

(2c) The total of part payments towards the required contribution under subsection (2) must not exceed the amount specified in the estimate provided under subsection (2a) or, if a revised estimate has been provided to the applicant or licensee under subsection (2b), the final estimate provided to the applicant or licensee in respect of the investigation.

No. 18. Clause 8, page 6, lines 15 and 16—
Delete subclause (4) and substitute:

(4) Section 25(4) and (5)—delete subsections (4) and (5) and substitute:

(4) At the end of the investigation, the Authority must notify the Minister of the cost of the investigation.

(5) The Minister must then determine an amount, which must not exceed the amount notified by the Authority under subsection (4), that he or she considers to be a reasonable

contribution by the applicant or licensee towards the cost of the investigation.

(6) If the required contribution is less than the amount (if any) paid by the applicant or licensee towards the cost of the investigation, the Authority must, within 1 month of the Minister's determination under subsection (5), refund the amount of the difference to the applicant or licensee.

(7) If the required contribution is greater than the amount (if any) paid by the applicant or licensee towards the cost of the investigation, the applicant or licensee must, within 1 month of receiving notice of the underpayment, pay the unpaid balance to the Authority.

(8) If the whole or a part of an amount payable to the Authority under this section is not paid to the Authority as required, the amount unpaid may be recovered from the applicant or licensee as a debt due to the Authority.

(9) In proceedings for recovery of an amount under subsection (8), the Authority's certificate is to be regarded as conclusive evidence of the amount owing by the applicant or the licensee.

(10) In this section—

required contribution towards the cost of an investigation means the amount determined by the Minister under subsection (5) to be a reasonable contribution by the applicant or licensee towards the cost of the investigation.

No. 19. Clause 9, page 6, line 23—
After "written estimate" insert:
, approved by the Minister,
No. 20. Clause 9, page 6, line 29—
Delete "provide the licensee with a certified account for" and substitute:
notify the Minister of
No. 21. Clause 9, page 6, after line 30—
Insert:

(3a) The Minister must then determine an amount (the *required contribution*), which must not exceed the amount notified by the Commissioner under subsection (3), that he or she considers to be a reasonable contribution by the licensee towards those administration costs.

No. 22. Clause 9, page 6, lines 31-36 & page 7 lines 1-6—
Delete subsections (4) and (5) and substitute:

(4) If the required contribution for a particular financial year is less than the amount specified in the estimate provided under subsection (1), and an overpayment has been made by the licensee, the Commissioner must, within 1 month, refund the amount of the overpayment to the licensee.

(5) If the required contribution for a particular financial year is greater than the amount specified in the estimate provided under subsection (1), and the total amount of the required contribution has not been paid by the licensee, the licensee must, within 1 month of receiving notice of the underpayment, pay the unpaid balance to the Commissioner.

No. 23. Clause 9, page 7, lines 10-12—
Delete subsection (7) and substitute:

(7) In proceedings for recovery of an amount under subsection (6), the Commissioner's certificate is to be regarded as conclusive evidence of the amount owing by the licensee.

No. 24. Clause 9, page 7, line 22—
After "written estimate" insert
, approved by the Minister,
No. 25. Clause 9, page 7, line 31—
Delete "provide the licensee with a certified account for" and substitute:
notify the Minister of
No. 26. Clause 9, page 7, after line 32—
Insert:

(3a) The Minister must then determine an amount (the *required contribution*), which must not exceed the amount notified by the Commissioner under subsection (3), that he or she considers to be a reasonable contribution by the licensee towards those administration costs.

No. 27. Clause 9, page 7, lines 33-44—
Delete subsections (4) and (5) and substitute:

(4) If the required contribution is less than the amount specified in the estimate provided under subsection (1), and an overpayment has been made by the licensee, the Commissioner must, within 1 month, refund the amount of the overpayment to the licensee.

(5) If the required contribution is greater than the amount specified in the estimate provided under subsection (1), and the total amount of the required contribution has not been paid by the licensee, the licensee must, within 1 month of receiving notice of the underpayment, pay the unpaid balance to the Commissioner.

No. 28. Clause 9, page 8, lines 4-6—
Delete subsection (7) and substitute:

(7) In proceedings for recovery of an amount under subsection (6), the Commissioner's certificate is to be regarded as conclusive evidence of the amount owing by the licensee.

No. 29. New clause—
After clause 9 insert:
10—Amendment of section 71—Annual report
(1) Section 71—after subsection (1) insert:

(1a) The Commissioner's report must include any written estimate of administration costs provided to the licensee under Part 5 Division 3 in respect of the relevant financial year and the required contribution by the licensee towards those administration costs.

(2) Section 71(3)—after paragraph (b) insert:

(ba) for investigations completed during the relevant financial year—any written estimate of the total cost of the investigation provided to the applicant or licensee under section 25 and the required contribution by the applicant or licensee towards that cost; and

No. 30. New Part, page 8, after line 11—
Insert:
Part 4—Amendment of *Independent Gambling Authority Act 1995*
11—Amendment of section 17—Confidentiality
Section 17(3)—delete subsection (3)

ADJOURNMENT

At 6.24 p.m. the house adjourned until Wednesday 3 December at 2 p.m.