LEGISLATIVE COUNCIL

Wednesday 26 November 1980

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

MINISTERIAL STATEMENT: UNIROYAL HOLDINGS

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: The Premier indicated to the House of Assembly as far back as 6 August that the Government would take every possible step to prevent the closure of Uniroyal Holdings Limited in South Australia. Today, Uniroyal Holdings Limited informed the Adelaide Stock Exchange that Bridgestone Tire Company of Japan and Uniroyal Incorporated had agreed in principle to a 60·4 per cent acquisition of shares in Uniroyal Holdings Limited by Bridgestone. This agreement is the culmination of several months negotiations between the two companies. The Government has been kept fully informed of all stages of discussions. Indeed, on recent trips to the United States and Japan, the Premier was briefed by senior executives of Uniroyal Incorporated and Bridgestone Tire Company.

The Government's major area of concern was to safeguard the future employment of the 1 600 people who work for Uniroyal in South Australia. The reorganisation by Uniroyal Incorporated in the United States could have hampered the future job prospects of those people and the future development of Uniroyal in South Australia. The Government believes that the agreement in principle reached by Uniroyal Incorporated and Bridgestone Tire Company ensures the continued viability of Uniroyal in South Australia. Moreover, it protects the jobs already at Uniroyal plants and offers the prospect of more employment opportunities. Uniroyal Holdings Limited will now have ready access to the considerable technical and financial resources of one of the world's most advanced tyre companies.

I, as Attorney-General and Minister of Corporate Affairs, have received an application for an exemption under the provisions of the Company Take-overs Act, 1980, to allow Bridgestone to acquire only those shares held by Uniroyal Incorporated. Additionally, the Government has been informed that Bridgestone is lodging an application with the Foreign Investment Review Board for Federal Government approval, and the Government will support this application. The Government believes that it is in the best interests of the State, of employees, of minority shareholders and of the company itself that links be established between Uniroyal and Bridgestone.

QUESTIONS

PETROL

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about petrol prices.

Leave granted.

The Hon. C. J. SUMNER: Members will recall that some days ago the Government took action to reduce the wholesale price of petrol by 3c. That produced a reaction from the oil companies which has resulted in an increase in the retail price of petrol in the metropolitan area ranging, it was suggested at the time, from 5c to 8c. Since that time there does not seem to be any evidence that prices have come down to any great extent at all—

The Hon. L. H. Davis: Have you been for a drive in the country?

The Hon. C. J. SUMNER: —in the metropolitan area.

The Hon. J. C. Burdett: It is 4c.

The Hon. C. J. SUMNER: The Minister says it is 4c, but that is still 4c more than consumers were paying before the Government's action, so that, while the original suggestion was that the price has increased from 5c to 8c, I said that there did not seem to be any great movement down to any extent, since that time. The Minister has interjected saying that perhaps the price has come down 1c from 5c, which was generally accepted as being the increase following the Government's action. The fact remains that, if that is the case, the price of petrol in the metropolitan area is still 4c greater than it was at the time the Government took action, but that digression was not the point I wished to embark on and was the result of the Minister's premature interjection. The basis of my explanation and question revolves around a reported statement of the Premier last week when he was addressing a gathering of Young Liberals, one of whom no doubt asked him what had happened to his free enterprise ideals that he espoused before the last election.

The Premier was reported to have said that the prices order could be lifted within a fortnight. He went on to say that this was subject to negotiation and agreement with the oil companies. I also understand from other press reports that the Government has had discussions with the oil companies. Has the Government met with the oil companies on this question of petrol pricing and the Government's prices order of some days ago reducing the wholesale price of petrol by 3c? Secondly, does the Government intend to remove the price control order or take any other action in relation to this matter?

The Hon. J. C. BURDETT: The Government has not yet met with all the oil companies. There are eight of them, or nine if you include Total, in South Australia. It has been accepted that there are eight. We have met with about four of them. We are meeting with two more today, but we are trying to meet with them all. We will not depart from our position unless and until we have received an assurance that the situation will not go back to the shambles that existed previously. I cannot say what the Government will do, because it has not yet reached a final decision.

The Hon. J. R. Cornwall: The Premier has said that you are giving everyone a short, sharp shock—mostly the consumers.

The Hon. J. C. BURDETT: No, mostly the oil companies. Obviously, the oil companies did not believe that this Government would ever act. The Government met with the oil companies on 17 occasions. In some of the publicity released previously, the oil companies stated that there had been no consultations, but that is quite untrue, because the Government met with the oil companies on 17 occasions. We told the oil companies that we were philosophically opposed to intervention and price control, but obviously there was something wrong in the market when the retail price of petrol varied from 29c to 42c in the same State.

The Government told the oil companies that it would not tolerate that situation and that the ball was in their court. Obviously, the oil companies had to do something about it, but they did nothing. In fact, the position deteriorated, and that is why the Government acted. In taking that action the Government made perfectly clear

that it did not have the resources within the Prices Branch of the Department of Public and Consumer Affairs to work out a proper cost-based price, and that it was arbitrary. The Government also made perfectly clear that this was not the solution; we saw it not as a final solution but as a temporary measure. The Government will not lift the prices order that has been imposed unless and until it is assured by all the oil companies that the situation in this State will not revert to the intolerable position that applied previously.

As far as I can ascertain, the price in the country has come down by 3 cents, which it well and truly needed to do, because the price differential between the country and the city was quite intolerable. In reply to the honourable member's question, yes, the action taken could be lifted in a fortnight if the oil companies are able to give us the proper assurances. However, the Government has not yet seen all the oil companies, and I will not predict what the Government will do until it has done so.

SOUTHERN VALES CO-OPERATIVE

The Hon. B. A. CHATTERTON: I seek leave to make an explanation before asking the Attorney-General, representing the Treasurer, a question about Southern Vales Co-operative.

Leave granted.

The Hon. B. A. CHATTERTON: Several weeks ago, when the Minister made a statement announcing the fact that the Southern Vales Co-operative would close, I said that that assessment of the situation was quite superficial. On Monday of this week I was in the McLaren Vale area talking to grapegrowers, and I had an opportunity to visit a large number of vineyards. It became very obvious indeed that a massive replanting and grafting programme is taking place in that area. Literally hundreds and hundreds of hectares of vines have been cut off and grafted from red wine varieties to white wine varieties. There are also hundreds of hectares that have been grubbed out and replanted to white wine varieties.

It is fairly obvious that the growers in that area are undertaking a major programme to put their house in order and to supply the co-operative with the type of grapes that it wants. I also had an opportunity to look at the Southern Vales winery itself, and I was able to find out that the statements that have been made about that winery being grossly overstocked with red wine are quite untrue. Naturally, it does have stocks of red wine, as is the normal practice in any winery that is carrying out a maturation programme for red wine, but those stocks are not excessive and they are not a great problem to the winery. I believe that one grower described the situation very graphically when he said that the shareholders of the co-operative felt as though that they had got into a plane, were ready to take off, and the Government had shot the tyres out from under them.

Will the Treasurer reconsider his action in closing Southern Vales Co-operative and, in particular, will he carry out a horticultural survey of the change in plantings by co-operative members? Also, will the Treasurer examine ways in which the co-operative could be provided with equity capital to enable it to continue processing grapes in the McLaren Vale area?

The Hon. K. T. GRIFFIN: I think that the honourable member needs to be corrected, because the Treasurer did not take action to close down the co-operative. The facts are that the State Bank appointed a receiver under its security, and the Government declined to put further money into the co-operative. It had already made a substantial input of funds earlier this year to enable growers to be paid for the 1980 vintage. I will refer the honourable member's second and third questions to the Treasurer.

CRAFERS-PASADENA ROAD

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Attorney General, representing the Minister of Transport, a question regarding a proposed arterial road between Crafers and Pasadena.

Leave granted.

The Hon. J. R. CORNWALL: Recently, I have received many complaints from constituents, particularly in Pasadena and Belair, about survey work being carried out by the Highways Department on Engineering and Water Supply Department land at Pasadena. The work is apparently in connection with a proposed road link between Ayliffe's Road, Pasadena, and Gloucester Avenue, Belair. There is a widespread belief in the area that the survey of this land in the green belt, which is a popular recreation area, could lead to its being subdivided for housing. Again, it seems that the Government is intent on despoiling the local environment.

Residents are adamant that this land, which is in the hills face zone, should remain undeveloped. Further, they are requesting that it should be joined to the adjacent Shepherds Hill reserve. A further major concern is that the present survey work is the first step in a proposed road link from the southern suburbs to the South-Eastern Freeway at Crafers. Despite the change in transport patterns, the all-powerful Highways Department seems to be at it again, in this case apparently aided and abetted by the Minister in its proposed desecration. The environmental damage that such a proposal would cause in Pasadena, Mitcham Hills and Crafers would be enormous. Such a road would degrade the area not only for those who live in it but also for the many visitors who regularly enjoy passive recreation in the Adelaide Hills.

Can the Minister give an assurance that the proposed arterial road between the southern suburbs and Crafers will be abandoned? Further, will he take steps, in conjunction with other Cabinet members, to ensure that the Engineering and Water Supply Department land at Pasadena will be retained as an unspoilt recreation area?

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Transport and bring back a reply.

SPECIAL BRANCH

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question regarding Special Branch.

Leave granted.

The Hon. ANNE LEVY: Last Thursday, 20 November, the Attorney-General in a Ministerial statement indicated new guidelines and procedures for Special Branch that were to operate from that day. He also indicated that the only people who would have access to the files held by Special Branch would be designated officers, and that mandatory supervision of the files would be carried out by the officer in charge of Special Branch and by the Assistant Commissioner of Police (Operations). However, no information was provided as to who these designated officers are or how many there are. Can the Minister tell us how many designated officers there are other than the officer in charge of Special Branch and the Assistant

Commissioner of Police (Operations) and who these designated officers are? If any changes are made to either the number of designated officers or to the personnel of designated officers, by what procedure will the public know of those changes?

The Hon. K. T. GRIFFIN: I do not have that information readily available. The protection to members of the public is in the requirement that there be at least an annual audit by a person who, in this case, is Mr. David Hogarth, formerly a Supreme Court judge. The Government has maintained a practice which is now relatively commonplace throughout Australia, and that is to ensure that there is an officer, either a judicial officer or past judicial officer, who has the specific responsibility of ensuring that guidelines for the keeping of Special Branch records are observed. So far as the number of officers is concerned, I do not have that information but I will refer the question to the Chief Secretary. As to identifying the officers, I will also refer that question to the Chief Secretary. However, it would seem to me to be inappropriate to name officers who have this special responsibility.

TIME BOOKS

The Hon. G. L. BRUCE: Has the Minister of Community Welfare, representing the Minister of Industrial Affairs, an answer to my question of 23 October about time books?

The Hon. J. C. BURDETT: The replies are as follows:

1. The amount collected as a result of routine checking is not considered to be out of proportion to the amount collected as a result of the investigation of complaints.

2. The routine checking being undertaken is the maximum which can be done consistent with proper attention to the level of complaints received.

3. Advice from the Department of Industrial Affairs and Employment accords with the answers given.

The Hon. G. L. BRUCE: I wish to ask a supplementary question. I cannot follow the reasoning in paragraph 2 of the answer. The whole thrust of my question was whether enough attention had been paid to the routine checking of complaints. I do not believe that the question has been adequately answered.

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

BEER CONTAINERS

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation prior to asking the Minister of Consumer Affairs a question about plastic pint beer containers.

Leave granted.

The Hon. J. E. DUNFORD: It has come to my notice through many constituents that plastic containers are being introduced into hotels to replace the pint beer glass (although it does not hold exactly a pint, it is referred to as a pint glass: it is a 12oz. glass and contains an ideal quantity on hot days). Being a prolific drinker in my younger days, I can speak with authority on what beer tastes like in all States of Australia and overseas. If members had ever been to a country race meeting, or to Victoria Park years ago, they would know that beer served in plastic containers was flat and got hot quickly. Although this might not stop people drinking, they did not enjoy it as much.

The Hon. R. C. DeGaris: There's nothing worse than a pint of flat beer, is there?

The Hon. J. E. DUNFORD: That is right. The Hon. Mr. DeGaris is coming good. He crossed the floor with us yesterday. He could become the balance of reason; it would be a good swap. There is only one hotel in the metropolitan area that I know of that has already converted to these plastic beer containers, although some hotels in Port Augusta are using them. Drinkers have told me that the plastic containers do not hold the head on the beer and that the beer in them tastes inferior, whereas beer in a glass tends to remain colder, so that a slow drinker will find that the beer in a plastic container gets warmer than the beer in a glass. I hope that the Minister of Consumer Affairs will stop laughing and listen to what I have to say. Australian glass manufacturers are concerned about this matter, because I believe that once plastic containers are accepted by the community the hotels will move entirely over to those containers, and this will cause a deterioration in employment in the glass-making industry. Will the Minister of Consumer Affairs investigate this situation as a matter or urgency? Also, will the Minister convene a meeting with the A.H.A. and ask that body why hotels in South Australia are changing to these plastic containers instead of using the historical one-pint beer glass? Further, will the Minister investigate through his department the various complaints I have mentioned about drinking beer from plastic containers, and will he ascertain what effect their widespread use may have on Australian glass manufacturers?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Superintendent of Licensed Premises and bring back a reply.

REDUNDANCIES

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before directing a question to the Minister of Community Welfare, representing the Minister of Industrial Affairs, about a full bench decision concerning redundancies.

Leave granted.

The Hon. N. K. FOSTER: This morning a report appeared in the *Advertiser* concerning a judgment brought down by the Industrial Court on the question of redundancies. Although one will have to wait a number of days to obtain a full transcript of the reasons for that decision, the press report seems to indicate that it did not go as far as it should in respect of redundancy payments and deals mainly with the questions of technology and mechanisation. While this matter was before the Industrial Court, involving an eminent trade union organisation backed by the Trades and Labor Council, I should have thought that the court would consider the matter of take-overs and shareholdings as they affect employment, changes of venue of manufacturing industries (companies based in South Australia deciding to move to Victoria, or indeed to a low labour cost area overseas), acquisitions such as we have seen, not necessarily in a labour-intensive area, which involve State resources such as gas and coal, and a matter that is most important today, namely, the substitution of adult labour with juvenile labour. The latter practice has gone absolutely mad in some sectors of the retail industry in South Australia to the extent that it has involved some areas of the trade union movement in almost a siege situation.

A Federal judge made a scathing attack recently on the employment of juvenile labour, involving people who were too young to come within the jurisdiction of industrial tribunals and the court. It is slave labour under appalling conditions. I ask the Minister of Community

Welfare, who sits laughing at his weak mate whilst serious questions are being asked of him, whether he will request the Minister of Industrial Affairs to obtain a copy of the judgment in this matter. Also, will he ask his colleague to consider taking legislative action to prevent the conditions of adult employees becoming redundant and insecure for the reasons I have outlined?

The Hon. J. C. BURDETT: Despite the derogatory remarks made by the honourable member when he asked his question, I will refer it to my colleague and bring back a reply.

The Hon. N. K. FOSTER: Mr. President, I rise on a point of order. It is quite unfair for the Minister to carry on in such a manner. Is it fair for him to say that, despite the derogatory remarks of the questioner, he will refer the question to his colleague? My question was put on a basis of fact and of a decision of the Industrial Court, so to hell with his ideas.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: The Minister should earn his $50 000 a year—

The PRESIDENT: Order! The honourable member is quite out of order, especially as I, too, thought what he said was derogatory.

The Hon. N. K. Foster: What did I say that was derogatory?

The PRESIDENT: The honourable member cast a reflection on the Minister and his remark was quite unnecessary. There is no point of order.

BUILDING APPROVALS

The Hon. C. J. SUMNER: Will the Minister of Housing say whether the fall in building approvals for Government dwellings from 1 289 in the eight months ended August 1979 to 753 in the same period in 1980 (according to the Australian Bureau of Statistics), which is a drop of over 500 in the same eight-month period for this year compared to last year, indicates that it is the Government's policy to scale down public housing activities in this State through the Housing Trust? If it is not the Government's intention to scale down public housing activities, how does the Government explain this dramatic decrease in public housing approvals?

The Hon. C. M. HILL: I will have these statistics checked out and bring down an explanation based upon the actual figures. I assure the honourable member that it is not the Government's intention to scale down public housing construction in any way at all. The changes that the Government has introduced in this area are that there is a big increase in the number of houses being built for rental purposes, and there is a decrease in the number of houses being built for sale by the State's public housing authority, namely, the South Australian Housing Trust.

The Hon. J. C. Burdett: Does that mean that we are increasing the production of welfare housing?

The Hon. C. M. HILL: It means that we are responding to this pressing and new demand for more and more welfare housing. Of course, that demand is from prospective tenants, and it is the area of the provision of rental housing accommodation that this Government intends to concentrate upon. To substantiate the actual claim of our appreciation of this need and the fact that we are increasing overall activity, I point out—

The Hon. B. A. Chatterton: Increasing overall activity?

The Hon. C. M. HILL: Yes, overall activity; that is, the aggregate of houses for rent as well as houses for sale.

The Hon. B. A. Chatterton interjecting:

The Hon. C. M. HILL: I said that I would have the figures checked out and bring back an explanation. I substantiate what I have just claimed by referring to the financial picture, as it must be taken as some reflection, although one must acknowledge, of course, that housing costs are much greater now than they were 12 months ago. The grand total of finance for housing both through the South Australian Housing Trust and through the State Bank, through which we arrange for advances, in the previous year 1979-80 was $75 821 000, whereas in the year 1980-81 the money for housing, including advances for housing, has increased to $89 595 000. The increased thrust of this Government is to concentrate on supplying houses particularly in the rental area. In regard to the figures that the Leader has indicated, I will get a further report on that and bring down a reply tomorrow.

DIAMOND INVESTMENT

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about diamond investment.

Leave granted.

The Hon. C. J. SUMNER: I am sure that this is a matter that would be of great concern to members opposite, that is, the problems that have been pointed out to me as a result of the increase of investment in diamonds in Australia. I have received information from R.T.A. Diamonds Proprietary Limited which indicates that diamond investment in Australia is currently running at more than $50 000 000 a year. The company believes that unless urgent action is taken much of this money will be lost because small investors will be duped by irresponsible or deliberately misleading advertising. The letter then goes on to indicate some of the irresponsible and misleading advertising that is claimed to be in common practice. The company states:

> In the hope that something can be done "to bring to the public's attention" the extreme financial risk of buying investment diamonds without internationally accepted certificates, I have compiled the attached document . . .

There is a document attached which points to the problems involved in the lack of internationally accepted certificates from the purchasing of investment diamonds. The company is concerned and has brought the matter to my attention and, I understand, to the Minister's attention. The company's concern is that the investment diamond market will be brought into disrepute if these practices are allowed to continue. I understand that the Minister has received similar correspondence and a similar submission, and I would not like any honourable members opposite to be placed in a disadvantaged position by the unscrupulous activity of some dealers in diamonds. To protect their interest and those of anyone else in the community who may be involved in this activity, I ask the Minister: first, did he receive such a submission from R.T.A. Diamonds Proprietary Limited? Secondly, if he did, what was the response of the Government to those representations, and has the Government, either within South Australia or by consultation nationally, taken up this matter with a view to providing for internationally accepted certificates in the diamond market?

The Hon. J. C. BURDETT: The answer to the first question is "Yes". The honourable member has referred to unfair practices. We have an Unfair Advertising Act in South Australia, of course, which would apply to diamonds, as well as to anything else. There is a problem nationally in regard to gemstones, not only diamonds. There has been a call on the part of the industry for standards to be set. It has been taken up on several occasions at meetings of the Standing Committee of

Consumer Affairs Ministers, particularly at the last meeting in Melbourne last Friday week. The question of establishing international standards and having regard to those was raised at that meeting. So, the answer to the second question is, first, that we have a fair measure of protection in South Australia under the Unfair Advertising Act.

Secondly, the problem of having to set standards in regard to diamonds and other gemstones and other high-class jewellery has to be addressed and an answer has to be found to it. That has been taken up on a national basis and, in the process of doing that, we are having regard to international standards.

DEPARTMENTAL SERVICES

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to the question I asked about departmental services on 30 October during the debate on the Appropriation Bill (No. 2)?

The Hon. J. C. BURDETT: The Department of Agriculture's current review of projects is a normal review of on-going activities to identify those of lower priority which may not merit continuing resources at the level previously provided compared with new initiatives the Government wishes to introduce. This takes into account the long-term changes in demand for services to be provided by the Government. In the current year, the department is endeavouring to contain its existing expenditure in line with Budget proposals without significant cuts in present services by requiring stringent management across the whole department.

GOVERNMENT POLICY

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to the question I asked about Government policy on regionalisation on 30 October in the debate on the Appropriation Bill (No. 2)?

The Hon. J. C. BURDETT: It has been the policy of the Government to aggregate programmes across the divisions and regions of the Department of Agriculture. These programmes are carried out within the various regions of the State according to identified needs. The Government has maintained and extended a regional administrative system which is responsive to the demands of regional communities.

INTELLECTUALLY RETARDED PERSONS PROJECT

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about the Intellectually Retarded Persons Project.

Leave granted.

The Hon. ANNE LEVY: I understand that the Health Commission set up a project known as the Intellectually Retarded Persons Project in August this year. It is to run for a period of 40 weeks and then make recommendations to the Health Commission and presumably, through the commission, to the Minister. The terms of reference for this project include such items as examining the relationship between the Intellectually Retarded Services and other health agencies in the community which deal with retarded individuals; it will also examine the relationship between the institutional and community-based services within the I.R.S. itself, and also the organisation of the I.R.S. within the Health Commission.

From the terms of reference, it appears to be primarily an administrative review, though other areas are doubtless being looked at. I am sure that anyone with any knowledge of or interest in the area of services for the intellectually retarded would welcome the existence of this project, would wish it well, and would hope for a speedy resolution of the important matters that it is considering. Several parents involved in this project have approached me and are very concerned at what they regard as the current imbalance between the institutional and community-based services provided by the Intellectually Retarded Services Branch of the Health Commission. From the figures they have quoted to me, it appears that 95 per cent of State Government resources in this area are devoted to institutional care, which caters for about 700 people. That leaves only 5 per cent of the State resources in this area for the community services group, which must deal with over 2 500 retarded people who are living with their families in the community.

I am sure that honourable members would agree that families with retarded children will be very much affected by the presence of that individual in the family group, and that it is the mother who is most affected. Because her life is most altered, the mother is in the greatest need of help through community resources. I understand that this project includes a steering committee consisting of nine people, all of whom are men. There is also a working party, which will be doing the bulk of the work, consisting of seven people, all of whom are men. There is also a panel of special consultants who may be consulted by the working party consisting of one woman and eight men. There is also a parents consultative group, but I am not aware of its composition; doubtless it includes mothers as well as fathers of retarded individuals.

My questions relate to several aspects of this extremely important project. First, is it within the terms of reference of the project that it can recommend that more resources are required to help the retarded members of our community? I am referring not only to the administration of those resources but also to the total sum of resources that should be given. Secondly, is it within the terms of reference of the project that it can recommend a change in the distribution of resources for the Intellectually Retarded Services (and I refer to the distribution between institutional as against community-based care) so that a greater proportion of resources can be provided to help parents help themselves with the problems that they face? Thirdly, will the Minister consider adding women to the steering committee and the working party involved in this project, in view of the fact that mothers particularly are so much affected by a retarded individual within the family? Is it desirable that there should be a significant proportion of women on these committees so that the particular problems faced by mothers in such families can be adequately considered and dealt with?

The Hon. J. C. BURDETT: There is a considerable area of overlap between the human services departments—Education, Health and Community Welfare. In relation to retarded children, or developmentally disabled children as they are usually called, many approaches have been made to my department, and I am aware of the working party set up by the Minister of Health in that regard. A number of approaches have been made to me about this matter, including an approach this morning, and applications have been made to my department for financial assistance in this area. The honourable member's questions pertain more to my colleague's area, and I will refer those questions to her and bring down a reply.

DRUGS

The Hon. J. E. DUNFORD: Has the Minister of Local Government a reply to a question I asked some time ago about drugs?

The Hon. C. M. HILL: The Acting Commissioner of Police has no direct knowledge of the context in which Chief Inspector Mitchell of the Australian Federal Police is alleged to have made the statement regarding the inadequacy of legislation to counter the activities of the entrepreneurs and financiers of drug trafficking in Australia. However, it is a wellknown fact that, as with any area of crime, it is the people behind the scenes in the drug distribution chain who are the most difficult to detect and apprehend.

Recent initiatives taken at Commonwealth level have been directed at augmenting the powers of police in this area. The most recent of these is the proposed power to be conferred on Australian Federal Police to overhear telephone conversations between parties suspected of being engaged in illegal activities, subject to authorisation by a Supreme Court Judge, and involves amendment to the Telephone Communications (Interception) Act. There are other areas, however, where Commonwealth legislation could be tightened to facilitate criminal investigation, but this, of course, requires action by Commonwealth authorities, and there is a very little that can be done at a State level, other than to highlight defective Commonwealth laws whenever this is necessary.

FISHING

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Tourism, a question regarding fishing.

Leave granted.

The Hon. BARBARA WIESE: Recently, on behalf of a house guest, I visited the South Australian Government Tourist Bureau to obtain some information about fishing in South Australian waters. I was very surprised to learn that the only information available is a two-page hand-out which contains extremely brief and sketchy descriptions of fishing spots in South Australia.

South Australia enjoys a very good reputation, certainly amongst organised angling clubs in Australia, as a fishing resort in this country. I believe that, during the national fishing championships held at Port Lincoln last time, more fish were caught than had been caught during the championships held over the past 10 years.

If one adds to this the fact that fishing is a most popular participatory sport in Australia, it seems unfortunate that the Tourist Bureau should not be doing more to advertise and promote the distinct advantages that South Australia has for potential tourists who enjoy fishing.

Will the Minister of Community Welfare ask his colleague to get the Tourist Bureau to prepare a comprehensive booklet on fishing in South Australia, which booklet could include such information as the names of towns where bait and tackle can be purchased, the availability of boats for hire, dangerous spots in South Australia, good fishing spots, and other information that would be of use to fishermen, so that this aspect of tourism in South Australia can be better promoted?

The Hon. J. C. BURDETT: I think that I would enjoy the book myself. However, I will refer the honourable member's question to my colleague in another place and bring back a reply.

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: Has the Attorney-General a reply to the question that I asked on 19 August regarding the Riverland cannery?

The Hon. K. T. GRIFFIN: The reply is as follows:

1. No. There was no requirement to seek the approval of the Federal Minister.

2. See 1.

3. The Government's investigations reveal that, at this stage, no $14 bonus has been declared or paid by the Kyabram Cannery in respect of the 1980 fruit season.

DEBTS REPAYMENT LEGISLATION

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question regarding the debts repayment legislation.

Leave granted.

The Hon. C. J. SUMNER: The Minister has previously advised the Council and the House of Assembly Estimates Committee that the Government does not intend to proceed with legislation passed by this Parliament to provide assistance to debtors. That package of legislation contained not only its main thrust, namely, assistance to debtors, but also amendments dealing with the jurisdictional limits of the Local Court. It was proposed that the limit for the Local Court of Full Jurisdiction be extended from $20 000 to $30 000; that the jurisdictional limit for the Local Court of Limited Jurisdiction be increased to $10 000; and that the jurisdictional limit for the Small Claims Court be increased to $1 250. Although the Government does not intend to proceed with the debts repayment aspects of the legislation, does it intend to proclaim the legislation dealing with the jurisdictional limits of the Local Court?

The Hon. J. C. BURDETT: Apart from the Debts Repayment Act, the other Acts that were passed refer to legal matters and, as the Leader said, to jurisdictional limits, and so on, which matters come under the aegis of my colleague, the Attorney-General, to whom I have spoken about this matter. We do not intend to proclaim and bring into operation the Debts Repayment Act. My colleague informs me that he is considering the other matters. I cannot therefore give the Leader any more information regarding the jurisdictional limits or about what the Government intends to do on these matters.

The Hon. C. J. Sumner: Will you consult with your colleague and bring back a reply?

The Hon. J. C. BURDETT: Perhaps the Attorney can give the Leader a reply now if he wants to do so. However, I am sure, from what the Attorney has told me, that his investigations have not been completed.

SELECT COMMITTEE ON URANIUM RESOURCES

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That the time for bringing up the report of the Select Committee be extended until Wednesday 4 March 1981.

Motion carried.

SELECT COMMITTEE ON UNSWORN STATEMENT AND RELATED MATTERS

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

That the time for bringing up the report of the Select Committee be extended until Wednesday 4 March 1981.

Motion carried.

KANGAROO ISLAND LAND

Adjourned debate on motion of the Hon. J. R. Cornwall:

That in the opinion of this Council the area of unallotted Crown land on Kangaroo Island adjacent to Flinders Chase national park in the hundreds of Gosse, Ritchie and MacDonald should not be alienated for development. The Council also calls on the Government to dedicate the area under the National Parks and Wildlife Act of 1972 for conservation in perpetuity. It further calls on the Government to provide adequate management in the area so that adjoining landowners are not disadvantaged.

(Continued from 19 November. Page 1992).

The Hon. M. B. CAMERON: I indicate right at the beginning that I do not support this opportunistic, publicity seeking motion. It is a great shame that a matter that could eventually have been resolved by consultation between those with opposing views is not able to be resolved without Opposition members jumping in and trying to add controversy to the matter. I refer, first, to what has been said by the former Minister of Agriculture.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: Some of the statements that the former Minister of Agriculture has made ought to be cleared up. The honourable gentleman started by saying:

It would be economic only—

he is talking about the subject land—

with very generous tax concessions that are available for this type of development.

I do not know how long it is since the Hon. Mr. Chatterton was an active farmer, but I suggest that the honourable member have a talk with his accountant before he does any more.

I will now outline what happens in relation to the development of virgin land. If one starts from basic virgin scrub and clears land (I have done quite a bit of this in my time), one gets taxation concessions over a period of 10 years, the original capital investment being written off. On present interest rates, I assure the Hon. Mr. Chatterton that it means that one is behind the eight ball before one even starts. If one erects boundary fencing, unless it is for erosion control, one is allowed 4.5 per cent a year. So, one is behind by half because, if one borrows the money or invests it, one can expect a return of something better than 4.5 per cent a year.

For subdivision fencing, one gets a 20 per cent investment allowance on a once only basis and is then allowed 4½ per cent a year, so one gradually goes downhill again. For the life of me I cannot work out how the Hon. Mr. Chatterton arrived at the statement that he made that we have very generous tax concessions, because such is not the case. In fact, the capital investment in virgin land makes it a very poor proposition indeed if one is looking at it from that viewpoint alone.

The Hon. Anne Levy: Why bother?

The Hon. M. B. CAMERON: That is the point. On pasture development, one is allowed 10 per cent a year, again over 10 years. The statement made by the former Minister of Agriculture in this place, a man who I would have thought would have some idea of what farming was all about and what was available to farmers, was absolutely false. He gave a totally misleading impression. He misled the Council, to use a term that he seems to be keen on lately. One would have thought that he would have that information available to him, as he has not been out of the Ministry that long. He suggested that, because the land was rejected as marginal land by the Commonwealth Government for soldier settlement, that should be a reason not to do anything about it. Again I can assure him that the rejection of land by the Commonwealth Government is not a reason for not going ahead with the development of the land, because I myself farm a property which, I can assure the former Minister, is quite economic, yet it was rejected by the Commonwealth Government as being too marginal for soldier settlement. The third statement that the honourable member made was:

I have been informed that less than one-third of the original settlers are now in possession of their properties. That seems an extraordinarily low figure and certainly lower than the figures for other soldier settlement schemes in South Australia and the rest of Australia.

I have done some research myself. I do not want to reflect on any ex-soldiers in this place but, of all the soldier settlers in the area that I know well, I can tell the Hon. Mr. Chatterton that one-third of them are deceased, one-third are retired, and one-third are still on their properties. So, it is quite likely that only one-third are on their properties for those reasons alone. The Hon. Mr. Chatterton gave a totally erroneous impression.

The Hon. J. R. Cornwall: What did your late father think of Kangaroo Island?

The Hon. M. B. CAMERON: He lived in another generation, and I will not go into the details of that. The impression left was that two-thirds of the settlers on the island had left because it was uneconomic, but that is not necessarily the case. I do not know the reasons why each and every one of them are no longer on their land, but on similar soldier settler schemes that is the case; one-third are deceased and one-third are retired. I would expect it to be the same in all other areas where soldier settlements have taken place. It is important in this debate and also in this problem which has arisen between two conflicting sections of our community that people act with reason and talk with reason. I think that even the members of the Conservation Society (and I must say that I travelled with them to Kangaroo Island to observe the subject land) are a very reasonable bunch of people. It would be unfair to say that they did not see the full effect of what development might do. It is also important to understand that, when they finally met up with the farmers, and I do not expect—

The Hon. J. R. Cornwall interjecting:

The Hon. M. B. CAMERON: That is an unfortunate statement. The Hon. Dr. Cornwall would agree that, of the people present, some may have been a little bit way out in their views on what should happen, but there were some reasonable people there. The only factor that I disagree with was that there were politicians there, including myself. It would have been a good idea if the Nature Conservation Society and the farmers had been able to meet without anybody else present to discuss their problems and views.

The Hon. Anne Levy: Including the Minister.

The Hon. M. B. CAMERON: The honourable member can include anybody she likes. The Minister is the member for that area. As he heard that other politicians were

going, I do not blame him for one minute wanting to be present.

The Hon. Anne Levy: He was the only politician that spoke.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: Other politicians took the opportunity to speak later, as the Hon. Miss Levy knows.

The Hon. Anne Levy: Not at that time.

The Hon. M. B. CAMERON: No, but they put their views to the conservationists. It was unfortunate that some of the politicians present of opposing political views did not put their views forward at the time. It is unfortunate that the two groups of people could not get together and discuss their views on the land in question in an unemotional atmosphere without any politicians present. Out of that would have arisen a very reasonable discussion. In fact, what came out of that discussion in my view was a consensus opinion. That consensus view was summed up by Dr. Black in the *Advertiser* who stated:

> . . . if the land is opened up after a detailed study the conservation movement will have to accept it.

I think that he understood the problem that the islanders faced. Once his fellow conservation people had heard the farmers' views, they could see that Kangaroo Island was a unique situation in South Australia. Kangaroo Island is a unique farming community and it is a small community. It has problems with economics of transport and it is important to understand that at the moment 25 per cent of it is under conservation park. That is something that people do not understand. Also, the farmers on the island do not expect the whole of the land to be opened up. I would expect that not all of the land would be suitable for development or suitable to be opened up. Percentages are one thing but what happens is another. I would expect that a certain portion of the land would be held. It would obviously need to be held as consevation park or in some other form.

It is also important to understand that in a small community the economic viability of that community has to be taken into account. That small island needs all the production that it can get in order to reduce the per unit transport cost off the island. That is an important aspect of island life; the transport cost is high and will become higher; nobody can alter that. No scheme in the world can alter it; although many schemes have been mooted, none have yet come to fruition, and I doubt that they will. It will always be a high cost. One method of reducing this cost is to increase the production on the island. So, one must get down and reduce the per unit cost of transport.

It is important that as much finance as possible flow into the community. People say that if we leave this area as a whole we will have greater tourist potential and get more money on to the island in that way. I do not believe that that is necessarily the case, and I would like to see that proven. People say that you have to prove whether the production of this land will be sufficient to cause any difference in the island economics. I would also like to see whether the holding of this land will increase the economics of the island. I do not believe that that is necessarily the case. I am willing to listen to the arguments both ways, and I believe that anybody with reason should do that. The Hon. Mr. Chatterton, at the conclusion of his short contribution to this debate, indicated (he did not actually say) that he felt this motion was premature. There has been no decision taken. Information is now being gathered, and I think that that is important. The Hon. Mr. Chatterton said:

> If there are other economic benefits that have not so far been revealed, I hope that they will be put forward and evaluated.

I think that that sums up what all of us feel, namely, that we have to evaluate the economic benefits and the benefits to the community as a whole, and perhaps when we have done that we express a reasoned view on what should happen to this land.

I do not believe that one side or the other is necessarily correct, but I think it is important that we do not make any hasty decision in this Council. I understand that the Hon. Dr. Cornwall's reason for introducing this matter is that it is good publicity. Quite possibly, as an Opposition member, I might have taken the same step, because it is always good when in Opposition to jump on the band waggon as soon as possible. However, I think it is important at this stage that we leave room for reasoned debate, that we sit down and let the community as a whole debate this issue, and that we let the islanders and other people who have particular views talk out their views and come to a reasoned decision, also, allowing the Government to gather information that will give it an opportunity to arrive at a proper decision. I oppose the motion.

The Hon. ANNE LEVY: I support the motion as strongly as I can. In commenting on some of the people who have spoken in opposition, I can only say that the Hon. Mr. Dawkins's contribution could be summed up by the Australian attitude "If it moves, shoot it; if it doesn't, chop it down." The Hon. Mr. Dawkins seems to take the view that, simply because there is land that is not yet developed, it should be developed, that any land which it is possible to develop should immediately be developed, and that no other consideration should be taken into account. This seems to be very much a nineteenth century attitude. Changes in approaches have occurred in this century and people are now more aware of the value of uncleared land. While not opposing development, we are justified nowadays in not taking the view that it is axiomatic that development will always occur. There are other considerations to be taken into account. I would certainly argue that this is one of the occasions when such other considerations become extremely important and, consequently, that this motion should be supported.

The Hon. Mr. Cameron has pleaded the poverty of farmers and said how tax concessions are useless to them, almost begging their abolition. I am surprised to hear this view taken by him. I doubt that he would find much support outside the metropolitan area for such an approach. I would suggest that he needs a second income and that that is no doubt why he graces the benches opposite. The tax concessions he receives for his farming are obviously not sufficient to guarantee him a reasonable standard of living. If any cost benefit analysis is being undertaken on opening up this area on Kangaroo Island, tax concessions must need to be taken into account. Those tax concessions are for clearing, the $1 000 000 a year transport subsidy which is paid by the South Australian taxpayer for the benefit of those people living on Kangaroo Island, and the superphosphate bounty, which is paid by the Federal Government to users of fertilizers. I understand from my agricultural friends that the land on Kangaroo Island, is very phosphate deficient, and requires phosphate at a great rate, so super application has to be vast and continuous over many years. I hope that any cost benefit analysis will take all those factors into account, detailing what the Australian and South Australian taxpayers will be up for if this land is opened up.

I want to speak mainly on the conservation aspects associated with this land, to which aspects members opposite seem to have given little attention. The Nature

Conservation Society has employed someone to undertake a survey of the area under consideration. It could only afford a survey involving 50 hours work, which I am sure anyone interested in ecological surveys would agree is insufficient to accurately document the conservation value of such an area. Nevertheless, during this brief survey the project officer found 170 different botanical species, whereas a similar survey on the West Coast found only about 70 different botanical species. I mention this to indicate the botanical richness and variety of the area. Amongst the species there were a number of trees which have been listed elsewhere as important for conservation purposes. There was a monograph *Conservation of Major Plant Communities in Australia and Papua-New Guinea* edited by Specht, Roe and Boughton, which is the classic monograph referred to in many conservation matters. Using the classifications obtained from that monograph, the survey brought to light one species which had been listed as probably extinct, three species which are classed as endangered, 11 species which are classed as rare, and 12 species which are classed as a depleted species. There are also eight species of geographic importance. I add that on this land under consideration, as in Flinders Chase, occur the species *Eucalyptus remota* one of the Australian eucalyptus species.

The western end of Kangaroo Island is the only place in the world where this species occurs. If its habitat is reduced beyond a certain point, it will cease being a viable species, because the area available to it will not be great enough, and it will become another extinct species. I mention this particularly. It is a large species—a tree—and not some small species which to a non-botanist is fairly insignificant, and this is its only habitat in the whole world. If we endanger its habitat we will lead to its extinction. Furthermore, this survey done by the Nature Conservation Society found no weeds at all in the area: it is still in its virgin Australian state. There has been no introduction of weeds from outside which can be so damaging to an area from a conservation point of view, as many exotic weeds become dominant and replace or alter the native flora; but there are no weeds found in these Crown lands under consideration.

The Hon. Mr. Dawkins said that when he visited the area he found it not interesting or valuable. I suggest he must have gone there with his eyes closed. In my very brief time there I was certainly aware of a number of these species that I have mentioned. I was able to recognise them and appreciate their value, not only *Eucalyptus remota* but *Xanthorrhoea tateana* and other large species which non-botanists can appreciate very readily.

I would like to quote from a paper prepared by the President of the Nature Conservation Society, Dr. Black. Concern for this area is not limited to the Labor Party. Dr. Black is not a member of the Labor Party. I may be maligning him, but I doubt very much that he is a supporter of the Labor Party. He certainly comes into the category of one of the very reasonable and sensible people concerned in this matter to whom the Hon. Mr. Cameron alluded, and this is what that reasonable and sensible person had to say in a paper on the case for nature conservation for these Crown lands on Kangaroo Island:

> It is there: and there must be a good reason to justify destroying it. Native vegetation is a scarce commodity and it will never get any less scarce. The value of this area will increase progressively as the years go by provided we protect it. The visitor to Kangaroo Island does not fail to recognise the natural beauty of the place, the native bush the wildflowers and the animal life—

the Hon. Mr. Dawkins being an exception—

The Hon. M. B. Dawkins: What did you see in that area that you cannot see at Flinders Chase? Did you have a good look at Flinders Chase?

The Hon. ANNE LEVY: I have been in Flinders Chase, yes.

The Hon. M. B. Dawkins: Did you see anything in this area that you could not see in Flinders Chase?

The Hon. ANNE LEVY: It is many years since I examined Flinders Chase carefully. I cannot recall the complete distribution of things in Flinders Chase, but I certainly appreciated this area and its contents. I go back to quoting from Dr. Black's paper, as follows:

> As all these things decline on the mainland they will be even more admired on this very special place in South Australia.
>
> The value of Kangaroo Island as a wildlife refuge—The Island's wildlife is abundant but it may not be so secure as it seems. With recent massive shrinkage of the total available habitat there must be increased pressure on certain species for their survival. The number of species of fauna supported by a given habitat will fall if the area of that habitat is reduced. Therefore some species (perhaps not readily identified) are likely at present to be undergoing a decline which has not yet reached an equilibrium. Positive management programmes may be necessary to support certain species. A further reduction in total habitat area may result in the need for much more intensive and more expensive management, or may remove completely the chance of retaining the island's wildlife diversity as it is at present.
>
> Mammalian extinctions are plentiful on the mainland. Even the relatively more mobile birds show examples of recent extinctions in the Mount Lofty Ranges. On Kangaroo Island none has occurred since the local emu died out just before colonisation. Some examples of wildlife species in which Kangaroo Island should remain important in their long-term conservation include:
>
> Dama Wallaby (Tammar): formerly widespread and common in South Australia. Now only Kangaroo Island supports a reliably viable population;
>
> Lesser Brown Bandicoot: declining progressively in Mount Lofty Ranges while thriving on Kangaroo Island;
>
> Glossy Black Cockatoo: a small population on Kangaroo Island is the only one in the State.

The Hon. R. C. DeGaris: They are not in that reserve.

The Hon. ANNE LEVY: I did see some at that end of the island while I was there. The paper continues:

> Southern Stone Curlew: progessively declining in South Australia. The Kangaroo Island population may constitute the best prospect of this species' continued existence in the region;
>
> Western Whipbird: a species with several widely separated populations. That on Kangaroo Island is probably the largest and safest in the long term;
>
> Purple-gaped Honeyeater: a more common bird than the Western Whipbird, nevertheless has a similar disjunct distribution.
>
> Outstanding features of the Gosse land—Those lucky enough to see this country in detail will recognise that it is exceptional. Many of us may see it more superficially. What it may hold is as yet not fully known. Mowling and Barritt have recently assessed the area as part of a vegetation survey of Kangaroo Island. Their preliminary report shows that there are numerous plant species and communities which need to be conserved. No less than 35 species identified in this area are listed in the monograph *Conservation of Major Plant Communities in Australia and Papua New Guinea,* edited by Specht, Roe and Boughton—

to whom I referred earlier—

> A number of endemic species limited to Kangaroo Island are found in the Gosse land. For some, this area may constitute

their major distribution. For others, including *eucalyptus remota,* this area constitutes their only distribution. Wetlands and *sclerophyll* woodland are priority habitats for conservation in this State. Those present on the Gosse land ought not to be lost.

It would be surprising if any animals are restricted to this area and occur nowhere else in the State: yet in our present state of knowledge such a possibility cannot be excluded. One species, the Ground Parrot, has been reliably reported from nearby in recent years, and it was more regularly observed before clearance was carried out. It is certainly possible that the vegetation surrounding the wetland habitats near Gosse continues to support a small population of this threatened species, one which has evidently become extinct on the mainland of South Australia.

I have quoted extensively from this paper in view of the endorsement given to Dr. Black by the Hon. Martin Cameron. I am sure that members would agree that I have quoted a reasoned, non-emotive, careful case deserving very mature consideration by every member of this Council. It has certainly convinced me, and I am sure other people, that this land should be conserved for the benefit of future generations of South Australia and that it would be a crime against the heritage of this State if this land were cleared and those habitats destroyed. I support the motion.

The Hon. J. R. CORNWALL: I should not take very long to close this debate, because very little has been said by members opposite that needs to be refuted. I am very much looking forward to receiving the support of the sole Democrat (the balance of reason in this Chamber), the Hon. Mr. Milne. On three occasions the Hon. Mr. Milne has been asked to vote on important conservation or environment issues which the Opposition has introduced in this Council. They include a private member's Bill to prohibit farming in national and conservation parks, a private member's Bill to implement environmental protection legislation, and a motion to prohibit P.E.T. bottles in South Australia. On every occasion to date the Hon. Mr. Milne has voted with the Government to defeat those initiatives. That is hardly an impressive record, but I know that the Hon. Mr. Milne is a very reasonable man. I am sure that he has been carefully following the controversy and voluminous correspondence in the *Advertiser,* and that at this stage he is in a position to make up his mind in a clear and precise way. I look forward to the Hon. Mr. Milne's support on this occasion.

I was quite unimpressed with the remarks of the Hon. Mr. Cameron, perhaps not surprisingly, because he said, for example, that I never should have raised this matter in the first instance. The fact is that I did not raise this matter in the first instance. This matter was raised by the Nature Conservation Society when it got wind of the fact that the Government was up to something. A report was before Cabinet, but I knew nothing about it. Fortunately, someone from the Nature Conservation Society found out about it and approached the *Advertiser,* and there was a page three report about the matter. Of course, that immediately caused me great alarm, because I had been monitoring the Minister of Agriculture ever since he made his ill-fated trip to the Mallee three weeks after becoming Minister last year. At that time the Minister stated that he thought there was some very good country in the conservation parks that could well and profitably be used for farming.

Therefore, immediately I read of this Kangaroo Island proposal in the newspaper, I was alarmed. Very shortly afterwards I was approached by the Nature Conservation Society and asked to give it whatever support I could. It was as a result of that approach that I brought the matter before this Council, which is a perfectly legitimate and proper thing to do. I add that my heart was very much in it. There is no way that I have brought this matter up for some cheap political purpose. I happen to be one of those persons in the community (fortunately we are a majority), who are very concerned to conserve that small amount of the conservation estate of this State that is left to us, particularly the small amount left in the higher rainfall areas of South Australia.

A great deal has been said during the course of this debate, and in correspondence to the press (particularly correspondence from the United Farmers and Stockowners), about the suitability of land for agriculture. That is reasonably relevant to this debate, but it is certainly not the central issue, and it is not the issue that we should be debating in this place. The fact is that overall it would add very little to the agricultural output of South Australia. For example, if on the optimistic projections put forward by the Minister of Agriculture farmers were able to run 100 000 sheep, that would represent an addition of about 0.3 per cent to the total sheep population of this State; if farmers were able to grow oil seed crops, barley or any other crop for feed or for any other purpose, again it would only add very marginally to the total agricultural output of this State; and, if farmers were able to carve eight, 10 or even 12 farms out of this area, it would add only marginally to the population of the island and would certainly have no effect overall on the State of South Australia.

I keep trying to hammer that point again and again: Kangaroo Island is part of South Australia. Kangaroo Island is not a separate sub-nation or a sub-nation State which sits in splendid isolation. It is an integral part. The fact that it is off-shore is quite peripheral to this argument. The Hon. Mr. Cameron also said that we should be talking with reason. In a matter such as this, where the Government is proposing to butcher in excess of 15 000 hectares of virgin land that is in very close to pristine condition, it is very hard not to become emotionally involved, and I make no apology whatsoever for being highly emotional about this matter.

If we talk about emotion, we should refer to the things that are being said by the people on the other side of the fence. A correspondent from the United Farmers and Stockowners stated in a letter to the *Advertiser* that recently some conservationists and a few members of the A.L.P. had come down out of the trees and had started to make some noises. That type of comment is not exactly what I would describe as conducting a debate in a reasonable way. However, I will leave that aside.

I now turn to the Hon. Mr. Dawkins, and it is a great shame that he is not present in the Chamber to hear what I have to say. He showed, in his contribution, a vast ignorance of what the conservation movement is all about. For example, he said, by way of interjection, when the Hon. Miss Levy was on her feet, "What did you see in this particular area that you could not see in Flinders Chase?" Once again, that is quite beside the point. Substantially less than 1 per cent of the higher rainfall areas of this State have been set aside for conservation. The 15 000 hectares that we are discussing is a very significant area; indeed, it is the talisman of the nature conservation movement in South Australia at this particular time and it is a most immediate and most urgent fight that we must win.

There has also been a great deal of discussion in this ongoing controversy about conservationists versus farmers, as though conservationists were some small minority group of eco-freaks who thought they had some special rights or privileges. Of course, that is not correct. In fact,

if that were the situation, it would be quite disastrous. I am aware that there is a very small number of people to whom I choose to refer as the "range rover warriors" and who get out into the country on weekends. Those people are usually in the upper-middle-income bracket, enjoy a high degree of job security and if one does not watch it, tend to become very elitist in their approach.

That is a terrible trap into which the whole conservation movement must not fall, because the conservation movement comprises many people right across the spectrum of society. They are decent people who come from city and country back-grounds and who are genuinely concerned to see that we preserve some of the natural heritage of this State for our children and grandchildren and for hundreds of thousands of years to come, preserving also certain buildings for our architectural or built heritage. They are not a tiny minority of freaks representing some way-out group: in the round, they are a majority of concerned people in this community. Certainly, it is not a simple case of conservationists, in a very strict or limited sense, versus farmers. Nor indeed should it be a battle. It should not be seen as some sort of pitched battle, because the farmers have already cleared more than 99 per cent of the arable and usable land in the higher rainfall areas of South Australia. When I first introduced this motion I said that they had been extremely good at it, and it is very much to their credit that their techniques are of world class.

However, we must change our thinking. It is clear that people like the Hon. Mr. Dawkins have been unable to change their thinking. Consistently in his contribution the honourable member talked about rubbish or useless land in various areas. He talked about the Ninety Mile Desert, which, he said one would have thought was useless. However, it was marvellous after trace elements were added; the pasture was excellent. People concerned to retain parts of our conservation estate throughout South Australia do not regard any country area as being rubbish or useless. It is all part of the great mosaic that makes this State as interesting as it is. It is a totally false notion to describe land as being rubbish, useless, high quality or first class, etc.

The Hon. Mr. Dawkins also made considerable play in his own inimitable jocular way of the fact that the party of concerned people who flew to Kangaroo Island two or three weeks ago did not look over the fence. There was a clear implication that none of us knew what we were talking about: that we were all city slickers and that, if we ventured from North Terrace, we went no further than the South Parklands. The Hon. Mr. Dawkins ought to know better. I was involved in an extensive rural practice in the sunny South-East of South Australia for 10 years, and I can tell the Council that I was involved in assisting people who were clearing large areas of heath country just across the Victorian border. This is an area that the Hon. Mr. DeGaris would know very well. I had much experience in scrub clearance, establishing new pastures, raising cattle from scratch, looking after the health problems that arose, and sorting out the sort of problems that went with trace element deficiencies, and so on. So, I suggest with due humility, I have had much more experience in the development from scratch of large areas than has the Hon. Mr. Dawkins.

The Hon. R. C. DeGaris: Do you think Ted Chapman has had a fair amount of experience?

The Hon. J. R. CORNWALL: I think that the Minister has an entirely different perspective. I have had experience on both sides of the fence and have been able to reach a position of great balance. It seems to me that truthful Ted still fits into that category of people who, as the Hon. Miss Levy said, want to chop down everything that grows. He simply cannot bear to see any land set aside for nature conservation. Mr. Chapman could not get to the marginal Mallee lands quickly enough, having been appointed Minister, to say what great land it would be for growing wheat. So, I do not think that Mr. Chapman has any credibility in this matter at all.

Many other things completely destroy the Government's credibility. I refer to the sham survey that is being conducted. After the Opposition flushed out the Government (and that is precisely what we were able to do, as the submission before Cabinet was completely secret; there was no intention of making a public announcement about it), and after the material hit the fan and the controversy arose, the Government decided that it would have to do something. That is precisely what we were looking for in creating a public awareness of what the Government was about. It therefore said, "We will set up a committee. We will get the three caring Ministers together"—the Minister of Environment who has a marvellous track record; the Minister of Agriculture, who wants to farm everything that he can get his hands on; and the Minister of Lands, who takes advice from his department and does precisely what it says.

What is the input from the Department for the Environment? It is very interesting. It will send a couple of fellows over there in stout boots, and they will identify the species of which the Hon. Anne Levy spoke. They will identify a few birds and native animals, and that will be the department's input. The Department for the Environment happens to have an Ecological Survey Unit, which is a leader in its field in Australia and which is well up technically with any other unit in the world. However, it is not going to be used at all. The fact that Landsat technologies are available, that satellite remote sensing print-outs could be taken backed up with ground proofing to follow that up and to make this a really meaningful survey of what was happening and how that land rested *vis-a-vis* the adjacent land apparently does not matter: this is not going to be done at all.

So, it is clear that the whole survey is one great big sham and cover-up. There is no doubt about what the Government intends to do if it thinks that it can get away with it. The survey is not fair dinkum at all; it is a great big sham. I have here a reply to a Question on Notice that the Minister of Environment gave to the Hon. Mr. Payne in another place yesterday. One question was, "Will the proposal be subject to an environmental impact statement?" Environmental impact procedures are used commonly and widely in this day and age. The short answer to that question was "No". So, there will be no ecological survey using the vast technology that is available in the Ecological Survey Unit. There will be no environmental impact statement. There will merely be a couple of people trudging around in heavy boots with a notebook. That will be the extent of the environmental survey. It is a sham and a cover-up, and there is no doubt about what the Government intends to do if it thinks that it can get away with it. I must conclude my remarks shortly.

The Hon. D. H. Laidlaw: Hear, hear!

The Hon. J. R. CORNWALL: I know that Government members do not want me to continue. They are looking very uncomfortable, as they should be. Government members should be ashamed even to have let the thought cross their mind that they would do other than dedicate this area as part of South Australia's conservation estate,

of the small conservation estate that is left to us in the areas of the State that receive 18in. or more rainfall.

I now refer to a survey which is available from the Museum and which relates to the first European settlement in 1836. The Hon. Mr. Blevins is far better in relation to these historical matters than I am, but I refer to the proud moment when the first free English settlers arrived on South Australia's shores in H.M.S. *Buffalo* in December 1836. At that time, the Museum estimates, there were 97 species of native fauna in South Australia. Since then (and I should like the Minister to listen to this, as I know that he is a reasonable person), 25 per cent of those species have become extinct, and a further one-third are now either endangered or rare. So, more than 50 per cent of the native fauna that were present in this State at the time of first settlement are now either extinct or in the endangered or rare category. To put it mildly, that is not a very good track record.

In conclusion, I point out yet again that the whole nature conservation effort at the moment in South Australia is locked into a vicious and dangerous circle. The whole approach and attitude of this Government is that national parks, conservation parks and wilderness areas are a problem. The Government says that they are a management problem and that staff is needed to run them. In so-called small government, that is a nuisance. Members opposite rant and rave about taxes. One has to accept that if we are going to have their so-called small government we are going to have fewer services.

One has to look at the problem right across the board where conservative Governments are currently involved. If we are going to have fewer taxes we are going to have fewer health services, fewer teachers in the education system, less back-up support for teachers and fewer welfare services. One can apply this theory right across the board where conservative Governments in the 20th century traditionally adopt this policy. The policy is that services have to be diminished; that is what is happening with the whole national parks service and the whole conservation effort. There is less service, less input, less management, and therefore the parks become a greater drag, as our troglodyte friends across the way would see it. Their answer ultimately is to progressively get rid of these areas, dedicated or otherwise. That is what must eventually happen.

The staff of the National Parks and Wildlife Service will eventually have to put up submissions to Cabinet to say that they cannot carry on, that the load is too great and they are sick of working for 16 hours a day, seven days a week and getting ulcers by the time they are 40. The Government will then say, "We told you so—that useless country that Boyd Dawkins talked about will be put under farming." That is the real danger currently facing this State. I cannot put too high a point on it. I say with great sincerity that we must take a stand now and that it must be a firm stand for the people of South Australia and the future generations. I appeal to all honourable members, at least those who are honourable in the literal and real sense, to support the motion.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 1989.)

The Hon. K. T. GRIFFIN (Attorney-General): The question of giving persons the opportunity to determine for themselves whether or not their lives should be supported by artificial support systems in the event of their suffering from a terminal illness is one which has been the subject of considerable debate. The general question of when death occurs has also been the subject of even longer debate, certainly during this century and even before that. In the area of legal debate, there really has not been any generally accepted answer to that question.

Of course, with the developments in modern technology, and in particular the question of artificial life support systems being used to sustain life, it has become an even more vexing question for members of the community. It will, admittedly, only affect a small number of people directly, but indirectly it could affect anyone in the community. I want to commend the Hon. Frank Blevins for having raised this question in Parliament and for having stimulated discussion on this matter. The Bill before us, I think, is a substantial development on what was previously being considered by the Parliament in the first draft, if I might call it that, of the Bill which went to the Select Committee.

Of course, South Australia is not the first place where such legislation has been either enacted or considered for enactment. There are some 10 States in the United States of America which have legislation in this form, or a variation of it. The legislation in those States has been received with mixed reactions. I think that it is correct to say that in those 10 States of the United States of America the legislation has not been entirely lauded. In those States, as in the present Bill, a number of questions arose for consideration, probably not so much from the medical point of view but from the legal/technical point of view. The codification of the law in this area will undoubtedly give rise to considerable legal debate and may, in fact, encourage legal hair-splitting. Of course, that is one of the dangers of this sort of legislation, but that is no reason for avoiding the need to debate the question and, if appropriate, to consider legislation to codify the law.

The questions which have arisen in the United States of America and which arise under this legislation are questions such as: what is "extraordinary" in the circumstances? When is death imminent? Has the patient validly revoked a written directive given under this legislation? Has the patient the necessary mental capacity to cope with making a decision either to give a direction or to revoke it? Will the doctor be guilty of misconduct for failing to act just as he would be if he did act on a directive if the patient survived but the faculties of that patient, either physical or mental, were impaired as a result? There are other questions which are raised by the Bill, and whilst I do not profess to have the answers, I think it is important that I at least allude to them.

The first major question is whether the Hon. Mr. Blevins has considered whether or not the Bill protects an estate of a deceased patient who has exercised a right granted by this Bill in the event that an allegation is made that the exercise of the right has resulted in a technical committing of suicide. That does not matter for criminal purposes, but it does matter for civil purposes. I think that most members would be aware that most life assurance policies, for example, contain a condition that payment will not be made in the event of the life assured having committed suicide. Therefore, the question arises whether

a person who seeks under this proposed legislation to have the extraordinary measures not applied or withdrawn, if he is suffering from a terminal illness, is legally committing suicide with the consequent impact on that person's estate, particularly life assurance policies.

The next area of some concern is on the terminality of the illness. As I have indicated, there are questions here which medical practitioners and also lawyers in the long term will need to consider. The medical practitioner under proposed clause 2 (b) is not relieved of the consequences of a negligent decision as to whether or not a patient is suffering from a terminal illness. Yet under clause 4 of the Bill the medical practitioner incurs no liability for a decision made in good faith and without negligence as to whether a patient is or is not suffering from a terminal illness. Now, there are questions which arise here as to whether or not the patient is suffering from a terminal illness.

The PRESIDENT: Order! I would draw to the attention of the gentleman in the gallery the fact that he is to be seated and that there is to be as little noise as possible. The honourable Attorney-General.

The Hon. K. T. GRIFFIN: For a medical practitioner the decision whether or not a patient is suffering from a terminal illness is the critical decision, but a most difficult one, and if the doctor makes a decision which eventually is determined to be a wrong one, then the risk of being sued by the personal representatives of the deceased patient for an act of negligence is a very real one and negligence, in the eyes of the law, particularly in respect of an exercise or failure to exercise a judgment by a medical practitioner, is not an easy matter to come to terms with. So, what I suspect is that when medical practitioners are faced with this decision they will be placed in a most difficult dilemma which will not be relieved by the provision of the Bill which absolve him from responsibility provided the decision is one made without negligence. It does not, in my view, alter the present state of the law and does not give any comfort to the medical practitioner in making his decision. The negligence matter, which causes some concern, is that the medical practitioner is required to consult with a conscious patient about the application of treatment. That really appears to be an innocuous provision, but clause 3(4) provides:

> This section does not derogate from any duty of a medical practitioner to inform a patient who is conscious, and capable of exercising a rational judgment, of all the various forms of treatment that may be available in his particular case so that the patient may make an informed judgment as to whether a particular form of treatment should or should not be undertaken.

That of course assumes what the duty of a medical practitioner is. I think it makes a somewhat simplistic assessment of what the medical practitioner's duty really is. The medical practitioner will have the difficult task of making an assessment about what sort of information ought to be made available to a particular patient. The capacity of a patient to make an assessment of information in order to make an informed judgment varies from one patient to another.

This clause gives no opportunity to the medical practitioner to make his or her own judgment as to the extent of the information that is necessary to fully inform the patient of the facts so that the patient can make an informed decision. The clause presumes too much and tends to approach the matter in a much more simplistic way than actual circumstances often require. I am somewhat concerned that, whilst the obligation is placed on the medical practitioner to make information available, the question really is what sort of information, to what extent and in what detail should that information be made available, or should the medical practitioner take into account that for one patient the information may be of a certain quality and standard and that for another patient it need not be of that standard or quality?

I guess the real concern I have with the legislation, apart from those specific matters, is that it really places upon medical practitioners, in the limited number of cases to which it will apply, a requirement to exercise a legal determination or judgment which is not so much assisted by this legislation but clouded by it. As I said earlier, I have found difficulty in coming to grips with a number of the technical aspects of this legislation, and it is obvious from the response from medical practitioners who need to make these decisions under this legislation that they, too, have had considerable difficulty in sorting out their legal requirements, responsibilities and obligations, and the extent to which they incur a liability under the legislation rather than being absolved from it.

I have those misgivings as to the legal consequences as well as to the practical application of the legislation and, whilst I commend the principle of the legislation and can appreciate the need for those patients who want to exercise a responsible decision to be at liberty to do so and know that that decision will not be condemned, I have difficulty at this stage in accepting that this legislation will make that decision easier for them, will preserve their rights and will put medical practitioners in a clearer position than they are now in. I have very grave doubts about that, and for those reasons I have some difficulty in accepting the Bill as drafted at the present time.

The Hon. FRANK BLEVINS: I would like to thank all members of the Council who participated in this debate, whether they supported the measure or not or, like the Hon. Mr. Griffin, had some reservations. In regard to those honourable members who supported the proposition, I thank them for their support; they have certainly been most supportive of me during these last few weeks if not for the past couple of years—

The Hon. R. C. DeGaris: It's a heavy burden to carry!

The Hon. FRANK BLEVINS: That may be so. There is no doubt that this Bill, whilst it started off as an idea of mine (that is probably putting it a little too high—it was an idea that I thought worth taking up), has certainly developed into a team effort. I certainly do not want to go into detail with every specific point that each honourable member has made. The Committee stage is probably the best place for that as it will enable other honourable members who wish to add their particular expertise to answering those points made by honourable members to do so.

However, the Hon. Mr. Griffin did make a couple of points that I feel should be answered now while they are fresh in my mind, and in the case of any that I do not answer, I hope that the Hon. Mr. Griffin will take them up in Committee. On the question of whether refusal to accept medical treatment constitutes suicide, the point is that it has not in the past, so why should it now? If Jehovah's Witnesses refuse a blood transfusion and die, no-one has ever claimed that that legally is suicide. Common law does permit people to refuse medical treatment. This is adding nothing to that: it is merely giving them a means to do so when they are otherwise unable to do so. I cannot see how the question of suicide would now arise when it has not in those circumstances.

The Hon. R. C. DeGaris: The Bill does not alter the general concept?

The Hon. FRANK BLEVINS: Not at all. One major point that the Hon. Mr. Griffin made was one that was

discussed in the Select Committee, that is, the question of whether a doctor has a duty to tell the patient everything that is wrong with that patient and what forms of treatment are available. At the very least, that is arguable. Some would say, and some did say in the committee, that a doctor does have a duty to tell people what is wrong with them and advise them of the various forms of treatment available, but that to do anything else was paternalistic and unacceptable in this day and age.

Others on the committee said that whilst in theory that may be so, in practice that may be a little simplistic, that there could be instances, and examples were raised in discussion amongst members of the committee, where it would not have been proper for a patient to have known precisely what was wrong with the patient for a number of reasons, for example, because of an inability to handle that kind of knowledge.

The wording of clause 3 (4) was drafted with that in mind. What we did not do is what the Attorney said that we did: we did not impose on doctors a duty to tell patients what was wrong with them. Clause 3 (4) provides:

> This section does not derogate from any duty of a medical practitioner to inform a patient. . .

We were not sure whether a doctor had a duty to do that, and we were not sure whether we wanted to impose on the doctor a duty to inform the patient anyway. Instead of putting the words "the duty" we put "any duty". If a duty did exist, it remained; if it did not exist we did not impose one. The position is exactly the same. With the greatest respect to the Hon. Mr. Griffin, I believe he has read the clause wrongly.

As I have said, I hope that the Hon. Mr. Griffin will discuss other points that he wishes to raise in a little more detail in Committee, so that other honourable members will have an opportunity to debate the matter. The Hon. Mr. Carnie opposed the Bill because he felt that it was unnecessary. He did not oppose it because he saw any significant legal or medical problems; he just did not feel that many people would be affected by it. I completely respect that position, but I do not agree with him, otherwise I would not be persisting. That is a responsible position and one which I completely respect. However, I answer the Hon. Mr. Carnie by saying that in my opinion thousands of people will be affected. People who at the moment do not have peace of mind by knowing that they will not be subjected to extraordinary measures if they suffer from a terminal illness will have peace of mind if this Bill is passed. Whether those fears are justified or not completely misses the point.

The point is that people have those fears. Those fears are real, yet through a simple proposition such as this we can remove those fears. Whilst technically or medically few people may be affected in that sense, I believe hundreds if not thousands will be affected because they will have peace of mind that when they are old, ill or dying they will not be subjected to extraordinary measures: that is the point of the Bill.

The Hon. R. C. DeGaris: The Hon. Mr. Carnie's point was that people can make that declaration under common law, anyway.

The Hon. FRANK BLEVINS: I am not arguing about that. I am saying that, whilst such a declaration can be made under common law, it has no legal status. If this Bill is passed, the declaration will have legal status. The Hon. Mr. Davis opposed this measure for two reasons. First, he believed the measure was unnecessary and, secondly, he referred to a number of legal problems. I can only repeat that being able to give people peace of mind is very worth while. In relation to the legal problems, if the Hon. Mr. Davis still believes there are problems, I hope that he will raise those points in Committee.

This Bill has nothing whatsoever to do with emergency treatment in relation to persons involved in road accidents. Several weeks ago an article appeared in the *Advertiser* referring to a young person who was taken to a hospital after a car accident, and the doctor was in a dilemma knowing that if treatment was given that person could have many years of useful life left. That is absolute nonsense. In fact, it is total, utter garbage, and the person who gave that example knows it to be garbage. In my opinion, the doctor who wrote that article was behaving quite irresponsibly. When I telephoned the doctor about the article he agreed that the emergency situation he outlined was absolutely outside the scope of the Bill. I can understand that position being put by someone such as the Hon. Mr. Davis, but for a doctor who knows that that is not the case to state it anyway, knowing quite clearly that it is untrue, is the height of irresponsibility.

I also understand that certain doctors have circularised Liberal members of Parliament with a document allegedly pointing out some difficulties and citing several cases. From what I have seen of that document and those cases I believe the document to be the height of irresponsibility. That document is an absolute pack of lies, and the doctors know it. There is no excuse for that kind of behaviour whatsoever. The cases cited by the doctors are absolutely outside the scope of this Bill. The doctors are aware of that, but they have still put their names to that document.

This is a very simple measure that cannot be misunderstood. However, it can certainly be misrepresented. The definitions of "terminal illness", "recovery", and "extraordinary measures" are perfectly clear. The circumstances in which this Bill will operate are very clearly defined and are very limited, so no-one can misunderstand it. The Bill gives dying patients some personal control over their own dying process: it does not decide whether they are going to die—that decision has already been made. The Bill merely assists people to have some say in how they will die. I believe the Hon. Mr. Burdett's second reading speech on this Bill sums it up completely. He said:

> I think the American figures indicate that only a fairly small number of people use such declarations, but for some people the fear of being kept alive artificially, as it were, on a life support system when they would rather have it turned off is a very real and disturbing fear.
>
> If by passing this Bill we can give those people peace of mind and the assurance that in the proper circumstances, in accordance with the Bill, the life support system will be turned off, I believe we will have done a service to mankind.

I completely concur in those remarks, and I urge all honourable members to support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—"Commencement."

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

> Page 1, after clause 1—Insert new clause as follows:
>
> 1a. This Act shall come into operation on a day to be fixed by proclamation.

This amendment relates to other amendments to the Bill that I intend to move as well as to the schedule. At present, the declaration is set out in the schedule, and it seems to me that it is too strict. There could be special circumstances where it was necessary to amend the schedule more readily than could be done by introducing an amending Bill. The schedule should be capable of amendment if practice indicated that it should, and also so that rules could be made in relation to filing, storing and recording such directions. This would entail deleting the

schedule, and inserting a provision for making regulations and for the future proclamation of the Act.

One of the matters that occurs to me is that the schedule alone (quite apart from the rest of the Bill) should be in language that everyone can understand. I think that it is not so at present. It refers to the process of death, and I do not think that everyone understands that. What is contained in the declaration should be able to be amended quickly from time to time, and by regulation rather than by legislation, as people's understandings change. At present, I do not think that people understand the death process. In future times, I hope that they will.

It seems to me that it would be wiser to remove the schedule, and that would involve making the regulations first. Hence, the necessity for this new clause, which provides that the Act shall come into operation on a day to be fixed by proclamation. That will be after the regulations have been made.

The Hon. ANNE LEVY: I appreciate the Minister's argument regarding the ability to change the schedule should it be found necessary to do so without having to put legislation through Parliament. That seems to be a fairly persuasive argument. On the other hand, I find myself in some difficulty in relation to the amendment.

The Select Committee received much evidence on the form that the schedule should take. Different opinions were expressed regarding what should be in the schedule, and the committee gave careful consideration indeed to the wording that now appears in the schedule as printed. I do not contend that it is the ultimate in perfection. Indeed, it could probably be improved upon. However, the schedule was not suggested by the committee frivolously or without its carefully weighing most of the language involved and the points raised in it.

It is a little difficult for me to deal with this matter, as the Minister whose responsibility it could be to draw up the schedule is not a member of this Council. However, I wonder whether, if this amendment is carried, careful attention will be given, when drawing up the regulations, to the schedule that was suggested by the Select Committee. I would not like to see the schedule altered very much from what was proposed by the committee.

I stress that the wording of the schedule was fixed after careful consideration of many matters relating to it, and I would be worried if it was thought that the schedule which results from the regulations was very different from what was proposed by the committee. Can the Minister say how, in such a situation, he thinks the schedule will turn out?

The Hon. J. C. BURDETT: I can certainly say how I feel. This is a private member's Bill, and I cannot in any way bind the Government in relation to it. It is my own view, with the one reservation that I made about some of the words which are used in the schedule and which would not be understood by ordinary people, that the schedule is at present fairly satisfactory. I have moved this amendment because I consider that, as people's understanding changes and as circumstances change, it may be desirable to amend the form of declaration fairly rapidly without the need to come back to Parliament to get an amendment passed.

It seems to me to be better to leave it in the form of regulations so that it can be changed from time to time by regulation. It would be better to leave the matter flexible so that it can be readily changed, rather than to have it included in a schedule in what I hope will be an Act of Parliament.

The Hon. FRANK BLEVINS: I support the amendment. I appreciate what the Hon. Anne Levy has said, namely, that the schedule was drawn up following a great deal of consultation and discussion. It was not entered into lightly. However, I am sure that, when this Bill becomes law, the Government of the day will appreciate that point.

I am quite sure that the declaration will be in a form similar to that which was recommended by the Select Committee. I support the amendment mainly because of the very good evidence that was given to the committee by the Uniting Church. Two members of that church appeared personally before the committee, as well as putting in a submission. Sometimes, Bills are phrased in language that is not readily appreciated or understood by lay people or even, at times, by members of Parliament, and I include myself in that.

We explained the necessity for writing the Bill in a certain way, and the representatives of the Uniting Church accepted that but they could not accept that it was not possible to write the schedule in a way that was readily understood. Their argument was that the schedule, not the Act, would be seen by a layman. So, we could write the Act in the technical language that we use, but they do not want the schedule written in that way. In fact, on page 112 of the evidence, they said:

> We are pleased with the Bill and see it as something which could lift some of the heavy responsibility from doctors in some situations where they felt the person they were allowing to die—the person had already agreed to this and had worked through the moral and other implications of such a thing. That is why we wanted to tighten up the terminology to allow for no vagueness so that the person would know exactly what they were doing. That is why we talked about the schedule rather than the Act. I can understand that the Act speaks in your language, and that the schedule speaks in my language is what I seek, for the sake of the person who is going to sign it.

I would imagine that this Bill, if it becomes an Act, would be administered by the Minister of Health. I imagine also that a lot of machinery around it would require the services of the Health Commission. I think, along with the Hon. Dr. Ritson, that we rather like the idea (particularly as the Health Commission is strongly in favour of the Bill) of the schedule being attached to a pamphlet explaining in laymen's terms what the Bill is about—what it does and, of equal importance, what it does not do, what protection signing the declaration would give and what protection it would not give. Whilst the Select Committee decided to draw up the schedule, I believe that, after discussing it both here and outside the committee, members of the Select Committee would not object to the amendment being passed. One very good reason that the Hon. Mr. Burdett gave was that flexibility would be allowed if it was necessary to change the schedule for any reason. If there were any deficiencies in it, it would not be necessary to have an amending Bill before Parliament, as it could be done by regulation. For those reasons, I support the amendment.

New clause inserted.

Clause 2—"Interpretation."

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

> Page 1, line 8—After "prolong life" insert "or are intended to prolong life".

This is a small and technical amendment. I am concerned about the possibility of unsuccessful measures. If successful measures could be taken, clause 2b (1) might be more desirable. Therefore, it seems obvious what the Bill should contain, and that measures intended to be taken to prolong life should be extended to those which are intended to prolong life.

Amendment carried.

The Hon. R. J. RITSON: I move:

> Page 1, line 11—Leave out "the".

This is a very small amendment in literal terms, but I have moved it to make more clear the fact that the only treatment that is refused under this Bill is useless treatment. The word "recovery", as honourable members will see, includes temporary remission. The line goes on to say "of the symptoms or effects of the condition". I was concerned lest the line could be construed as requiring remission of all the symptoms. The intention of the Bill is not to regard an illness as terminal if even partial or temporary recovery could occur. It seems that if we leave out "the", so that it will read "recovery in relation to terminal illness includes a remission of symptoms or effects", treatment designed to make a person less breathless or less distressed would be treatment which was not refused by the declaration. I am bothered by the repeated misunderstanding of the definition clauses, because they are the key to the Bill.

I am looking now at a photostat from the *Advertiser* of 13 November in which a doctor was asking what his colleagues should do if they knew that the condition could be successfully treated with appropriate therapy. We are looking at a set of definitions which in effect mean that one is only terminally ill when not only is death imminent if extraordinary measures were not undertaken but also where there is no reasonable prospect of a temporary or permanent remission of the symptoms or effects although not necessarily all the symptoms or effects of the disease, even if extraordinary measures are taken.

I will continue to talk about the terminality of an illness. It seems that under this Bill it is still no-one but the medical officer who decides the terminality or otherwise of an illness and the criteria that he uses is up to him. The Hon. Mr. Davis described some criteria laid down by the Flinders Medical Hospital in determining when treatment should be withdrawn from gravely ill but not brain dead patients. If that is what the medical profession considers are the criteria necessary to decide that there is no reasonable prospect of any recovery, then that is what "terminal illness" means. So, as medicine advances, so will the meaning of "terminal illness". I cannot see that the Bill will constrict the judgment of a doctor or put pressure on his decision.

All he has to do is ask himself the one question concerning a dying patient: "Am I as certain as human reason and medical science can determine that I cannot relieve, even temporarily, any significant symptom or effect of this illness?" If his answer is "Yes", the patient is terminally ill within the definition of the Bill. If he has any doubts, the patient is not terminally ill within the meaning of the Bill. I despair that these arguments will penetrate these four walls and be considered by the community outside, because we do get our information from the newspapers and from rumour, and I would be extremely doubtful whether more than one per cent of the medical profession had actually read the Bill. I feel that they have, in some way, been protected from the complete explanation. The amendment is to ensure that the term "recovery" does not require remission of all the symptoms of the condition.

The Hon. FRANK BLEVINS: I support the amendment.

Amendment carried; clause as amended passed.

Clause 2a—"Definition and ascertainment of death."

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

Page 2, line 11—Leave out ", in legal proceedings,".

I canvassed this matter in the second reading debate. The Bill in its present form provides that the certificate shall be accepted in legal proceedings. I say why should it not be accepted generally and absolutely? Why should not the banker to whom a certificate in the form in the clause is produced by a relative of the deceased not be bound by it, or an insurance company? I think that it certainly should be accepted for all purposes, and for that reason I have moved this amendment.

The Hon. FRANK BLEVINS: I support the amendment.

Amendment carried; clause as amended passed.

Clause 2b passed.

Clause 3—"Power to make direction."

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

Page 2, line 26—Leave out "An adult person" and insert "A person of sound mind, and of or above the age of eighteen years,".

Having canvassed this matter at some length in the second reading debate, I do not think I need repeat myself. I simply say that this is a more exact term than "an adult person".

The Hon. L. H. DAVIS: My views on this Bill are well known, but I think it is appropriate to add a few comments to those I made at the second reading stage. Clause 3, of course, does provide that a person can make a direction in the prescribed form set out in the Bill. The purpose of the Bill was canvassed by the Hon. Mr. Blevins when introducing it in this Chamber and it is to overcome the anxiety felt by many members of the public. I would like to put on record that it is of interest to know that since this Bill has been in this Chamber for the past few weeks, with the subsequent publicity it has received, there has been virtually no contact with anyone on this side that I know of regarding the Bill and, more particularly, there has been no inquiry and no interest whatever expressed by people in the intensive care units of the three main Adelaide hospitals, the Royal Adelaide, Queen Elizabeth and Flinders Medical Centre.

It is important to note that it is not something which the community has a strong interest in. This is contrary to some of the views that have been put. When one talks about directions in this Bill one is talking about someone putting on paper a request that extraordinary measures not be taken. But, so far, the proponents of this Bill have not spelt out in any way how these prescribed forms are going to be kept. Will there be a central register, or will they be kept as wills are kept, in bank vaults, office drawers, and so on? The point should be made that more often than not these people who come into that category of having a terminal illness as defined by the Bill and who may be subject to extraordinary measures may come in in emergency situations where the declaration will be of immediate importance, unlike a will where time is not always of the essence. In this legislation, time may well be of the essence if the patient's rights are going to be properly observed.

In South Australia there are some 12 000 deaths a year, but the number who die in intensive care facilities in major hospitals is approximately 200, so it covers a very narrow field, indeed. I think that is admitted by all members who have spoken to this Bill. I am concerned that people may not appreciate how narrow this Bill is. Members on both sides of the debate have constantly stated that people, even media people, doctors and others, have misunderstood or misrepresented the purpose of the Bill, so I would be especially interested to know from the mover what the intention is, because it is presumably a practical measure alleged to remove the anxiety of the patient in this very narrow case. What is the situation where someone involved in a car accident is rushed to an intensive care unit where it will be an acute situation which may be a terminal situation with extra-ordinary measures and which will come under the umbrella of this Bill? Where is that declaration going to be kept? I am especially interested to know that.

Some people have said that the Bill is morally

unobjectionable, and I share that view: to me, the Bill is morally unobjectionable. That is not to say, however, that it cannot be objected to in practical terms or legal terms, and the Attorney-General, in his speech this afternoon, alluded to that point. One further point I would like to make on the declaration and how it is going to be used is that we do have a practice in South Australia that has not been mentioned by anyone, and it involves the donor card, which is a card carried by people stating that they are prepared to donate their kidneys.

The fact is that the practice in South Australia to date has been that few people carry those cards with them, although they may have signed them. That is the observation of people in this field. Whether people do not like those cards being too close to them because it is a reminder of what may occur, I do not know.

Finally, what is the view of the Hon. Mr. Blevins on the practicality of the declaration, the practical difficulty of revocation and the difficulty in the case of people who dispute whether revocation has occurred or not occurred? Certainly, while it may relieve the anxiety of a patient unconscious in the intensive care unit who is unaware of his situation, it may not be doing anything to alleviate the grieving process of the relatives.

The Hon. R. J. RITSON: I would like to take up some of the points made by the Hon. Mr. Davis which are, at first sight, questions worthy of consideration. On the matter of the custody, care, filing and registration of declarations, it never was intended by the Select Committee that there would be any official registry of such documents or that there would be any onus upon the medical profession to discover such documents. It was thought that, if people were sufficiently concerned to examine the matter and make a declaration, they would take as much care of their living will as they would of their last will and testament. It would be entirely upon the friends or relatives of the patient grievously ill to discover that document and to bring it to the notice of the people caring for the patient.

I have great difficulty in understanding why there should be any urgency in an acute situation. The Hon. Mr. Davis painted a picture of patients being taken to hospital, perhaps after a car accident, and being placed in intensive care. He seemed to suggest that somehow the most important thing to do was to try to discover whether the patient had signed the declaration. The honourable member knows, and I know, that all patients placed in intensive care, after the decision of their medical officers in the hospital, as a result of an acute injury or illness are not terminally ill within the meaning of the Bill, because we know that those doctors do not place people in that situation if they are certain of the diagnosis or prognosis of terminal illness.

People subject to intensive care have head injuries, myocardial infarctions, poisonings, suffocations, and electrocutions, where it is not known what will be come of the patient and where there is that degree of doubt as to the prognosis, although it may be subsequently discovered that the patient is terminally ill. At that point, because of the acuteness of the situation, no doctor can decide that that patient is terminally ill. If he decided that the patient was brain dead, he would obviously not waste those rare facilities. Therefore, by definition, people placed in that situation cannot possibly be considered to be terminally ill within the meaning of the Bill.

What then happens if such a patient is subsequently recognised as being terminally ill? Of course, without this Bill if a person were brain dead we would still have this difficult situation that to withdraw treatment from a brain dead person may be homicide and may amount to a cause of death and be against the law. However, with the brain death legislation, one is left with this very narrow area, and I agree with the Hon. Mr. Davis that the Bill operates very narrowly: it operates in that limbo between the time when a patient just might recover and that area that I hope will be new law very soon—the legal recognition of the state of brain death. Only in that narrow area will this Bill operate.

If one looks at the question of this document being an emergency document, one has to look at the possible remedies, because I really cannot imagine any patient's friends or relatives becoming perturbed about whether treatment is withdrawn tonight, tomorrow morning, or the day after. This is a very acute emotional situation in which everyone is either praying for survival or grieving about the imminent death. It is only when it becomes a drawn out prolongation of life over weeks or months that the distress arises. It would only be if such a patient had his life prolonged for that lengthy distressing period, way past the point where everyone realised it was hopeless, that people would seek remedy. My advice is that the remedy they would seek would be an injunction under the Bill for a withdrawal of treatment. The advice I was given was also that an interim injunction would almost certainly be given to sustain treatment, because it is a very final thing to decide to order the withdrawal of treatment while you are deciding whether it should be withdrawn.

We would be looking at a period of several months for such a situation to work itself out. People litigate mostly for money, but there is not much money on the end of this for anyone. People would have to perhaps carry their own legal costs in seeking such an injunction and would have had to fail to convince the attending medical officer that treatment should be withdrawn. Really, I am about to answer an earlier statement of the Hon. Mr. Davis, where he said that this Bill might increase the volume of medico-legal litigation. I would have thought that it would have the opposite effect, because we are giving people an opportunity to make a declaration in this very narrow field. There are very few cases, as Mr. Davis said, but when such a situation does arise the next situation is that one would have to have a medical officer who did not immediately respect the wishes of the patient, and then you would have to have an injunction seeking to withdraw treatment.

I do not see this document as an emergency document that has to go to the hospital with the patient in an ambulance. I do not see that at all. I did want to make a few comments on some of the questions raised by the Attorney-General on the question of the consequences of withdrawal of treatment or refusal of treatment being considered as suicide. I would have thought that the causation clause, clause 2b, covers that, because it states:

> (1) For the purposes of the law of this State, the non-application of extraordinary measures to, or the withdrawal of extraordinary measures from, a person suffering from a terminal illness does not constitute a cause of death.

I would have thought that meant that a person terminally ill could not cause his own death by signing a declaration. I do not understand what the Attorney-General meant when he formed that legal opinion. There are other legally qualified members in this Chamber and I call upon them for their legal opinion on this matter. The question of indemnity was also canvassed. I received very strong representations from a medical officer who works in intensive care and resuscitation who opposed any indemnity that would permit a person to be negligent with impunity in the very important matter of making an accurate diagnosis in relation to terminal illness.

I make no apology for disagreeing with the Attorney-General and stating that there should be no indemnity for

negligence. The Attorney-General also appeared to fall into the same trap as the medical officers who have described medical cases in a letter that was distributed to some members, because in his second reading speech he referred to a patient who survived a terminal illness but was perhaps left maimed or incapacitated and who then wished to sue a doctor for disobeying his direction. I point out to the Attorney that the direction only applies in a terminal illness. In the example cited by the Attorney, the surviving patient could take the doctor to court, but I wonder how he would get on trying to prove that he was terminally ill, having survived. That is the level of thought and intellect that has been applied to this Bill from its inception.

The Hon. FRANK BLEVINS: The Hon. Mr. Davis referred to the question of public support for this measure, but I do not know how he measures public support. If 1 000 demonstrators appeared on the steps of Parliament House demonstrating for something that the Hon. Mr. Davis did not like, I suppose he would say that they were a mob of rabble rousers and that such a demonstration was not an indication of public support at all. I believe that public support, by and large, is ascertained by members of Parliament and others moving amongst the community, listening to people talking and finding out what people think.

Apart from one or two doctors and one or two newspaper columnists, everyone I have spoken to about this measure cannot understand how anyone could oppose it. It is such a reasonably sensible measure that almost everyone in the community believes it is a good and sensible idea and they ask how long before it will become law. Those people will not demonstrate on the steps of Parliament House for it because it is not that kind of issue. I have been particularly impressed with the total lack of opposition and with the people who assume that legislators have common sense and would support such an obviously beneficial measure such as this. That is how I assess support for this measure. I am certain that, if we had the money to conduct a professional opinion poll as to whether people would support this measure or not, there would be an absolutely overwhelming majority who would support it. I support this amendment.

Amendment carried.

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

Line 28—Leave out "the form of the schedule to this Act" and insert "the prescribed form".

Page 3—After line 5 insert subclause as follows:

(5) The Governor may, by regulation, prescribe a form for the purposes of subsection (1).

This is the matter that I referred to previously. I have proposed that, instead of having the form of the declaration inserted in the schedule, it should be in the form of a regulation which can be properly changed from time to time.

The Hon. FRANK BLEVINS: As I indicated earlier when speaking to the first amendment moved by the Hon. Mr. Burdett, I support this proposition.

Amendments carried; clause as amended passed.

Clause 4—"Act not to affect other rights."

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

Page 3, line 6—After "medical" insert "or surgical".

The word "medical" has a general and specific meaning. In this subclause it is undoubtedly meant to have the widest meaning aimed at restoring and preserving health. However, the other part of the Bill referred to the use of remedial substances, medicines and regulation of diet as opposed to surgery and so on. Confusion could result if these two senses co-existed in the Act. It seems to me that as "medical" and "surgical" are intended to be comprehended, it should be made clear.

The Hon. R. J. RITSON: Without wishing to nit-pick, and understanding and agreeing with the principle of what the Minister seeks to achieve, I would have hoped that we could get by with the word "medical" used in its general sense, because once we particularise we might have to add the terms "gynaecological", "radiological", and so on along the line.

The Hon. J. C. Burdett: The gynaecological side does not arise, does it?

The Hon. R. J. RITSON: It may if someone wants to treat a tumourous uterus with radio-active cobalt.

Amendment carried; clause as amended passed.

Clause 5—"Saving clause."

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

Page 3, line 26—Leave out "deceased" and insert "dead".

line 30—Leave out "deceased" and insert "dead".

It seems to me that the term "deceased" is euphemistic because the term "dead" is used elsewhere in the Bill.

The Hon. L. H. DAVIS: Clause 5 (1) (a) is an example of the practical difficulties in this Bill. In my second reading speech I referred to a practical example that has actually occurred in Adelaide at least once this year where someone was maintained by extraordinary means to enable a relative to fly back from overseas before the machine was turned off. The cry from members supporting this Bill was, "What about the patient's rights?" Of course, when one looks at clause 5 (1) *(a)* one sees it is an area negating patients' rights. It provides as follows:

> Nothing in this Act prevents the artificial maintenance of the circulation of respiration of a deceased person— *(a)* for the purpose of maintaining bodily organs in a condition suitable for transplantation.

One can foresee a situation in which a person could have signed a declaration under clause 3 as well as a declaration for donor purposes.

The Hon. Anne Levy: That is precisely why that clause is there.

The Hon. L. H. DAVIS: In this case, that person is kept alive.

The Hon. Anne Levy: No, not alive: they keep the blood circulating in a dead person.

The Hon. L. H. DAVIS: I understood, having discussed this matter with someone, that a person could have signed both declarations and that such a person would be kept alive to enable a relative from, say, Sydney, to come and view the body before the machine was turned off. That situation has occurred again in Adelaide this year; it still exists. I realise that clause 5 (1) refers to a deceased person. However, I am addressing my remarks to a person who is going to make available a kidney and also has made a declaration for the purposes of this Act. It appears to me that some practical difficulties can arise, because, as a result of the Act, a machine may have to be turned off, yet a relative may wish to view the body before that happens.

The Hon. R. J. RITSON: The clause does talk about a deceased person, who is a person whose brain has died. If this Bill was passed (or indeed if it was not passed and a Bill incorporating brain death was passed at another time), at the moment that the brain was certified dead the death certificate could be written. The patient's legal rights would then cease and we would be faced with a whole new ball game.

What one then has is a body on which one is performing physiological or anatomical procedures. It is even possible technically to have extra corporeal circulation, with a pump outside the body. This raises the possibility of tissue banks and artificially maintained bodies of deceased persons. I believe that the Anatomy Act creates an awful lot of problems. I refer to the emotional impact, where a

gruesome "living " mortuary would upset people. Also, relatives have to be considered.

The Government would have to review the Anatomy Act, amongst other things, to determine under just what conditions the remains of deceased persons could be maintained and to ensure that those conditions were consistent not only with the requirements of medical science but also with the dignity due to human remains and the sensitivities of the next of kin.

All of that starts when the patient dies and ceases to be a legal entity. If the patient is not brain dead but is gravely ill (in fact, so gravely ill that the patient would perhaps meet the rigid criteria of terminal illness as laid down at Flinders University and as described by the Hon. Mr. Davis), I would be against the idea of taking kidneys while that patient was alive just because he was terminally ill. The question of taking kidneys cannot be contemplated until brain death has occurred.

For that reason, this speculation dealing with the maintenance of human remains, to keep bodily organs in a condition suitable for human transplantation, must have nothing to do with any conflict when a person who signs a declaration under this Bill at the same time wishes to be a kidney donor. As long as that person is not dead, and as long as the doctor considers that there is a slight chance of recovery, he should receive the maximum treatment. If the patient falls into the narrow area to which the Hon. Mr. Davis referred, and the criteria relating to gravely ill but not brain dead people are met, there is no conflict between this Bill and kidney donations. I could not condone legislation that took both kidneys from a person who was considered terminally ill but not yet brain dead. So, I see no conflict there at all.

The Hon. FRANK BLEVINS: If I did not know the Hon. Mr. Davis better, having listened to his contribution, I would have to say that he could not read. There is no other explanation for the extraordinary way in which the honourable member is addressing himself to this Bill. He says, in effect, that black is white and that white is black. To me, that is most unreasonable, and I find it extremely difficult to debate the matter with someone who keeps putting up nonsensical propositions like that. I do not expect it in this Council, particularly on a measure such as this.

Clause 5 deals with dead people. We foresaw that, unless there was a saving clause, there could have been a conflict between someone who had a donor card for bodily organ donation and the main thrust of Part III of the Bill. That was precisely why that provision was included. It is perfectly clear to everyone. One does not have to be brilliant to read that simple clause 5.

I believe that the Hon. Mr. Davis even has a law degree, which makes it even more incomprehensible to me that he cannot grasp what clause 5 is all about. If the Hon. Mr. Davis objects to the Bill, that is fine: let us debate that. However, I find it extremely difficult to debate with someone who has not read the Bill, who refuses to understand it, and who constantly says, in effect, that black is white, and vice versa.

I find that extremely difficult to cope with. It is not just with the Hon. Mr. Davis: it is with certain doctors who also have this extraordinary way of debating the issue. I refer to the question of relatives. The Hon. Mr. Davis sees the situation where a relative overseas wants to be brought to the body before the extraordinary measures are withdrawn or are not administered. All I can say to that is, "Does the relative have rights over and above the patient's rights?" Of course the answer to that is "No". For the Hon. Mr. Davis to suggest that the relative does have those rights seems to be another of these extraordinary incidents of his attempting to rationalise his opposition to the Bill and give it some kind of respectability. If there is a conflict between a relative wanting something and the patient wanting something, then obviously the patient's rights have to come first. He may not even have liked the relative. Whether or not he liked the relative, the patient's rights have to be paramount.

The Hon. R. J. Ritson: Where there is a will there is a way.

The Hon. FRANK BLEVINS: Indeed. As Dr. Ritson says, we can ensure that through the patient's will he can exercise his will. I support the amendment.

The Hon. ANNE LEVY: I support the substance of the amendment which the Minister has moved. I heartily applaud his dislike of euphemism and his desire to call a spade a spade. Such an amendment is to the benefit of the English language and I trust that he will applaud equally any amendments of like substance which may be moved at other times in this Council to try and avoid euphemisms and improve the use of the English language in our legislation.

The Hon. L. H. DAVIS: I would reply briefly to what the Hon. Mr. Blevins has said. In the matter of donor transplants, and we are talking about kidneys here, one can look at the situation before a person is dead and the situation after he is dead. In relation to this matter I was addressing myself to the position before the machine was turned off rather than the position after the machine was turned off, which is encompassed by clause 5 (1). Because it was the only opportunity for me to speak on that matter, I took that opportunity. I accept that. Clause 5 (1) refers to a deceased person and I assure Mr. Blevins I can read. If members opposite were aware of transplant procedures (as I am sure that members of the Select Committee would be), they would be aware that not only can activities occur in relation to kidney transplants after that person is deceased in the sense of keeping the body or organ in a condition suitable for transplantation as defined in the Bill but also, in that period before the machine is turned off, where they can see that all extraordinary measures that have taken place in the event of a terminal illness are not going to succeed, they will in some cases be required to undertake special blood tests and tissue types and maybe get permission from relatives. As we know, even though donor cards are signed, there is no status in law for those donor cards.

The Hon. Frank Blevins: Do you think there should be?

The Hon. L. H. DAVIS: Yes, I do. I have made my position quite clear in relation to brain death. Honourable members will remember that at the second reading stage I supported the concept of brain death and I would support legislation which introduces brain death in relation to human tissue transplants and the other matters which we have discussed.

The point is that we can have a situation where a person may be preserved beyond the time required by this Act, if it is to be interpreted that way, to give the medical people a chance to obtain permission of relatives before the person is deceased; this may take two or three days. If this Bill is interpreted literally, doctors may not have the opportunity to do those things. If that person had signed a declaration, the machine could be turned off, cutting across his other declaration to be a kidney donor.

The Hon. R. J. RITSON: I wish to concede a small point to the Hon. Mr. Davis and agree with him on one matter. Before this Bill was envisaged, the common practice in teaching hospitals was generally to abandon treatment when brain death had occurred but to maintain treatment on occasions after brain death had occurred for variable reasons. One reason was renal transplant and another

might be to allow relatives to get to the bedside. Mr. Justice Kirby believed that withdrawing treatment upon the diagnosis of brain death might amount to homicide. I have referred to some difficulties that may be created by manipulability of the date of death. If this Bill were to pass into law, the brain death legislation could make many more kidneys available than are presently available. However, I agree with the Hon. Mr. Davis that there could be a very small number of people who perhaps had kidneys suitable for transplanting and who had made a declaration but whose hopeless prognosis fulfilled the definition in the Act in regard to terminal illness. It may be that medical attendants would be required to withdraw treatment and then take the cadaver's kidneys after circulation failed.

It is my opinion that, from the viewpoint of availability of donor organs, one would gain a lot more from the organs made available by legitimisation (through the brain death legislation) of what is already occurring to a certain extent. We would gain more than we would lose in this narrow area, which I now concede to the Hon. Mr. Davis. However, I think that that matter is easily remedied because of the amendment moved by the Hon. Mr. Burdett giving power to promulgate by regulation. There would be no difficulty in this matter, because the schedule could, by regulation, be modified to include a declaration that, in case of conflict between the living will provision and a patient's desire to donate organs, artificial measures could be continued until brain death had occurred and the organs taken.

Amendment carried; clause as amended passed.

Schedule.

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

Page 4—Leave out the schedule.

Amendment carried.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 6.4 to 7.45 p.m.]

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 5)

Second reading.

The Hon. J. R. CORNWALL: I move:

That this Bill be now read a second time.

As 1980 draws to a close the Opposition is again forced to launch an attack on the Government for its insolence and incompetence in retail planning. Earlier this year we drew the Government's attention to the disturbing trends in this area. Seven months later it is still presiding over a system which allows rack-renting and exploitation. Small business bankruptcies are still growing at an alarming rate. Staff continue to be retrenched.

This is the last State Government in Australia to move against these urgent problems. Despite the urgency, despite the time which has been allowed for a major strategy to be developed, the Government now intends to take action which is grossly deficient and which will preserve the worst features of the existing situation.

This private member's Bill extends the partial moratorium introduced by the Government earlier this year to 30 June 1981. Members will recall that the original partial stay of retail development was introduced by the Minister tardily and without enthusiasm following intense pressure from the public, from small business and from the Opposition. Regrettably, it is now obvious that the Government still needs a further six months to get a workable package together. The Opposition's Bill will give it that opportunity.

It is important to summarise the sequence of events since the crisis in retail development control began to emerge three years ago. Early in 1978 the previous Administration introduced an amendment to the Planning and Development Act placing certain interim restrictions on local government. Councils under that amendment were not permitted to consider shopping proposals within 100 metres of an allotment containing an existing shop or on an allotment of more than 2 000 square metres unless the Minister was satisfied that certain criteria would be met. Under the amendment, the Minister could call in applications to ensure that the proposal met the provisions of the Metropolitan Development Plan. In practice it was an attempt to rationalise retail development between council areas. That legislation expired on 31 December 1979.

At the same time a retail consultative committee was established to advise the department and the Minister. That committee produced a discussion paper late last year. However, because events in retail planning development had moved so rapidly, the committee's report was totally inadequate as a document to deal with the retail planning crisis. It had laboured and brought forth a mouse.

Yet the Tonkin Government accepted that report as the basis on which retail development decisions were to be based. Even worse, on the expiry of the interim control vested in the Minister at the end of last year it was prepared to accept by default that so-called market forces should replace the retail planning and development control processes. The Government's policy was simple: it was one of allowing economic cannibalism in the marketplace and environmental vandalism in suburban communities.

At that time there was widespread concern about the proliferation of shopping centres, the gross over-provision of shopping space in most suburban areas, the lack of definition of growth areas which may need additional retail facilities, and the terrible threat to the viability of hundreds of otherwise successful small businesses. The Government's policy was leading not to a dynamic revitalisation of small business but to its obvious destruction. The Norwood campaign in February this year became the catalyst in promoting public awareness and debate concerning the problems.

The Opposition led the debate, the discussion and the fight for orderly retail development and the protection of the interests of small business. We proposed a total stay on retail planning approvals to the end of 1980 to give the Government an opportunity to produce a workable package of proposals.

Eventually, the Minister (without enthusiasm and it now seems with little understanding of what he was about) introduced a Bill to impose a partial moratorium to 31 December 1980. It applied only to proposals outside existing shopping zones. The Opposition accepted that proposal reluctantly. We sought to insert additional considerations in the retail planning process concerning economic, social, energy and environmental impacts of proposed new centres. The Government would not accept those proposals at that time. It made it clear that if we persisted with our amendments it would have been happy to allow its Bill to lapse.

During the conference of managers at that time, the Minister of Planning did give two undertakings. Councils were to be asked (although not instructed) to consult with the Minister concerning large developments in existing zones; and the Retail Consultative Committee was to be expanded by adding an accountant and a representative of the Mixed Business Association. The Minister informed

us, in a promise repeated many times since, that we would have a brand new, shiny bright Planning and Development Act by the end of 1980.

What we have finished up with, in fact, as we near the end of 1980 are two further examples of gross ineptitude from the Minister and his department. The Minister has now introduced a further stop-gap measure with his amendment to the Act. This is quite inadequate legislation hastily cobbled together before the so-called partial moratorium expires in five weeks time. This must be read in conjunction with the proposed new Supplementary Development Plan for Metropolitan Centres, a document based on inadequate premises and deficient planning logic.

I might say, referring to that document, that the time for public comment has only just run out and that we do not really know what additions, amendments or alterations the Minister and his Party might make to the document. To quote the member for Mitcham in another place in regard to this document, we are really asked to buy a pig in a poke, which makes it all the more difficult.

It was obvious during earlier debate on the discussion paper produced last year that the committee's recommendations had been overwhelmed and superseded by the sudden crisis in shopping centre development. Large amounts of speculative capital had become available from interstate sources. A very aggressive movement by the "superpowers" of the retail industry to corner the vast majority of a static market had also emerged. In those circumstances small businesses had to go to the wall unless the Government took strong action.

Despite the very serious deficiencies of the discussion paper to which I have previously referred, it is freely admitted that it provided the major basis for the proposals in the current draft S.D.P. Consequently, that document contains the same esoteric and leisurely notions of the original paper. Even with substantial alterations, the Supplementary Development Plan for Metropolitan Centres will provide a feast for lawyers and a famine for councils involved in litigation.

The assertion that the authorisation of the Supplementary Development Plan will negate the need for any further holding measure is rejected by the Opposition on three important grounds. The first relates directly to the much wider concern over planning legislation in South Australia. The present Act is unnecessarily complicated, confused and difficult to administer.

Had we still been in Government, that position would now be rectified. A draft Bill had already been circulated when we left office in September 1979. The present Government, quite promptly on coming to office, promised a new Act, but we have yet to see it. The new Planning and Development Act, as the Minister has referred to it, with its foreshadowed environmental appendages, has not yet been introduced. Even if that Bill had been introduced before Christmas, it would have had to lie on the table over the Christmas period. In fact, the Minister gave an undertaking that that would happen to allow public discussion and comment. It now transpires that even that time table has been revised. Yesterday, during debate on his own Bill, the Minister in another place said that we would have to wait until February before this legislation was introduced. Therefore, we do not have any notion at all as to whether the new Planning and Development Act will be a new Act, a rewritten Act or whether it will simply be an amended version of the present inadequate Act. No-one has any real notion about what we will encounter.

Secondly, the draft supplementary plan on metropolitan centres is incomplete and, unless it is amended very substantially, it will be quite ineffectual. At best, it is, as I said earlier, a necessary document which is being introduced in undesirable haste to save face with the Minister. Thirdly, the Government is attempting to introduce it while the status of existing supplementary plans is still subject to ongoing litigation. Quite simply the Government has been unable to meet its undertakings adequately within its original time frame.

The Hon. C. M. Hill: Are you explaining the Bill?

The Hon. J. R. CORNWALL: Yes, I am explaining the reasons for introducing my Bill. It is a very important subject, and I hope the Hon. Mr. Hill is able to follow it. Planning is a very difficult area, and I know the Hon. Mr. Hill will have some difficulties. If he cannot quite follow it at the moment, I am sure that if he reads my speech two or three times he will probably be able to pick it up.

The Hon. C. M. Hill: If I cannot follow you, it may not be my fault.

The Hon. J. R. CORNWALL: Planning is a very difficult area, and I assure the Hon. Mr. Hill that he will have to work at it.

The Hon. M. B. Cameron: You didn't have long to get to know the portfolio.

The Hon. J. R. CORNWALL: No, but I worked very hard at it, and I am becoming one of the very few experts in South Australia; there are not many of us. I am a very modest person and I find that grappling with the difficulties of the Planning and Development Act is quite a challenge. I had to work very hard at it for quite some time. There are probably now not five people in South Australia who understand the Planning and Development Act, but six, which is why I am attempting to be so very helpful to the Government.

In my proposal, the new planning and development legislation and an adequate Supplementary Development Plan for Metropolitan Centres should operate simultaneously from 1 July 1981. That proposition has several clear advantages. The litigation on existing S.D.P.'s could be cleared. It would prevent the inevitable scramble by councils to designate shopping centres immediately after 1 January under the existing legislation. That will inevitably happen, of course, if this draft Supplementary Development Plan is introduced in undue haste before the expiry of the interim legislation. I am aware that the Minister of Local Government, because of his experience in the Adelaide City Council, would realise the enormous problem that could arise if the Supplementary Development Plan for Metropolitan Centres, as yet unveiled, was introduced immediately prior to 31 December while the old Act was still in vogue. No-one would know where they were, but to ensure their positions, all local councils would immediately stake some sort of claim.

Most importantly, the Bill would prevent the inevitable mad scramble by developers in that vacuum to test the new Supplementary Development Plan while the old Act was still operative. I now turn to some of the more glaring deficiencies in the present draft proposed Supplementary Development Plan, which is all we have available to us on which to base our forecast of what might happen. The ultimate Supplementary Development Plan for Metropolitan Centres presumably will not be unveiled for several more weeks. First, it is an extremely broad-brush approach. That in itself is not a bad thing, and in fact it may be desirable in terms of flexibility. The great problem, and once again I know that the Minister of Local Government will appreciate this, is that it will be left to councils to play billy-boy and carry the can in the courts. Knowing the Minister's sympathy and empathy with local government, I am sure that he will not like to see that happen, because it will place councils in an intolerable

situation. Secondly, impact on existing businesses, which we discussed earlier in the year, although mentioned in the draft Supplementary Development Plan, cannot be more than a vague concept under the present Government proposals.

There is a clear admission in the department's discussion of its own Supplementary Development Plan for Metropolitan Centres that the Government and the department do not yet have a data base on which to base such considerations. In those circumstances, given the time that has elapsed since the issue was last debated in Parliament, we are entitled to be trenchantly critical of the failure of the Minister and the department to develop this data base. It would seem from the comments and the evidence that they have simply consigned it to the too-hard basket.

Finally, and from my point of view, most importantly, environmental impact of proposed centres is passed over in the briefest and most superficial way. There is no mention at all of environmental impact statement requirements. There is no apparent attempt to link them with the promised environmental appendages that we keep hearing about in the new Act, nor can there be in the absence of that legislation. That legislation is not before us to consider. On the Minister's own admission it will not be before us for consideration for another three months. Under those circumstances, the Opposition renews its call, and it is more urgent than ever, for the Government to start protecting small business. The Opposition again calls for a serious attempt from the Government to produce satisfactory legislation and guidelines.

Because it is so important to get retail planning right, the Opposition is prepared to give the Government an additional six months. That is what this Bill is all about. We are not going to complain. There would not be any loss of face, as far as the Opposition is concerned, if Cabinet approved the Minister saying that he was not able to get it quite right in the time frame, that he had been working hard at it but he had not been able to get it right and that he would like to extend this partial moratorium for an additional six-month period. In a very reasonable way the Opposition is saying that the Government has not got its Supplementary Development Plan for Metropolitan Centres right; it is not available; no-one knows what it is about, although there are ongoing discussions and deliberations with representatives from the Local Government Association, including a lawyer expert in planning, a town planner and a whole bevy of people who are working with the Department of Urban and Regional Affairs.

We still do not know what the Supplementary Development Plan for Metropolitan Centres will look like when it is finished some time between now and 31 December, and we have not the remotest idea what the new Planning and Development Act will look like: whether it will be a series of amendments and patch-ups on the present inadequate Act or whether it will be a brand new, shiny, bright Act. There has been no indication at all, except that it would be available now and that we would be able to sit on it over Christmas, involving ourselves in public discussion in the public interest, and, particularly in this instance, in the interests of small business. However, that has not happened.

In those circumstances, the Government clearly needs an additional six months, and the Opposition is prepared to give the Government that time. We have introduced this Bill specifically so that the Government can have that additional six months to introduce its Supplementary Development Plan for Metropolitan Centres and the Planning and Development Act, to work simultaneously from 1 July. I appeal to all honourable members to support the Bill and to give the Minister and the Government the additional time to get a correct and comprehensive package together.

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

MINISTERIAL STATEMENT: MINISTER OF FORESTS

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: The Hon. Mr. Chatterton has made three specific allegations against the Minister of Forests, namely:

1. that he misled Parliament on 19 November 1980 when making a Ministerial statement concerning Punalur;
2. that there had been secret negotiations between the Minister and/or his department, and the Japanese Company Marubeni, as early as February 1980, with the intent of supplying Woods and Forest Department timber to that company; and
3. that there was a deliberate attempt to discredit Mr. Dalmia and, as a result of that, the agreements with Mr. Dalmia and Punalur Paper Mills Limited were terminated.

I take the first allegation of Mr. Chatterton and ask members to refer to page 2031 of *Hansard* of 19 November. On that occasion, the Minister said:

> The truth of the matter is that Marubeni was only one of the major Japanese trading houses which expressed interest in the South Australian softwood resource. In this regard, it was not closely involved with the Government, nor did any negotiations take place in relation to the marketing or processing of the surplus pulpwood.

In addition, the Minister said that Marubeni was not party to discussions in regard to Adelaide Hills pulpwood. The trading house concerned in trial shipment discussions was C. Itoh. In addition, the Minister said:

> Marubeni was one of the 37 parties to indicate interest following the termination of agreements with Punalur Paper Mills Limited. It is recognised, however, that Marubeni can be involved as a minority shareholder in any venture with an Australian majority shareholder only by virtue of the Foreign Investment Review Board guidelines. There are no direct negotiations with Marubeni.

Nothing that Mr. Chatterton said yesterday has contradicted the Minister's statement or suggested that there were direct negotiations in February or March with Marubeni on the supply of timber. Therefore, Mr. Chatterton's first allegation is wrong.

I make the following points on the second allegation of the Hon. Mr. Chatterton, namely, that there had been secret negotiations between the Minister or his officers and Marubeni on the supply of Woods and Forests Department timber in the South-East of South Australia in February and March of 1980. Nowhere has the Hon. Mr. Chatterton produced any evidence of negotiations as claimed in this second allegation. Despite this lack of evidence, Mr. Chatterton found himself able to say:

> Further confirmation of the Marubeni connection and the intent to sabotage the Indian deal is contained in a minute also dated 28 February and addressed (in Adelaide) to the Minister of Forests and signed on behalf of the Director of Forests. That minute was very obviously dictated before the Director left Adelaide for Singapore via Perth. Had it been

done later, it would have properly been signed by the Acting Director. The minute recommends to the Minister the following:

1. That deeds, letters of intent, etc., prepared with the assistance of Crown Law yesterday be not signed until we are satisfied that Dalmia is not the author of the "Marubeni" letter.
2. Tony Cole is the departmental officer responsible for continuing negotiations with Dalmia and investigations into the source of the "Marubeni" letter. As such he should maintain direct contact with you.

That is, of course, the Minister. The minute continues:

3. He is authorised to float with Dalmia the idea of cancelling all arrangements so far and seeking offers from selected interested parties, including the Japanese, A.P.M., and Dalmia.

However, a copy of that minute does not indicate that there were further direct negotiations with Marubeni. I seek leave to table a copy of this minute.

The PRESIDENT: Does the Minister wish to table the minute, or have it inserted in *Hansard* without his reading it?

The Hon. J. C. BURDETT: I wish to table a copy of the minute.

Leave granted.

The Hon. J. C. BURDETT: Therefore, the second allegation of the Hon. Mr. Chatterton is found to be baseless. Incidentally, Mr. Chatterton quoted from a private letter from the Director of Woods and Forests to the Minister of Forests, which suggests that the honourable member is in possession of stolen property. Such behaviour speaks for itself.

The third allegation concerning the discrediting of Mr. Dalmia and Punalur Paper Mills Limited is without foundation. The Minister of Industrial Affairs, as Acting Minister of Agriculture, can personally verify this as he was present at the negotiations with Mr. Dalmia that took place in the Gateway Hotel on 1 March.

Mr. Dalmia agreed to reject the previous agreement with the South Australian Government with the request that it be replaced with an alternative agreement which did not involve the South Australian Government as one of the parties. The reason why the agreement was cancelled was entirely due to the fact that Mr. Dalmia admitted that he was unable to implement the project in accordance with the 5 March agreements. Again, there is no evidence to substantiate the third and final allegation of the Hon. Mr. Chatterton.

The Minister of Forests went to great pains to ensure that Mr. Dalmia was left to conduct freely his business affairs. The Minister conducted his negotiations with Punalur openly. For example, on one occasion when a Japanese company (not Marubeni) inquired about Punalur's situation, the Minister advised Mr. Dalmia of the request.

The attack by the Hon. Mr. Chatterton is without foundation and it is a libellous attack under the protection of Parliament. To make matters worse, he has waited until Mr. Chapman has left for overseas before being prepared to make this attack. I understand that this moring a Labor party staff member, when talking to the news media, referred to the existence of an Interpol document and implied that Mr. Chatterton had such a document.

I challenge Mr. Chatterton to table today this document which has been alluded to. Finally, it is appropriate that I read to the Council a minute which has been sent to me as Acting Minister of Forests by the Director of the Department of Woods and Forests and which explains the significance of the documents to which the Hon. Mr. Chatterton has referred. The minute, dated 26 November, states:

1. The context of the accusations of 25 November can be best appreciated by going back to 14 February 1980. On that day the Director, Woods and Forests Department, met with Mr. Dalmia in Kuching, Sarawak. The proposal to export wood chips at that stage was still in force but progress was being retarded because Punalar Paper Mills Limited was not remitting called-up equity capital for Punwood Proprietary Limited.

Due to transport cost increases, Punalar wished to consider conversion to pulp but would not agree to a proper and necessary feasibility study being carried out, as Mr. Dalmia, believed that would be too expensive. The Director therefore told Mr. Dalmia that unless the equity capital for Punwood Proprietary Limited was forthcoming he would have no alternative but to recommend to the Government that the existing agreements be terminated by default.

2. Mr. Dalmia then went from Kuching via Singapore to Japan where he arrived on 8 February and thence to Adelaide where he arrived on 18 February.

3. On 19 February in the discussion in Parliament House, Mr. Dalmia first floated the concept of Punalar alone building a pulp mill in South Australia.

4. On Friday 22 February the Minister recalled the Director from Kuching for discussions with Mr. Dalmia.

5. At this time reports were received from C. Itoh firstly, followed by others questioning offers made to Japanese corporations by Mr. Dalmia which surrounded the trading of wood chips which at that time were not the property of Punalur. C. Itoh informed us of other Japanese parties to whom they believe the same offers had been made. One of the other parties questioned by the department was Marubeni who then supplied written evidence including a letter on letterhead of the Imperial Hotel in Tokyo and said to be originated by Mr. Dalmia. Mr. Dalmia denied having originated the letter.

6. No negotiations had been undertaken with any other parties, Japanese or Australian, before or after this date but the information was undoubtedly realistic and it behoved us to investigate its authenticity. Note—Marubeni did not proffer information until asked in the course of the checks being made.

7. None of this information prejudiced the discussions being held with Mr. Dalmia in regard to the establishment of the pulp mill.

8. The Director was required to return to Sarawak on 28 February and the matter was not concluded by that time. The minute referred to from which three points have been quoted was advice to the Minister handed to Mr. Cole as an authority to continue the matter in the following days.

9. The letter referred to on the letterhead of Raffles Hotel, Singapore, was to bring the Minister up to date as at that time of the progress on the whole situation. Note—this was a personal letter and it is completely mystifying how it would be in the hands of anybody other than the Minister. This applies also to the other document quoted.

Members interjecting:

The PRESIDENT: Order! The Minister has leave to make a statement.

The Hon. J. C. BURDETT: The minute continues:

10. The agreements were then processed between 29 February and 5 March which demonstrates that Mr. Dalmia was given the benefit of the doubt throughout this period regardless of the information received.

11. From that point on every assistance was given to Mr. Dalmia or his representatives to further the pulp mill project until the termination of the agreement which was entirely due to the fact that Mr. Dalmia admitted that he was unable to

implement the project in accordance with the 5 March agreements.

12. The Minister of Forests, Mr. Ted Chapman, correctly insisted right up until that time that all parties making inquiries in regard to the total project did not receive information or any opportunity to negotiate while the agreements existed with Punalur Paper Mills Limited. Many parties approached the department and the Minister and paid calls upon these offices. These were purely visits expressing interest and must not be interpreted as any evidence of negotiations taking place.

The Hon. B. A. CHATTERTON: I rise on a point of order. I seek your ruling, Mr. President, as to whether the statement that was just read by the Minister, which was a minute from the Director, is part of the Ministerial statement, in spite of the fact that he was quoting that document. I am seeking information as to whether it has that status.

The PRESIDENT: I had no indication, nor did the Council, of the subject on which the Minister was going to make his statement, but leave was granted for him to make it, and I considered it to be in order.

The Hon. B. A. CHATTERTON: That the whole lot was a Ministerial statement?

The PRESIDENT: Yes.

REGIONAL CULTURAL CENTRES ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Regional Cultural Centres Act, 1976-1977. Read a first time.

The Hon. C. M. HILL: I move:

That this Bill be now read a second time.

The principal object of this short Bill is to provide for an increased membership for the various Regional Cultural Centre Trusts. Following a review of the boundaries of the Regional Cultural Centres, which have in the case of Whyalla and Pirie been considerably extended and renamed, it is deemed necessary to increase the number of members of each trust from six to eight persons. This increase will give each of the existing trusts the additional necessary representation from their expanded regions.

The basis on which the boundaries have been determined is that of Local Government boundaries. The Whyalla Trust, which is to be renamed the Eyre Peninsula Regional Cultural Centre Trust, includes all local government areas on Eyre Peninsula. The Pirie Trust, which is to be renamed the Northern Regional Cultural Centre Trust, includes all local government areas on Yorke Peninsula and in the Lower and Mid North. The South-East Regional Cultural Centre Trust will retain its name, and its boundaries have been extended to include the District Council of Coonalpyn Downs.

With the establishment of the Riverland Regional Cultural Centre Trust the whole of the State will be serviced by Regional Cultural Centre Trusts, other than Adelaide and Kangaroo Island, which are currently serviced by the Adelaide Centre Trust.

Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 provides that the Minister may revoke or vary any proclamation that designates the title of a Regional Cultural Centre. Clause 4 increases the membership of a Regional Cultural Centre Trust from six persons to eight persons. Clause 5 increases the quorum of a trust from four to five, in line with the increased membership.

The Hon. ANNE LEVY secured the adjournment of the debate.

SECURITIES INDUSTRY ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

In 1977, the South Australian Parliament passed the Workmen's Compensation (Special Provisions) Act to provide that a sportsman who receives payment for playing sport is not to be classed as a "workman" for the purposes of the Workmen's Compensation Act, 1971-1974, as that Act was then called. Its purpose was to protect sporting clubs in this State from the necessity of providing workmen's compensation insurance cover for those players in the event of death or injury while participating in sport. The Act was to expire on 31 December 1978, unless repealed earlier.

The Act was amended in 1978 to exclude from its ambit full-time professional sportsmen or those receiving an annual income in excess of the prescribed amount (which was subsequently set by regulation at $10 000 per annum) from participation as a contestant in sporting or athletic activities. The amendments also extended the life of the Act until 31 December 1980.

In August 1978, the then Minister of Labour and Industry referred to the Chairman of the Committee to Enquire into the Rehabilitation and Compensation of Persons Injured at Work the report of the tripartite committee which he had earlier appointed to inquire into and report on the desirability, feasibility and scope of workmen's compensation and accident insurance cover for persons injured while participating in sporting activities. This was considered appropriate in the light of the comprehensive review of the whole question of compensation and rehabilitation of injured workers which was under consideration at that time.

The Rehabilitation and Compensation Committee has now reported and that report has been publicly released seeking comment by 15 December 1980, prior to a final decision being made on the recommendations therein. As a result, it is necessary for the life of the Workmen's Compensation (Special Provisions) Act, 1977-78, to be extended for two years (unless repealed earlier) pending the outcome of the decision.

The Bill also brings up to date references to the Workers Compensation Act and substitutes the word "worker" for the word "workman" wherever it appears. This will bring the terminology used in the principal Act into line with that of the Workers Compensation Act.

Clause 1 is formal. Clauses 2, 3, 4, 5 and 6 are all concerned with bringing terminology and references in the principal Act into conformity with the Workers Compensation Act. 1971-1979. Clause 7 provides that the principal Act must expire on or before 31 December 1982.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 4)

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It amends the Planning and Development Act in order to require councils administering planning regulations to have regard to the provisions of authorised development plans when considering land use applications.

Planning regulations made prior to 1976 provided that, where a council had to reach a decision on whether to grant or refuse consent, regard had to be had to "the orderly and proper planning of the zone". Legal interpretations adjudged that this wording did not necessarily enable the provisions of an authorised development plan to be involved as a basis for a decision. In order to clarify the matter, the State Planning Authority revised its model regulations in 1976. These provided clearly that the council shall have regard inter-alia to the provisions of any authorised development plan.

Not all councils have taken the steps to update their planning regulations. Thirteen metropolitan and three country councils retain the earlier unsatisfactory wording. It is very desirable that all councils should be able to and, indeed be required to, have regard to the relevant authorised development plan so that council and State policies therein enunciated can be supported.

Although it is intended to introduce new planning legislation shortly, it will not become operative for another 12 to 18 months. There is a need to ensure that the Government's policy initiatives can be implemented in the meantime. An amendment to the existing Act is therefore a logical and responsible move and one which will provide a firm link to the new legislation.

The amendment would give the Government a means of implementing, through local government, its policies in a number of important areas such as those relating to shopping centre development. Policies in respect of the latter have been set out in a development plan which has been drafted with the intention that it be authorised by the end of the year. It would be impossible to secure changes to individual planning regulations by that date to enable councils to have regard to the plan, hence the need for the amendment proposed.

Shopping centres policy is an immediate and pressing area of concern which could be resolved by means of this amendment, but the amendment has other significant applications. The State Heritage Committee and the Heritage Unit have, for some time, been requesting effective controls for conserving heritage areas, without which there is little point of proclaiming such areas. The preferred means of control is for the designation of development control principles for heritage areas in supplementary plans, but this approach would be effective only in those council areas which administer I.D.C. It would not apply throughout most of the metropolitan area.

The amendment proposed is the simplest and most effective means by which the Government can pursue its policies in a number of significant areas. Without such a provision, effectiveness of soundly-conceived Government initiatives could be substantially reduced. These initiatives, as espoused in development plans, have all been examined by the public and the specific policy areas which I touched on have been previously debated by Parliament. The expectations raised by these processes of consultation and debate must be met.

Clause 1 is formal. Clause 2 inserts new subsection (7a) into section 36 of the principal Act. This subsection requires a council having power to grant or refuse its consent to take into account the provisions of a relevant authorised development plan when exercising the power.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

SELECT COMMITTEE ON LOCAL GOVERNMENT IN COOBER PEDY

The Hon. C. M. HILL (Minister of Local Government) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

The Report

On 7 August 1980, the Legislative Council appointed a Select Committee to examine the need for local government in Coober Pedy, and, if such a need was determined, to prepare an Address to His Excellency the Governor pursuant to section 23 of the Local Government Act, 1934-1980, for presentation to both Houses of Parliament.

In preparing any such address the Select Committee was to pay particular attention to:

1. The identification and definition of boundaries for a proposed municipality.

2. The date of institution, the membership of the new council, initial financial and administrative resources for its establishment, and all other matters relating to section 7 of the Local Government Act.

Your committee now has the honour to report:

1. Your committee met on 10 occasions. Following its appointment, the committee inserted advertisements in the *News*, the *Advertiser*, the *Sunday Mail* and *Opal Chips* to advise interested persons and organisations of the committee's appointment.

2. The names of persons who appeared before the committee are listed in appendix A and appendix B contains names of persons who made written submissions.

3. Your committee has examined the need for local government in Coober Pedy and does not recommend the preparation of an Address to His Excellency the Governor pursuant to section 23 of the Local Government Act, 1934-1980.

4. On the evidence received, the establishment of full local government, as envisaged in the Local Government Act, is considered inappropriate for Coober Pedy at this stage.

5. However, your committee believes that a need exists for some legislative backing to be granted to the Coober Pedy Progress and Miners Association to enable it to be responsible for certain local services, and to raise revenue for those purposes, if it wishes to assume such responsibilities.

6. Therefore, your committee recommends that the best course of action to follow would be for the Government to introduce a Bill for this purpose and that it then be referred to a Select Committee as a basis for discussion with the Coober Pedy community.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 November. Page 2154.)

The Hon. B. A. CHATTERTON: This Bill makes fairly minor amendments to the Act, and I certainly do not want

to discuss those at any length. The Minister pointed out in his second reading explanation that the Act has already been amended earlier this year and that these further amendments are needed to correct some matters that were not foreseen on that occasion.

If one were cynical about these things one might say that the Government is trying to fulfil its promise of having a hundred pieces of legislation before Parliament by taking two or three bites at the cherry on each particular piece of legislation, but I hope that is not the situation. I hope that this was a genuine mistake and that it is necessary to amend the principal Act on two occasions. In his second reading explanation the Minister points out that the earlier amending Bill will not be proclaimed until this Bill is passed, and they will be proclaimed together. I support the Bill.

The Hon. R. C. DeGARIS: I will not hold up the Council long on this Bill. I usually make some comment when the South-Eastern Drainage Act is being amended in this Council. Clause 5 repeals section 87, and a re-enactment of those provisions in the new form is provided in clause 6. The Minister's explanation states:

> . . . that an authority may, on the default of any person, cause work to be carried out on any land in its area for the purpose of ensuring compliance with any requirement made of that person by or under the Act. The costs incurred by the authority in causing such work to be carried out may be recovered by the authority from the defaulting person.

I ask the Minister to explain to the Council what works are required to be carried out by a landholder under this Act. I know of some things that may be required, for example, the removal of an obstruction to a drain put there by a person, or the removal of a dam for irrigation purposes. I wondered whether clause 6 had any wider implication than matters such as that. Will the Minister comment in his reply on that part of the Bill?

The Hon. C. M. HILL (Minister of Local Government): First, I assure the Hon. Mr. Chatterton that the Government is quite sincere in introducing this second Bill, and that it does not increase the score or the number of measures that have been brought before Parliament. It would appear from the explanation provided to me by the Minister in another place that officers of the department did find in their preparation of plans for the South-East area that certain regions such as the Millicent council area and the Eight Mile Creek area required an amending Act and that there was a need for the point covered in this Bill to be dealt with. As a result, this measure is before us. In regard to the question raised by the Hon. Mr. DeGaris, the explanation that was provided earlier in connection with clauses 5 and 6 dealt first with the factors that the honourable member stated, that section 87 of the principal Act was repealed by clause 5, and clause 6 inserted new section 105f and the various procedures that could take place in the event of the default of any person in a situation in which the authority might cause work to be carried out. In regard to the specific items that may be involved in regard to this work, they are not indicated in the explanation before the Council, although the Bill provides:

> . . . the authority may, by notice in writing, require the person to do any act or thing specified in the notice within such period of time. . .

I do not know the specific answers to the questions that the Hon. Mr. DeGaris has raised, but I shall be pleased, if the honourable member is satisfied, to obtain an explanation about those items that may be involved. I will ask the Minister of Water Resources in another place to pass that information on to the honourable member by correspondence.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Repeal of section 87."

The Hon. R. C. DeGARIS: I am not completely happy with the answer that the Minister gave. I do not criticise him for that, because he is not the Minister in charge of the department. I would like to look at section 87 and compare it with clause 6. Section 87 of the principal Act, in part, states:

> If the person legally liable neglects to perform any act required by or pursuant to this Division to be done, the board may perform the same, after giving to such person or leaving at his last or usual place of abode or upon the land in respect of which such act is required to be done. . .

That is amended by new clause 6, which states:

> Where the authority for an area considers that a person has refused or failed to comply with any provision of this Act. . .

I looked at this change quite closely. Whilst I am not raising any great objection, we have received no real explanation why section 87 is being repealed. I want to know why the original wording has been changed. Is there some legal problem with the wording of section 87?

The Hon. C. M. HILL: I quite appreciate that the Hon. Mr. DeGaris should be given an explanation now that he has raised this matter. So that I can discuss this matter with my colleague in another place I ask that progress be reported.

Progress reported; Committee to sit again.

SELECT COMMITTEE ON ASSESSMENT OF RANDOM BREATH TESTS

The Hon. L. H. DAVIS: I move:

> That the time for bringing up the report of the Select Committee be extended to Wednesday 4 March 1981.

Motion carried.

COUNTRY FIRES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 2148.)

The Hon. B. A. CHATTERTON: This Bill is the first amendment to the Country Fires Act and it results from the operation of that Act during the last fire season. I take this opportunity to congratulate the C.F.S. on the work that it does in this State, and I particularly congratulate the 11 000 volunteers who give their time for fire prevention work. Not only do they spend many hours fighting fires, but they also devote much time in training and maintaining equipment. It is also important to mention that there is a great deal of community support that often goes largely unrecognised. I also wish to place on record my appreciation of the work that was done by Fred Kerr, and it could be said that he really got the C.F.S. moving, as well as looking after it for many years. He set a high standard of integrity and independence that I think would be very difficult for anyone to follow.

In his second reading explanation of this Bill, the Minister mentioned the contribution that I made to a seminar held at the Adult Education Department of the Adelaide University to discuss the results of the Ash Wednesday fire. It is interesting that the Minister of

Agriculture in another place congratulated me on that paper in relation to its relevance to this Bill, because there are two main points in the paper that I delivered. First, I referred to the need for a fuel control programme in the Adelaide hills. Since this Bill does not mention anything at all about a fuel control programme I do not believe that the Minister was congratulating me on that particular point. The second point that I made in my seminar paper was my grave disquiet about the role of the Minister of Agriculture in bushfire control direction. Therefore, I can only assume that that is the part of my paper that he was referring to, and therefore, that is the part he agreed to.

The major part of this Bill is the amendments which provide for the Director of Country Fire Services to assume power and tactical command over large-scale or difficult fire suppression operations. It is very important that honourable members realise that in his second reading explanation the Minister referred extensively to the Ash Wednesday fire as the reason for these amendments. I quite accept that. However, the Ash Wednesday fire took place on 20 February 1980, and it is now 26 November 1980. That seems an extraordinarily long time for the Minister to take in bringing these amendments before the Council.

We are faced with a very difficult situation because another fire season will soon be upon us. It is not possible to delay this legislation to examine it in conjunction with the amendments to the Fire Brigades Act and the Select Committee looking into that Act. That is not possible because we are faced with another fire season, and it is important for the Director to have some powers. It is extraordinary that the Minister of Agriculture should take such an inordinately long time to come to these conclusions and introduce this Bill so many months after the event which prompted this action. In Committee I will be referring to my particular concern about clause 7 of the Bill which gives the Director new powers to assume control over large-scale difficult fire suppression operations.

I support this Bill with the reservation that we have not really had an opportunity to look at it thoroughly. We are under pressure because we are facing another fire season and it is important that we should have a well-prepared C.F.S. for that fire season. We should also have a Director who can tackle any of the large fires that might arise in the coming months. There are anomalies and problems with that clause which I will deal with later.

The Hon. M. B. DAWKINS: I am pleased to rise in support of this Bill. It is not very often that I find myself being able to agree with the honourable member who has just resumed his seat, but I also wish to pay a tribute to Fred Kerr. The work that Fred Kerr did in relation to the Country Fires Act was very considerable indeed.

I had a number of consultations with him about this legislation, which I was at that stage handling for the then Opposition. I agree entirely with the honourable member in relation to his tribute to Mr. Kerr. Also, I thank the then Minister for the co-operation that I received because, as a result of those consultations with the Minister and Mr. Kerr, a number of helpful amendments were made to that legislation.

By and large, the Act has worked well indeed and is quite an improvement on the previous legislation. However (and I suppose this is putting it mildly), after the devastating fire on Ash Wednesday, it was debated as to who was responsible for what, and who was to blame; this sort of thing should be spelt out, and I believe that that basically is what this relatively small amending Bill does.

Clause 3 adds a couple of points to section 16. Subclauses (2) and (3) contain the exact wording of the provision as it originally existed. Subclauses (1) and (4) spell out things which we understood before but which need to be put into the legislation.

The Hon. Mr. Chatterton referred to clause 7, which amends section 52 of the Act. As the honourable member said, it gives the Director a power that I believe he should have in circumstances such as those which, unfortunately, we encountered on Ash Wednesday. Section 52 (6) of the Act provides as follows:

> Where there is a fire upon a Government reserve, and the person in charge of the reserve, being a prescribed officer or a forester, is present at the scene of the fire, a fire control officer shall not exercise any power conferred by this section . . .

At present, it could be taken that "a fire control officer" could include the Director. Therefore, the words "other than the Director" have been inserted in that provision. This makes perfectly clear that the Director has power to assume control where necessary.

Clause 7 inserts in section 52 new subsections (7) and (8), which spell out the power that the Director should have in those circumstances. I certainly hope that in future there will be no concern about who should be responsible for what in areas where there has in the past been the possibility of a division of control.

With those few remarks, and once again with a word of commendation for Mr. Fred Kerr, who has now retired but who was largely responsible for this very good legislation, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Fire-fighting Advisory Committee."

The Hon. B. A. CHATTERTON: This clause amends section 28 of the Act, which establishes the Fire-fighting Advisory Committee, the purpose of which is to try to co-ordinate the activities of the Country Fire Services and the Fire Brigades Board and to ensure that there are no demarcation problems between the two organisations. I understand that that Fire-fighting Advisory Committee has not yet been set up. Will the Minister say whether that is so and, if it is, when the Government intends to establish that committee and to have it operating and performing the tasks for which it was included in the legislation?

The Hon. J. C. BURDETT: It was my impression that the committee had been set up. It is recognised that the ultimate solution rests on the setting up of this committee and the reports that it makes. An inquiry into the whole Fire Brigade area is needed. When the honourable member spoke in the second reading debate, I thought that he was a little unfair in some ways when blaming the Minister for the length of time that has passed. After all, there has in the meantime been an inquiry into the fire, which inquiry held up the introduction of this Bill. The honourable member correctly said that we have had a wet and late season with much growth, that the fire hazard in the coming period will be high, and that it was therefore necessary to introduce this Bill before all matters were resolved. Certainly, I will ensure that the honourable member is provided with an answer to his question.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Power of fire control officer in controlling and suppressing fires."

The Hon. B. A. CHATTERTON: This is the major amendment in the legislation. As I said in the second reading debate, because of the urgency of the fire season coming upon us, I accept the necessity for the Government

to introduce this Bill and to give the Director these additional powers. However, I point out that there are problems with this clause, and I hope that the Government will allow the Select Committee that is looking at the Fire Brigades Act to examine any inconsistencies that might occur between that Act and this clause.

The Minister said in his second reading explanation that the Director will use this power only to assume tactical command over large-scale or difficult fire-suppression operations. Of course, that does not have any legal force but was only an explanation. Let us assume that the definition is used. There will be certain circumstances where this is not appropriate.

If a bush fire is involved, no-one has any disagreement at all. The Director of Country Fires Services should take that command. That is what is needed, and this is the best way of tackling that fire situation. However, we could have a number of other situations that do not immediately lead to that solution. I refer, for example, to the fire that we had not many years ago at the Berri distillery. Certainly, that was a difficult fire suppression operation. However, it was not a fire where appropriately the Director of Country Fire Services should have been in charge. In fact, the C.F.S. was in no condition to do much in relation to that fire. It was not equipped nor its members trained to tackle the fire that was burning in the brandy storage area of the Berri distillery.

The solution to that problem eventually was to bring in the Fire Brigade from Adelaide which brought with it foam equipment to put the fire out. Under this legislation or this definition, it would give the Director of Country Fire Services command of that situation. It fits into that situation but it is not an appropriate time for the Director of Country Fire Services to intervene. I can give another example which is more of a borderline case. I refer to the fire that we had in Caroline Forest in the South-East, which was very much a plantation forest fire. It was certainly a large-scale fire—one of the largest fires that we have had in the State for many years, and incurred many millions of dollars worth of damage. I would say that that was not an appropriate job for the Director of Country Fire Services. It was a fire in a plantation pine forest and one where the experience and knowledge of the Woods and Forests Department was vitally needed. They were the appropriate people to command the operation of that fire.

I am not saying that the Country Fire Services did not play an important role in the suppression of that fire, but it was really on the periphery of the fire that they operated, and the major task was undertaken by the Department of Woods and Forests. They are two examples where the all-embracing powers in this clause could cause problems. I would like the Minister to look at that, particularly in relation to the Fire Brigades Act, which is currently before a Select Committee. It seems that the matters I have raised relate mainly to the interaction between the C.F.S. and the Fire Brigades Board. It seems important that those matters be looked at in more detail than is possible at present because of the urgency of the situation.

The Hon. J. C. BURDETT: I will certainly see that the matter is brought to the notice of the Select Committee. I certainly recognise the problem. The question of jurisdiction between the Fire Brigade and the Country Fire Services has been a major problem. The matters which the honourable member has raised, the examples given and other questions in relation to fires in overlapping areas are major points to be resolved. In the meantime, as the honourable member indicated several times, we must have this legislation.

Clause passed.

Title passed.

Bill read a third time and passed.

DOG CONTROL ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 19 November. Page 1994.)

The Hon. C. W. CREEDON: It is difficult to drum up any support for this Bill. It has been designed to take us back to the era before the introduction of what is now referred to as the principal Act. These amendments destroy the intention of that Act and give no incentive to people to register, look after, or properly care for their dog. The educational programme that was part of the Central Dog Committee responsibility is to cease. The removal of compulsory funding to central bodies deprives the State of a central control of the dog population. The original legislation came about after the working party's report and then a Select Committee took a great deal of evidence from interested persons and bodies. Some of those bodies are the Animal Welfare League, the Australian Veterinarian Association, the Corporation of the City of Brighton, the Corporation of the City of Henley and Grange, the Dogs Rescue Home, the Dover Gardens Kennel and Obedience Club, the Greyhound Owners, Trainers and Breeders Association, the Gun Dog Club, the Local Government Association of South Australia, the Non Dog Owners Association, the R.S.P.C.A., the South Australian Canine Association, the South Australian Dairymen's Association, the South Australian Dog Racing Control Board, the Stockowners Association of South Australia, and the United Farmers and Graziers. They are only some of the names of persons and bodies that gave evidence at the previous committee hearings.

The Select Committee sifted the evidence and came up with the Bill that we are now trying to amend. As far as I can see from looking at the *Hansard* of the day, there was very little strong opposition. That is not to say that faults found in the legislation should not be remedied, but those amendments are not to remedy obvious faults—they are a deliberate attempt to make as ineffective as possible legislation which has not been fully tried but which was showing signs of improving the lot of dogs and making more bearable the lot of humans who had to live with them—like it or not. Probably the main thing that came out of the information selected by the committee was the need for the public to be educated. We must also take note of what was said by the then Opposition when the original Bill was introduced in 1979. The Hon. Mr. Dawkins at that time stated:

> However, we must accept, as unhappy as some people may be regarding some provisions, the general need for the Bill. We must also accept that the existing legislation is no longer adequate and that, in relation to dogs, it does not provide for the situation which now obtains in urban, suburban and fringe areas. An increasing amount of trouble has been caused by dogs that have been abandoned or have not been properly cared for in the city and suburbs, as well as in the adjacent rural areas, where stray dogs have been causing much trouble with stock. It is therefore appropriate that this Bill should be introduced now.

On that occasion the Hon. Mr. Carnie said:

> Doubtless, the control of dogs is necessary. Far too many dog owners allow their dogs to stray and be nuisances or menaces to other people. On the other hand, some people actively dislike dogs and they have the right to the protection and recognition that this Bill gives. I am sure that all people want control of dogs. The dog lover wants it because he does

not want dogs to be neglected, while the dog hater wants it so that he can go about his life without fear of harrassment by dogs.

On that occasion, the Hon. Mr. Hill said:

> First, many dogs that should be registered are not registered; we all know that this is common knowledge in the city and country areas. Secondly, stray dogs create a mess and, at times, frighten people, and are generally a nuisance. If any controls can be applied to improve that position, they will be desirable. Thirdly, some people are disturbed by neighbours' dogs that bark excessively. Some tightening in this area of the law is warranted.

There is nothing in those speeches that indicates the need for such a violent change so soon after the legislation has been enacted and, really, before there has been an opportunity for it to prove itself. Certainly, the fact of the publicity surrounding the inquiries and the introduction of the dog control legislation has seen a vast improvement in the habits of dogs, or, should I say, in the habits of dog owners. One does not see as many dogs roaming the streets or rummaging in garbage bins, and we do not see as many dogs roaming in schoolyards. Schoolyards have been a home for stray, hungry ill-treated dogs, because they have always known that there would be food there.

There are certainly many more people walking their dogs on a leash. I am not suggesting that it is because they want to lead a dog around on a leash: the people may need exercise from it, too. However, it is nice to see that more dogs are on a leash and are not roaming the streets.

The Non Dog Owners Association Incorporated has produced statistics relative to the working of the first year of the new Dog Control Act. These statistics revolve around the metropolitan area and two related districts, and I will quote the figures. Dog registrations for the year ended 30 June 1980 were 107 552 and the number of registered dogs to date for 1980-81 is 112 377. The document goes on to state:

> Some registration figures may include replacement discs. Where estimates were given they were excluded.
>
> It can be assumed there are varying numbers of unregistered dogs, more in some areas than others, depending on individual council detection efforts in this field.
>
> The Central Dog Committee media campaign to encourage registrations appears to have been successful. Although the 4 825 higher registrations in 1980-81 year may include some new come-of-age registrations it is suggested the campaign had a marked overall contribution. Also those evading registration must now accept responsibility for any fines imposed on them.

In his second reading explanation, the Minister declared that one of the principal amendments is the removal of the provision in the Act that allows tattooing as a means of identification. It is a method that has not been used yet, but the provision is there for the time when its use can be perfected. Its use will be a way of ensuring that all dogs can be checked on. Members will recall that it was mandatory in the original Dog Control Bill for tattooing to be the only method of identification in all new registrations. This Council disagreed to the proposal, and a conference of both Houses allowed the continuation of the disc method of registration. Perhaps I can tell members what the Hon. Mr. Dawkins thinks of the disc. In February last year he said:

> The dog is to be identified by a registration disc attached to its collar or by the tattooing of one of its ears. The registration disc attached to the collar has been a means of identification (although not a satisfactory one) for many years. It obtains only as long as the collar stays on the dog's neck. Some dogs in country areas hop into the nearest water trough (I do not know how that can be stopped), as a result of which the collars become rotten. They then break and can be lost and, of course, the disc goes with them. I am interested to read about tattooing. I have been told that tattooing has been blessed by professional people in another place. Although I agree that this may be a step in the right direction, any person who has had a fairly wide experience of tattooing will know that in many cases it is done ineffectively.

Dogs in the hands of caring persons can certainly be a friend but, on the other hand, if they are allowed to roam and are uncared for and hungry and carry disease, they are the enemies of the human population. It is hardly fair to blame the dog, so, once registration is firmly fixed to the dog's body, the neglectful owners can always be traced.

I turn now to another principal amendment, that dealing with the removal of constraints on persons under 18 years of age having a dog registered in their name. One would have to wonder at some of the legal aspects of this. It is not uncommon for children to become owners of dogs, and of other animals, for that matter. If the age constraints are removed, we could find quite young children being the legal owners of dogs and what would be wrong with parents claiming the child as an owner if a dog came under the notice of a council? How would a council be expected to deal with this kind of thing?

Could it take a young child to court under the provisions of the Act? If not, must the council allow the child to get away with breaking the law? If that were seen to be done, it would not be long before all dogs were being registered in the name of children, and councils would slip back into their old slipshod habits of the past.

Think of the frustration to a council that wanted to do the right thing but, because of anomalies in the Act, found itself prosecuting children. In any case, can children under the age of 10 years be prosecuted? The prosecuting of children would have a much worse effect on the community than would allowing dogs to roam about.

In the past, the fees were so small that very little effort was made to control the dog nuisance. In future, if councils are not able to effectively control dog registrations for minors and to prosecute where necessary, we can be sure that in a few short years the dog nuisance will be no less than it was a couple of years ago. I note that there are amendments that not only deprive the Central Dog Committee of its power and finance but also of its name. The new name is to be the Dog Advisory Committee. Well, what is in a name? I cannot see that that is of great moment, but what is important is that the committee has been downgraded considerably and, because it lacks financial resources, it will no longer be able to educate, promote disease control, or oversee and advise councils and the Government, or to make recommendations on canine matters pertaining to the best interests of the community.

Further the committee has been numerically weakened. I note the Government's intention to reduce the number of members to four. I believe that, when the Bill was first introduced in 1979, the Labor Government of the day announced that the committee would consist of seven members. At the Legislative Council's insistence, eight became the accepted number. Section 14 of the principal Act provides:

> (1) The committee shall consist of eight members appointed by the Governor of whom—
>
> (a) three shall be persons nominated by the Minister, one of whom shall be appointed to be the Chairman of the committee;
>
> and
>
> (b) five shall be persons appointed respectively from five panels of three persons nominated by the following bodies respectively:

(i) the South Australian Canine Association, Incorporated;
(ii) the Local Government Association of South Australia, Incorporated;
(iii) the Royal Society for the Prevention of Cruelty to Animals (South Australia), Incorporated;
(iv) the Institute of Municipal Administration (South Australian Division);
(v) the Australian Veterinary Association, Ltd.

Under the Bill the Minister has decided that four people will get a blazer. Clause 12 provides:

(1) The committee shall consist of four members appointed by the Minister of whom—
(a) one shall be a person chosen by the Minister from a panel of three persons nominated by the Local Government Association of South Australia;
and
(b) one shall be a person chosen by the Minister from a panel of three persons nominated by the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated.
(1a) A member of the committee shall be appointed by the Governor to be the Chairman of the committee;

I assume that the Minister is going to appoint the Chairman, but he does not say where the extra member will come from, or who it might be. What is the Minister's intention about the fourth member?

The Hon. C. M. Hill: He might like to keep his options open.

The Hon. C. W. CREEDON: There is no harm in Parliament being told who that person will be. When in Opposition, the Minister would have been the first to question that provision. Although the Minister does not say who the persons will be, the Council should know what the Minister has in mind and what he will expect from those people, especially if these amendments are in the best interests of the community, as we have been told they will be. Why is the Minister downgrading the quality and authority of the committee? The Minister knows all about dogs having told us all about them when he spoke on this matter about 18 months ago. He wants the committee established only to advise on matters relating to the proper funding of pounds and the R.S.P.C.A. In his second reading explanation the Minister states:

The retention of an advisory committee is necessary as a need exists for funding from a central source to those organisations which accept stray and unwanted dogs from the public to ensure that they have sufficient financial resources to continue this work. The moneys to provide this funding will be raised by means of levy on the dog registration fees collected by metropolitan councils and those rural councils which benefit from the activities of these organisations.

To date I have not heard of any council supporting this legislation. I wonder whether they are keeping quiet in the hope that there is something in it for them. They will be sadly mistaken. The 1979 Act did demand that councils contribute to the Central Dog Committee, but that committee was prepared to give something in return. Section 20, dealing with the functions of the committee, provides, in part:

(b) of its own motion, or at the request of the Minister, to advise the Minister on any matter relating to the registration of dogs or the control or keeping of dogs or relating to the administration of this Act;
and
(c) to promote and disseminate information as to the objects of this Act and the proper care, keeping and control of dogs.

These changes to the Act require a levy on all dog registration fees so that the Minister can make donations to bodies which he feels are suitable organisations and which he alone believes work in the interests of animal protection. Donations to such organisations were once a Government responsibility but, under these amendments, donations will become a compulsory council responsibility. The Minister talks about giving responsibility back to local government, and on this occasion he insists that local government does all the work, yet he will tax local government for that privilege. New section 11 (2) states:

Any such pound must conform with minimum standards determined by the Minister.

What standards is the Minister likely to determine? Surely bodies in whom the Minister has great faith would be able to set a reasonable standard without having to approach the Minister to determine what is a reasonable standard. In regard to the functions of the new committee, the Bill makes no provision for expense allowances. Can the Minister say whether or not such expenses will be allowed? In his second reading speech the Minister stated:

Providng that actions alleging nuisance caused by a dog may be instituted by any aggrieved person, at present complaints can only be instituted by a council.

Where is provision made for this in the Bill? Section 49 (3) and (4) now provides:

(3) Where a person is convicted of an offence under this section, the court may order the convicted person to take such action to abate the nuisance as may be specified in the order.
(4) If a convicted person fails to comply with an order under subsection (3), he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

Whereas section 49 (3) did provide:

(3) Proceedings for an offence against subsection (1) of this section shall not be commenced—
(a) except upon the complaint of the council for the area in which the premises are situated;
and
(b) unless—
(i) a person signs a complaint in the prescribed form alleging the existence of a nuisance created by the dog;
(ii) the council, on being satisfied the complaint is justified, serves on the occupier of the premises in which the dog is being kept or suffered or permitted to remain, a notice requiring him to abate the nuisance within seven days;
and
(iii) the person fails to comply with the notice.

The principal Act sets out how prosecutions can take place. Because the former procedure has been eliminated, what new procedure will apply? How can proceedings be instituted? Can the Minister explain the situation when he closes the debate? I now refer to a letter from the President of the Non Dog Owners Association, Mr. D. H. Harrison, which states:

Our association is pleased that the Minister of Local Government, the Hon. Murray Hill, has placed proposed amendments before Parliament so that the matters may be resolved as soon as possible and the processes of proper administration by councils under subsection 6 (1) may proceed with confidence. We are, however, alarmed that there are a number of proposed radical changes which we feel would diminish the authority of administration and weaken the Act, and these include:

1. Deletion of the Central Dog Committee and one of its important functions in promoting and disseminating information as to the objects of the

Act, and the proper care, keeping and control of dogs, and the funding of this function. We believe the co-ordination of this important role would be more effectively carried out by the Central Dog Committee, and are concerned that some councils appear disinterested and might avoid their responsibilities.

2. We can see some practicality in amendment 6 to section 7 of the Act for many country and some small city councils, but know there is a potential for larger councils which have not been administering the Act as effectively as desirable, to downgrade the importance of dog control, if they are not obliged to employ a Dog Control Warden. We believe the proposed amendment is not the answer to the problem, and that the section is better left as it is, and the term Dog Control Warden retained throughout the Act.
3. Removal of the restriction which limits application for registration of a dog to or above the age of 18 years (paragraph 27 (2) *(b)*, amendment 15 *(b)*). We suggest this will accentuate administrative difficulties and the nuisance associated with the keeping of dogs in the following ways: Those below 18 years (juveniles) are not at the recognised age of full legal responsibility and leniency exists in Juvenile Courts, where there would be difficulties and less chance of recouping any fines imposed. It would be possible for juveniles and even children to acquire dogs on impulse, without parents' approval, with the possible result of neglected and nuisance dogs. These young people are likely to be intrigued with the potential of breeding, thus creating further problems. Pet food manufacturers, breeders and pet shops may benefit by eliminating this provision, but it will not help create a peaceful environment in our suburbs.
4. We are pleased with amendment 20 *(a)* which would make it mandatory for dogs to wear a collar and disc, etc., in any place, but are concerned about amendment 20 *(c)* and the loose definition which results. Could it not exempt dogs accompanying joggers, or any other sporting activity?
5. Section 49 (3) amendment 26. If this is deleted, it is not clear how complaints will be handled in future. Councils should not be relieved of responsibility in any way for taking action on complaints under this section of the present Act, and the use of the form 7. If anything, this section should be tightened and fines increased.

Recent statistical information gathered by our association indicates that, in 24 metropolitan councils and two adjoining district councils, there is an average ratio of one registered dog to every 7·9 persons, one dog to every 5·2 of voting population; and one to every 2·8 private dwellings. While this is an appalling number of dogs, the fact is that those registering dogs are a substantial minority, yet the distress caused by irresponsible dog-ownership can be so far-reaching.

Our calculations indicate that, with some 113 000 registered dogs in the area mentioned, 4 500 tons of dog faeces are deposited a year and 1 700 000 gallons of urine, and that some $17 500 000 is spent on dog food—startling figures. Nuisance barking, the most distressing and widespread problem of all (section 49 (3)—amendment 26), is immeasurable. Since its formation 2½ years ago, this association has received and is still receiving details of many people's distress caused by dogs owned by irresponsible people. For their sake, we would be dismayed to see the Act weakened in any way. Realising the many demands on members' time, there is no need to acknowledge this letter.

Basically, I agree with most of what is stated in that letter. The Opposition disagrees with many parts of the Bill, and it will deal with those matters in Committee.

The Hon. J. R. CORNWALL: With the exception of a few cosmetic amendments, the Opposition will oppose this Bill tooth and claw, clause by clause, all the way. Owning a dog is a real responsibility which must be recognised by the community, the Government and the Minister. That responsibility was clearly recognised by the previous Government. The original Dog Control Act was not introduced as a sudden rush of blood to the head, or as some sort of bureaucratic imposition. It was not introduced as a socialist plot, as the Minister might have suggested when he was in Opposition, when he used to talk so much about the great socialist octopus. That Act was introduced by a very responsible Government acting responsibly because it saw a clear need to control the burgeoning dog population not only in the metropolitan area but throughout the State of South Australia.

The previous Government's Act was introduced because there was and is a clear need. As a veterinary surgeon, I have spent my entire adult life looking after and caring for animals. I have a real feeling for animals, and I supported the original legislation. Indeed, I gave evidence to a Select Committee which deliberated over a very long time and eventually produced what in the circumstances was the very best legislation that could have been produced in view of the fact that it was, in relation to Australia, pretty much pioneering legislation. I supported the original legislation, and I still support it.

For the first time in South Australia, a Dog Control Act acknowledged that owning a pet imposed upon people a real responsibility. It tried to move us away from a situation where one paid, perhaps once a year, a fee of $1.25 and received a disc; the money collected went into general revenue for the local council. Very little attempt was made by most councils to police the existing provisions at that time, and there was an increasing incidence of stray dogs, dogs making a real nuisance of themselves on the streets, dogs attacking children, dogs causing children to fall off their bikes, and dogs causing and being involved in motor accidents. I will return to that last point, which causes great cruelty, later. It is not the dog's fault, but the fault of irresponsible owners. The Dog Control Act attempted to cover all of those things and many more.

During that time, the Minister was sitting frustrated in Opposition year after year, and I can understand how he felt. I feel fairly frustrated after 14 months in Opposition, so I can understand how he felt at that time after about eight years in Opposition. I hope that when my Party gets back into Government I will not suddenly introduce these vindictive strange Bills to do away with very good legislation (that is, if this Government ever introduces any good Bills). I turn now to the cosmetic parts of this Bill which the Opposition supports. The Outback Areas Community Development Trust is to be responsible for the regulation and control of dogs in areas of the State not served by conventional local government. That proposal is unexceptional, and the Opposition supports it.

Another amendment provides that only half fees shall be payable on the first registration of dogs under three months of age during the period 1 January to 30 January. Again the Opposition has no difficulty supporting that provision. The Bill further provides a period from 1 July to 31 August in each year for the renewal of dog registration. That tidies up a minor anomaly and, again, the Opposition is happy to support that provision.

Another amendment replaces the present restrictive definition of "pensioner" with a definition of a person of a prescribed class to enable concessions similar to those allowed under the Rates and Taxes Remission Act. I am not clear, having read the Bill, whether this includes people who are unemployed, and I should like the Minister to clarify that matter. Generally, that appears to be a perfectly reasonable amendment. There is another amendment that certainly comes in the cosmetic class. The Bill exempts guide dog owners from the obligation to remove faeces from a public place, and gives them similar rights of access with their dogs to public places and transport as existed in the former Registration of Dogs Act. I am not aware, in the history of South Australia, of any owner of a guide dog ever being prosecuted for taking a dog on public transport, into any public place, or, for that matter, into any other place. Certainly, I would not have thought that there should be an obligation on those people to remove faeces, or that anyone would authorise such a prosecution. If that anomaly exists, certainly the Opposition supports its removal.

The Bill also provides that actions alleging nuisance caused by a dog may be initiated by any aggrieved person. At present, complaints can be instituted by a council only. The Opposition can support that amendment. However, these amendments are not central to the Bill, and it is important to return to the areas that are central to it.

First, and most important, the Bill sets out completely to abolish the Central Dog Committee, which is critical to the functions of the Dog Control Act. This is a very good committee, which is chaired by Mr. Gordon Johnson, who, I understand is quite an outstanding Chairman. He has had a long association with local government and is very much on the ball. My friends and associates tell me that he is quite an outstanding Chairman.

The Australian Veterinary Association representative is Dr. Keith Little, whom I have known for many years. He is well admired in the profession and is one of the quite outstanding small animal practitioners in this city. He is also well known for having extensive talents as an administrator. The R.S.P.C.A. representative on the committee is John Strechan, a lawyer who is well known in this city and State.

The committee has functioned under extremely difficult circumstances, because the Minister has always made known, from the time he was in Opposition and certainly from 17 September 1979, flushed with success of moving into Government, that he would move to emasculate, dissipate, and virtually dispense with, any meaningful dog control under the Act.

The Hon. C. M. Hill: When have I said that?

The Hon. J. R. CORNWALL: The Minister has said it consistently, right through the passage of this legislation. I remember it very clearly. The Minister opposed the whole thing as it went through. The Minister was opposed to the Central Dog Committee, to the tattooing clause, to the concept of wardens, to the monitoring provisions of the Bill, and to all the things that would have made the Bill work.

The Hon. C. M. Hill: You said I've been saying that since I came into Government.

The Hon. J. R. CORNWALL: The Minister has been destabilising this committee. The members of the committee have told me that. I remind the Minister that I move around this town a bit and talk to people. More important, I listen to them. The Minister's attitude to the Central Dog Committee has been hostile since he became Minister of Local Government.

The Hon. C. M. Hill: That's a lot of rubbish.

The Hon. J. R. CORNWALL: The Minister has set out to see that the committee did not work. Despite the Minister's hostility and his not wanting the committee to work, the committee has in recent months started to work very effectively. It has several very important functions to fulfil. It was appointed to advise the Minister on the working of the Act generally. Through this committee the Minister can get advice outside his immediate bureaucracy and can ascertain what is happening in the real world. Perhaps even more important it is specifically spelt out in the legislation that the committee exists to disseminate education. I understand that the committee has got to the stage where it will soon be able to distribute pamphlets throughout the State, explaining about the care, keeping and control of dogs, and about the responsibilities involved in owning a dog.

The time has long since passed when it was good enough to win a dog in a raffle, to take it home and leave it uncared for, unvaccinated and roaming the streets. For years, a very high percentage of the dog population was not registered at all, and a high percentage of councils did not bother to take any action to check up on the matter. A minority of councils, particularly in the metropolitan area, did a very good job. However, they were certainly a minority. That time has passed. People must now realise that there is a real responsibility in owning a dog, and in controlling, training, feeding, and keeping the dog free from parasites and disease.

People must also realise that among these controls is the question of barking. I understand that after the Noise Control Act was proclaimed in South Australia by far the greater number of complaints related to barking dogs. Things can be done to stop this barking. Simple procedures exist, if only owners can be educated. Therefore, the Central Dog Committee has an important role to play in that area.

More important, the committee had a role to play in regard to educating the population about the very real problems of disease control. For example, round worms are very common. Every puppy is born with some sort of burden in this respect. The eggs from these worms have an abortive cycle in children. Young children playing with puppies (or indeed, on occasions adult dogs) can, if they ingest these eggs, be infected with larvae which go through an abortive cycle. This can cause non-specific temperature rises, irritability and a whole range of problems. In some instances, they can lodge in the retina and cause blindness.

This is a widespread, although in many cases low-grade, disease. People should know more about it, and that is one of the functions of the Central Dog Committee. There is also a condition known as toxoplasmosis, which is extremely important. The Hon. Miss Levy would be interested in this matter, because in a significant number of cases it causes abortion early in human pregnancy. Toxoplasmosis is relatively widespread in the dog population, and people ought to know more about it. Again, that is one of the features of the Central Dog Committee. There is also the question of hydatids. I am not aware that any significant work has been done for a number of years in relation to hydatids surveys in South Australia.

These are the sorts of things that would automatically come under the control of the Central Dog Committee. If a relatively small amount of money could have been made available for research, it could have looked at these problems, organised surveys and made information available to the people of South Australia. One of the things that amazes me in this matter is the position of the Local Government Association. That body is prone to changing its mind from time to time and sometimes quite rapidly. I try to maintain the best of relations with the

Local Government Association (as I am sure the Minister does) but it is sometimes very difficult to know what its position is at any given time. I have before me an urgent telegram addressed to the Hon. C. J. Sumner which states:

> The Local Government Association fully supports the proposed amending Bill regarding dog legislation and respectfully requests your support for the amendments when the Bill is debated. Similar telegrams have been sent to the Minister of Local Government and the Hon. K. L. Milne.

Strangely enough, I was not a recipient. This points to the ongoing problems which I know the Minister has with the Local Government Association and which we all have from time to time. At the time that the evidence was given to the Select Committee, council after council, councillor after councillor and town clerk after district clerk came before the Select Committee supporting the legislation. More than 90 per cent of the people in the local government area who gave evidence to that Select Committee supported the proposed legislation. I do not know how one finds out where one stands with the Local Government Assocition at any particular time. We always try to co-operate with it but, my God, it is difficult.

The Hon. J. C. Burdett interjecting:

The Hon. J. R. CORNWALL: The Minister does agree with me, I am pleased to hear that. I turn now to the problem of tattooing. The Minister in his speech said that tattooing is to be abandoned because the level of pain to the dog is unacceptable to the average dog owner and also because tattooing could require the maintaining of a central register for dogs. We would accept that at this time (by "we" I mean the people involved in public administration, people in the veterinary profession, local government bodies and the whole spectrum of people involved) tattooing is not entirely satisfactory. In my former practice larger breeds of dogs have been tattooed at a young age without any restraint or any form of anaesthesia. That procedure has been working effectively and there seems to be a real possibility that at least some people could be trained to do that with a relatively small amount of training. It is a real possibility, and that provision ought to be retained. It is a provision of the Act that has never been implemented.

It would be a great shame to cast it aside. I would earnestly request that the Minister retain it here so that we may develop some satisfactory method of identification because, without something like that, dog control is extremely difficult. The whole idea of a disc is quite frankly a joke, because one has no means of tracing a dog's origin if it has no disc, unless one is lucky enough to hang about for an hour or two and track it home. Many do not go home anyway.

The Minister referred to the terrible level of pain associated with tattooing. I turn now to the influence that this Act had originally, because of the widespread publicity about the need to decrease the number of dogs wandering at large on streets and roads. The decrease was quite dramatic, although I have no hard evidence that I can quantify in percentage terms. However, from talking to my colleagues in the veterinary profession, I am told that the number of dogs coming in suffering from road trauma has decreased by 75 per cent. I know myself from driving and walking around the streets that there were fewer dogs wandering at large. The Minister referred to the pain involved with tattooing. However, I believe that it is a "one off" thing—it is transient pain. We could look at how the pain could be reduced even further but, in any circumstances, it lasts for only two or three minutes.

I challenge the Minister to go to any veterinary surgery rostered for weekend duty and look at the number of dogs that come in which have been involved in road accidents and to look at the enormous pain, trauma and distress that they are suffering. Not only do they come in smashed to pieces but also they come in in extreme pain and agony. That is happening because we have irresponsible owners who cannot be traced. The dog has no disc and the veterinary surgeon is placed in a difficult position as he is in private practice and is not publicly funded. Veterinary surgeons do not know what they can do other than to kill the pain, administer first aid and hang on to the dog for a day or two and hope that the amount of pain, distress and suffering will subside and an owner will be found. I would not like to have that on my conscience. What the Minister proposes will be on his conscience. I challenge him to go to any veterinary surgeon on a rostered weekend and see the amount of pain and suffering imposed on those animals by irresponsible owners and by an irresponsible act by the Minister.

The Hon. C. M. Hill: How will tattooing overcome that problem?

The Hon. J. R. CORNWALL: Because one will immediately be able to trace the owner. I have explained all that. If the Minister listened to what I am saying instead of burying his head in whatever he is reading, he would know what I meant. When the Act came in, simply because of publicity given to it, the number of dogs that were allowed to roam at large on streets and roads decreased by 75 per cent. In other words, there were 75 per cent fewer dogs involved in road trauma because they were not on the roads.

The Hon. C. M. Hill: They were not tattooed.

The Hon. J. R. CORNWALL: Of course they were not tattooed. The Act had a psychological impact. The Minister is now proposing that we go back to the bad old days. I have lived in those days and was in practice for 17-odd years. As soon as this whole business is moved back to the bad old days by some maladministration by local government people and as soon as people realise that the chance of their being picked up for not registering a dog or for allowing it to roam at large on roads is less likely, we are going to get back to the old situation where the number of road accidents will go up to the old peak. All that additional pain and suffering is going to be reimposed. We are not going to have the same sort of measure under this proposal as we currently have under the principal Act.

We are certainly not going to maintain the level we have enjoyed unless we work, by an evolutionary process, towards a position where we can identify every dog in the State. This brings me to a matter that I thought would have been close to the heart of the Hon. Mr. Boyd Dawkins, who is a reputed expert in many matters rural. I know that he is a gentleman of good will who will help me in my argument. I refer to the stray uncontrolled dogs, particularly near the provincial cities and towns, that maul sheep. I wonder how many city slickers on the front bench who have not lived in rural situations understand that. The Hon. Mr. Dunford would have seen cases where dogs got out and mauled sheep. In the case of the Hon. Mr. Dawkins, they would be mauling not only flock sheep but valuable stud sheep. It would be nice for the Hon. Mr. Dawkins to be sitting up night after night, counting his sheep, if you like.

Members interjecting:

The Hon. J. R. CORNWALL: This is about dog control. I am talking about unsatisfactory identification and the position towards which we have to work. I am talking about where sheep are mauled and maimed and eventually a dog is shot. That is the fault not of the dog but of the irresponsible owner, and the Act was about the irresponsible owner. If the dog was run to earth and has no

identification, there would be no come-back. Until we work towards a form of identification, we cannot have satisfactory control.

The Minister seems to be concerned about cruelty and seems to be emotional. If he was serious about cruelty, he ought to outlaw tail docking, because that is a frightful performance and one thing that a veterinary surgeon hates to be involved in. It is done only as a matter of cosmetics, but it inflicts pain and suffering far worse than a tattooing operation. I accept that the Minister is fair dinkum and has a genuine concern for animals. It is said that there is nothing wrong with people who like animals and children, so presumably the Minister has something going for him.

I refer now to wardens. The Bill provides, in general terms, that we will not have any more wardens, that they are an imposition on councils, and that we will go back to the bad old days. I think there was a time when the Australian Workers Union covered dog catchers. They worked part-time and they were not expert. The original legislation proposed that they could be shared by councils but that they would be reasonably expert, because their job would be identification, control, tracking, and general dog control.

What is proposed by the amendment in the total emasculation of the Dog Control Act is that councils will be able to put on Tom, Dick, Harry, Joan, or Betty for two or four hours a week. That is a major leap backwards and we would oppose it, because dog wardens are quite different from dog catchers. One other thing that we regard as very important is the interference that will occur with money paid as registration fees. This was central to the legislation, and I remember it was a matter on which many witnesses who gave evidence to the Select Committee commented. I and others made the point strongly that, in the past, people paid 7s. 6d., $1·25, or whatever the paltry amount was, to the council and that went into consolidated revenue.

People knew well that, apart from the disc, they got no value from most councils from the registration, because the council got some officer to put in a few hours a week and the money went towards trying to keep down the deficit and the rates. It was not used for dog control purposes. The point was made that, if the fees were going to be increased to $10, a substantial sum even in days of rampant inflation, people ought to be assured that the money would go to a specific fund and be used for dog control, animal welfare, and public education in care and control of animals and that it would not be dissipated by councils in other ways.

If the money is used properly, it promotes public confidence. The Minister proposes that the money will not go to a central fund but will stay with the councils. There is a euphemism that the Minister can call up money from time to time, and he probably will not do that anyway. We will be going back to the bad old days when people had no faith that the money would be applied as it should be. People will see themselves as being ripped off by councils. It is a terrible leap backwards from saying that the money will be paid into a fund, that it will be accounted for separately, and that an amount will go to the central dog authority and will be used to employ professional wardens who will know what they are about and who will enforce the Act.

This Bill will throw all that out the window. The other thing that the Opposition objects to is the amendment about allowing children to have dogs. I have taken legal advice on this. It seems that, under the amendment, a child of three years, five years, or any other age can register a dog. If the dog causes mischief, there could not be an owner onus situation. I cannot see how a council could sue a child if a dog caused bodily harm in the street or how it could prosecute a child for having a dog defecating in the street. It may be nice to say that a dog is registered in the name of little Debbie or little Mark. I have had the experience in veterinary practice where I have treated a dog belonging to a child named little Debbie or little Mark. But I always made sure that the account was made out in the name of the mother or the father.

The Hon. J. C. Burdett: You would.

The Hon. J. R. CORNWALL: Yes, and I am sure that you would too. The Attorney laughs, but it ill behoves him to laugh. I would like his opinion on this matter, because he is a man learned in the law. Surely in these circumstances it is a tragic joke to write into the legislation a situation where an irresponsible parent, for example, who wants to keep four, six, eight or more dogs, can register them all in the name of a minor, so that, no matter what happens or how many prosecutions are brought, the dogs are registered in the name of a five-year old or a 10-year old son or daughter. That is a ludicrous situation.

Can the Minister say how this will be overcome? Perhaps the Attorney can stop smiling and can put his mind to this problem, because 130 000 dogs are now registered in the metropolitan area. That is a lot of dogs and a lot of companion animals. Certainly, many people do not smile about this matter, because people are very serious about it on both sides: those people who own them and love them, and those people who are opposed to dogs being kept at all. This is a very big issue.

I remember clearly when the original Bill was introduced to the Labor Caucus. Some members regarded it as something quite minor that would go through without difficulty. I remember clearly saying that no-one should laugh because it would cause more concern in the community than anything else in the past 12 months, and that is what has happened. It is an emotional and important issue that involves public health and welfare. Certainly, I do not want to see a baby thrown out with the bath water.

This Bill was passed by Parliament only after exhaustive and lengthy consideration by a Select Committee of another place. I find it most regrettable that the Minister is taking this quite drastic action. Not only is he emasculating the Act: he is virtually throwing it out. It will not be a virile Act any more, and for practical purposes, it will not exist. We will be back to the bad old days. Earlier I made it clear that we are opposing the Bill, and in Committee I will oppose the Bill clause by clause. It is such a dreadful Bill that there is no way that we can see to amend it to even make it workable.

The Hon. M. B. DAWKINS: I support the Bill. I was interested to hear the Hon. Mr. Cornwall say in conclusion that he will oppose each clause, because when he started his speech he referred to several aspects of the Bill of which he was in favour. He has used the phrase "going back to the bad old days" repeatedly until we have become weary of it. The 1979 legislation was good and gave councils some power. At page 2895 of *Hansard* (1978-79) I stated:

> I have no doubt that councils will administer the legislation well when they find that they have the teeth and the additional finance to do so.

There were two things wrong with that Bill. One was the establishment of the Central Dog Committee, which was regarded by councils as a Big Brother organisation and which channels off money from the councils. The other problem was the suggested implementation of tattooing

which is impractical and ineffective, as I will attempt to show.

With regard to the provisions of the Bill, I do not propose to go through all of them, but I do intend to speak briefly about the fact that the Minister intends to remove the tattooing provision which, as I have said, proved to be impractical. In his explanation the Minister stated:

> The Central Dog Committee is abolished and replaced by a Dog Advisory Committee which will have the function of advising the Minister on matters related to the proper funding of pounds and the Royal Society for the Prevention of Cruelty to Animals.

I agree with that change completely. Dog control is essentially a local government problem that is best handled at the local government level by councils. I have no doubt that councils could do the job well and that within the constraints of the legislation they are doing it well. On one matter I must agree with the Hon. Mr. Cornwall, who paid tribute to Mr. Gordon Johnson, Chairman of the Central Dog Committee. I deny completely the suggestion by the honourable member that the Minister does not appreciate the ability and dedication of Mr. Johnson and his committee.

That does not alter the fact that the committee, in my view and that of other members on this side of the Chamber, is an unnecessary Big Brother organisation that has been imposed on top of something that can and will be done well by local government. I am sorry to hear that the Hon. Mr. Cornwall has such a lack of confidence in local government. The honourable member talked about the large number of inefficient councils but, if he knew the true situation regarding local government, he would know that the number of inefficient councils is steadily becoming less and that local government is daily becoming more efficient and able to carry out the work that it has to do.

Last year I moved to delete clauses 13 to 25 of the Bill then before us. Those clauses dealt with the Central Dog Committee. The Hon. Mr. Hill moved to delete the provisions dealing with compulsory tattooing. Although those amendments were both passed in the Committee stages, we lost them at the conference. Regulation 15 provides:

> (1) For the purposes of section 28 of the Act the person to apply a tattoo registration number allocated by the registrar shall be—
>
> (a) any dog control warden;
>
> (b) a member of the Police Force stationed at any police station in a part of the State not within an area;
>
> (c) on the written request of the applicant, a registered veterinarian.

Here we begin to find the reason for the great interest by the Hon. Mr. Cornwall in this Bill.

The Hon. J. R. CORNWALL: On a point of order, I ask for that statement to be withdrawn. It is a direct reflection on my professional integrity, and it is a scurrilous and disgraceful remark.

The PRESIDENT: The Hon. Dr. Cornwall has asked that you withdraw that remark.

The Hon. M. B. DAWKINS: The Hon. Dr. Cornwall is very touchy—

The Hon. J. R. CORNWALL: I ask for a withdrawal.

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: I withdraw.

The PRESIDENT: Order! The Hon. Dr. Cornwall has sought an unqualified withdrawal.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order! You asked for a withdrawal, and I will get that withdrawal.

The Hon. M. B. DAWKINS: I have withdrawn, Mr. President.

The Hon. J. R. Cornwall: It's a filthy remark, and you ought to be ashamed of yourself.

The Hon. M. B. DAWKINS: You are a nasty little man. With regard to tattooing, at a sort of gathering of the clan of veterinarians in the conference, regardless of political philosophy, we did lose the amendment to delete the Central Dog Committee and to delete the compulsory tattooing provision, and those two objectionable provisions remained in the legislation. This Bill, amongst other things, does get rid of the Central Dog Committee. It is a wise movement that the committee is replaced by an advisory committee, which I believe is all that the Minister will need. Section 28 of the principal Act is repealed by this Bill. Regulation 15, which I have just quoted, refers to that section of the Act and its implementation.

I have had many years experience with tattooing, both in the actual use of that method of identification and in the inspection of tattoos, particularly in sheep. If tattooing were 100 per cent or even 85 or 90 per cent effective in establishing the identity of animals, I would certainly give further consideration as to whether it should continue to be contained in the legislation and in its implementation, because so far it has been found rather impractical to carry that out satisfactorily. However, over many years I have found that tattooing is a very ineffective method of establishing identity. Many otherwise competent people do not or cannot tattoo their animals effectively. I think the Hon. Dr. Cornwall indicated, by implication at least, that tattooing is not perfect at this time.

I believe that the effectiveness of tattooing as a means of sure identification would not exceed 50 per cent. I stress that point, because one would have to be quite sure that the identifying mark was, for instance, 157 and not 137 or 187, because tattoos do not come out as clearly as they should. For that reason, and the various difficulties which arise in its implementation, I cannot support its retention. I support the object of the Bill in excising this section. In many instances, particularly in a dark skinned animal, one can only see an indistinct smudge rather than a clear tattoo. The general outlook as to the requirements of tattooing in relation to breed society stock inspectors, as distinct from departmental stock inspectors, would be to pass an animal if there is evidence of an attempt having been made. In cases where many animals are tattooed and they are offered at a registered sale and one can see that some attempt has been made by an owner to tattoo that animal, the animal is passed by the inspectors.

The number of unmistakably clear tattoos that could be taken as undisputed evidence in a court of law would be relatively low indeed. That applies to sheep, cattle and to pigs. I believe it can also apply to dogs and other animals with dark skins. I now turn to the Branding of Pigs Act, which I was able to persuade Sir Thomas Playford and the Hon. David Brookman to introduce in about 1963 with the laudable object of tracing disease. While that has had some beneficial effects, it has not been as effective as it could have been, because of some indistinct tattooing.

The Hon. N. K. Foster: The Bill is about dogs, not pigs and sheep.

The Hon. M. B. DAWKINS: The Hon. Mr. Foster does not know what he is talking about.

The PRESIDENT: Order!

The Hon. N. K. Foster interjecting:

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

The Hon. M. B. DAWKINS: That will be a change, Mr. President. The Branding of Pigs Act was introduced to be the cure-all and a sure-fire method of tracing disease back to a particular property. Had it been a complete success, it would have done a very great service to the animal

industry in this State. In the event, it has proved to be considerably less than that, although it is certainly of some value. There is no reason to believe that, if the tattooing of cattle, sheep and pigs is of limited value and if tattoos on those animals are frequently indistinct and either hard or impossible to read, the tattooing of dogs will be any better. The suggestion that the tattooing of dogs will give 100 per cent recognition is quite out of the question; 50 per cent may be nearer the mark. If that is so, given the difficulties, especially in some areas, of carrying out the legislation in this respect, I support the repeal of this section of the principal Act.

It may be said that tattooing can be done properly by people who have been trained for that job. As far as I know, there is no guarantee that very competent persons can always ensure that a tattoo will come out clearly. I have met many experienced people who still find it very difficult to tattoo stock effectively. I believe that would also apply to persons employed by councils. The Bill refers to a Dog Control Warden, a member of the Police Force, or a registered veterinarian. In many cases some of those persons would find themselves unable to achieve a successful tattoo. I believe that this Bill, far from going back to the bad old days, is a very great improvement, because the 1979 Bill was, by and large, a good measure. That Bill had two bad factors, but this Bill, amongst other things, removes those two bad areas. I have great pleasure in supporting the Bill.

The Hon. N. K. FOSTER: I do not support this Bill, and I will deal later with some of the remarks made by the so-called honourable gentleman who has just dropped himself back into his seat. The Hon. Mr. Dawkins has endeavoured to pull the wool over the eyes of members of this Council in relation to tattooing animals such as pigs, sheep and cattle. He mentioned that the job could not be done properly. That job is not only done by unprofessional people if it is ineffective: it is done by people who do not know what they are doing.

As a responsible man of the land, Mr. President, you would know much more about the land and animals than the Hon. Mr. Dawkins. Mr. President, you would be aware that tattooing inside the ear of a sheep is a far better method of identification than any other known method. If the tattooist knows his job, such a tattoo will remain. Members can verify that by visiting the stock section of the Police Department, whose officers I am sure will tell you that they can trace any animal dead or alive, provided that it is not in a state of advanced decomposition. The Hon. Mr. Dawkins has not been truthful or factual and has not strictly addressed himself to the Bill. In August 1979, a member of another place, during a debate on this matter, stated:

> I want to address myself to the new dog legislation and, if possible, to fortify the Government's resolve to uphold the decisions made, as contained in that legislation. I say that against the background that there has been much emotional comment outside. A number of letters to the Editor and a number of contributions to public debate require the Government to examine seriously the motives of those making these emotive statements. On several occasions letters to the Editor and other means of communication have suggested that the legislation which was passed by this House and which was acceptable to the Government and the Opposition in its final form would lead to the mutilation of dogs' ears by applying a tattoo.
>
> Any member of Parliament who was responsible for the passage of legislation that would allow for mutilation of a dog's ear would not be worthy of being a member. To my knowledge, members opposite and on this side accepted the legislation that would lead to the introduction of tattooing because they had been adequately satisfied by the evidence that it would not lead to the mutilation of an ear, and that it was in the best interests of the dog population and the public that tattooing be an integral part of the legislation. I have spoken in this place in this way several times, and I do so again.
>
> A tattooing arrangement, whether on the ear or on the flank, is not a mutilating operation against the dog. It is an operation that is used extensively in the animal kingdom. It has been used, abhorrently in the mind of many, in the human world over a period.

The last time that he was on his feet, the honourable member who has just left the Chamber talked about identifying humans by tattooing.

The Hon. C. M. Hill: Whom are you quoting?

The Hon. N. K. FOSTER: I will tell the Hon. Mr. Hill that, but he will have to be patient and just hold his horses. He gets too impatient. As a Minister, the honourable member should know whom I am quoting. The extract from *Hansard* continues:

> Granted there is a brief smarting or a brief period of pain at the time of tattooing. All of us have experienced that situation when we have been vaccinated. The passage of the needle, particularly if we get upset about what we are entering into, can be more a matter of the mind than of a real experience. I say with conviction, after a long period of association with animal health, that the animal does not react unfavourably to a tattooing mechanism purely and simply because it is such a mechanism. Some animals may react to the fact that they are being held or that the needle will give them a momentary pain in the ear or flank, but the pain soon passes off, and it is the end result that is important.
>
> The end result enables identification of the animal for life and it enables the other mechanism associated with the registration period so that the dog can be traced back to the owner, who in the initial stages has the responsibility to ensure that the necessary transfer papers have been completed and lodged if the animal has passed from his ownership. Likewise, any subsequent owner has the same responsibility to ensure that, as a responsible owner, he or she organises the transfer of that animal if it goes from his or her possession.
>
> If animals cannot be clearly identified, the public will forever be concerned by a stray-dog population. Country members and those city members who live in the fringe areas adjacent to some rural enterprises will be constantly asked by their constituents when the Government or the Parliament will do something about the savaging of sheep, goats, poultry, and so on. I am firmly committed, and I trust that the Government remains firmly committed, to ensuring that, in due course, the regulation relating to tattooing will become the law and that, by the introduction of the final requirement of the new dog legislation, people associated with the dog world and people who have in the past suffered because of the attacks of dogs will be able to rest assured that all that can be done has been done, and that South Australia in that sense will be a better place in the longer term.
>
> I make this statement, because I am concerned that there has been a lobby, in some instances initiated in the local government area, to disturb the total requirements of the dog legislation. As I believe that there is no good argument for that, I have made my statement today.

That statement was made by the member for Light, Bruce Eastick, who is a veterinary officer and a member of the Party to which the Minister belongs. He said that in the debate on the legislation then before the House. The Minister has succumbed to the full pressure of local government, and is weak for allowing himself to be put in that position. I will deal later with what the Minister said

in support of the Bill. He will realise that he has succumbed to a minority pressure group.

The Hon. C. M. Hill: Mr. Creedon has already quoted that.

The Hon. N. K. FOSTER: I do not care; I am quoting it now. I support the Non Dog Owners Association, as I did previously. I make no secret that I met Mr. Harrison previously. They put up the proposal again, and it is indeed a sensible proposal. Surely, the Minister, as a member of the Government, has had a copy of that sent to him. If the Minister has not read it because he is blinded to the mythical cost factor in relation to local government, that is his look-out. If local government had done its job, the dog legislation would not have been introduced. The Minister said, "You are dead correct in that respect." He supported my remarks on that occasion, and I stand by them now. Had local government done its job and not looked over its shoulder to see whether or not it was a popular move, there would have been no need for the legislation.

The Hon. C. M. Hill: You've never liked local government.

The Hon. N. K. FOSTER: Be damned. That is a stupid statement to make.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I am not here to like or dislike people or Governments. Local government has been around for a lot longer than have State Governments. The Minister has been a member of local government, although I have not. However, it is not my desire to be in local government. Those who have been involved in it have not grasped the nettle of local government's responsibility to ensure that proper voting principles apply. I told the Minister that a couple of weeks ago in relation to the local government elections.

The PRESIDENT: Order! We are not discussing the merits of local government elections.

The Hon. N. K. FOSTER: That is dead right, but the Minister interposed, and I am giving him an answer. He is a liar and he knows it.

The PRESIDENT: Order! I caution the Hon. Mr. Foster that he must not refer to people as liars.

The Hon. N. K. FOSTER: Well, if he tells the truth, I will not have to do so.

The Hon. C. M. HILL: I take a point of order and ask for a withdrawal of that remark.

The PRESIDENT: Order! The honourable member has been asked for a withdrawal, and he will not call people liars if I tell him not to do so.

The Hon. N. K. FOSTER: There are a thousand ways of doing it.

The PRESIDENT: Order! The honourable member has been asked to withdraw his statement.

The Hon. N. K. FOSTER: I will withdraw it in order to satisfy the Hon. Mr. Hill. If the Minister is worried about that terminology, so be it. However, if he wants to handle the truth carelessly, that is his decision, not mine. I still support the view of the Non Dog Owners Association. The legislation that was passed previously has done a great deal. This area having been canvassed by a previous speaker, I do not intend to go over it again. However, during the debate on the previous legislation, the Hon. Mr. Dawkins said, "I quote myself from page 2985 of *Hansard*." I have quoted the honourable member from page 2596 of *Hansard*. I know that it does not make good reading but, nevertheless, the honourable member supported the Bill on the basis that the penalties were right. However, he had reservations in relation to the setting up of the committee.

We find that the honourable member was telephoned by the Town Clerk of Gumeracha. Also, a Town Clerk on Yorke Peninsula got on his back, and a few others organised by the Hon. Mr. Hill got in touch with Mr. Dawkins, who then changed his tune. Mr. Dawkins then wanted to assess everything that happened in this place from the point of view of two or three people. The honourable member referred to the Town Clerk of Gumeracha, and I think the Hon. Mr. Hill interjected and mentioned that person's name. I do not intend to do that, but that is why the honourable member changed his tune. If a member of local government telephones the Hon. Mr. Dawkins, he says repeatedly, "Yes, I agree with you." The Hon. Mr. Carnie, who is now out of the Chamber, supported the Bill and tattooing. I do not want to weary the Council regarding this matter at this late hour.

The Hon. D. H. Laidlaw: You're wearying me.

The Hon. N. K. FOSTER: Of course I am, because I am not talking about companies legislation, or something like that. The Hon. Mr. Carnie supported the Bill, because it provided for greater control of dogs in South Australia, the working party, and the Select Committee. He also stated that much was to be said in regard to tattooing, which he supported. There was some reference to Alsatians but in the main he supported the Bill in an efficient manner. I notice that the Hon. Mr. Dawkins interposed and said that he agreed with the comments of Mr. Carnie. Finally, Mr. Carnie said:

> I refer finally to tattooing as a means of identifying dogs. I agree with the Hon. Mr. Dawkins that animal tattoos are not always legible. However, on the whole, I consider it to be the best means of permanent identification because discs can be lost. Generally, a tattoo will always remain on a dog.

Mr. Hill was interjecting but Mr. Carnie continued to say that he thought that it was the most efficient way of doing it. Mr. Hill entered the argument and said, "I admire people who have become interested in this subject." The weaknesses of Mr. Hill's argument are a confirmation of what I said earlier in the debate, and that is that he succumbed to the pressure of a few and started whingeing. That term is not used in a derogatory sense. He and Mr. Casey were interjecting against one another, and Mr. Hill said that if he were registering a dog for the first time he would object to it being tattooed. He also stated that he had a King Charles spaniel and said that they were so elevated in the breeding hierarchy that they were allowed into the House of Commons. That was obviously the reason why he opposed the measure. He can send kids to Vietnam to get killed but he is opposed to getting the ear of his dog tattooed. The Minister has been weak and wayward and has been misled; it is a disgrace.

What does the Minister propose to do? Does he propose to have a Central Dog Committee? I do not support the Minister's watered-down proposal. If he wants to do anything about the dog population there are other ways and means of approaching the matter. He should have watched the television programme a few weeks ago in relation to the dog problem in Paris and some areas of Brussels and Holland. I think it was a *Four Corners* programme, and it showed women leading dogs around on leashes through crowded city streets. The dogs were doing their business in the streets and the women were using tissues to wipe the dogs' backsides and dropping the tissues on the ground. People were then treading in the stuff. That situation will come about if we do not do something about it.

We can look at the Canberra situation where, under the relevant Ordinance, as it was then called, if one wanted to lead a dog around one would have to take a bucket and spade to clean up the mess. The dog population in this State is increasing. I have figures to show that the dog

population in the urban area dumps some 4 500 tonnes of droppings in one year and they urinate 1 700 000 gallons of urine. Members are mad if they think that that can continue to the extent that it has been allowed to develop in some of the European countries. This argument has been put up by country dwellers and people who represent country areas. However, they must realise that Australia is one of the most urbanised societies in the world. Adelaide is situated on a narrow strip of coast and is high in the category of urbanisation. I refer also to canned pet foods and suggest that if there is a chemist among members opposite that he analyse some brands of pet food. They contain an ingredient which ensures that the food passes through the dog like a sausage machine. Yet, members tell us that local government is wanting them to amend the Bill.

The Hon. D. H. Laidlaw: What has that got to do with the Bill?

The Hon. N. K. FOSTER: It is dog control. We are talking about both ends—the end that bites and the end that offends.

The Hon. C. M. Hill: We are tightening control in this Bill.

The Hon. N. K. FOSTER: You are not tightening it. The Bill is letting local government off the hook, and the Government is aiding and abetting local government to deny its responsibility to the people. The average increase in rates in the metropolitan area in the last 12 months is 15 per cent. People on this side of the Chamber gave their share of tax on a Commonwealth basis. The Government should rethink the proposal and raise the matter in its own Party room in a proper and constructive manner instead of having the domination of a single Minister before a Cabinet that does not want to listen to anything about dogs. There was no proper Cabinet submission, and the Hon. Mr. Burdett knows that.

The Hon. J. C. Burdett: I do not know it.

The Hon. N. K. FOSTER: The Hon. Mr. Burdett was one of the Cabinet Ministers who walked out on Murray Hill. It was not discussed properly in Cabinet or the Party room.

The PRESIDENT: Order! Does the Hon. Mr. Foster wish to continue with his remarks?

The Hon. N. K. FOSTER: In respect of Cabinet discussions it was a matter of amending the Dog Control Act. If that is not relevant to the Bill then dogs are not relevant to the Bill. A proper submission was not placed fairly and squarely before Cabinet. You denied members of your Party, who had supported the Bill and applauded it, the right to express themselves. You took a selfish line for the purposes of your Party, Mr. Hill, and I condemn you for it.

The Hon. M. B. CAMERON: Of all the exhibitions I have heard from the Hon. Mr. Foster, that would have to take the cake. It was disgraceful. The last part, about some alleged Cabinet discussion, is obviously a flight of fancy in his mind. I thought that the member was finishing in this place at the next election because of age, but I guess I would have to revise that: it may be because of the embarrassment other members feel when he speaks.

I congratulate the Minister on introducing a Bill that will return some power to councils and move from the gradual centralisation of power that was occurring under the previous Government. The Bill recognises that councils are responsible bodies that can manage their affairs. Under the previous Act, the money from registration was insufficient for the work required. The Government set up a Draconian central committee, but councils could have done the work.

That Government always had to bring in some central control. I do not agree with that, and I believe that the Minister is taking a responsible step by giving powers to councils and, at the same time, allowing people aggrieved by a dog to act on their own account. Regarding tattooing, I have always found that to be a somewhat hilarious provision. I do not think it will work. I do not know whether the Hon. Mr. Dawkins has expressed his opinion on the matter.

The Hon. M. B. Dawkins: I have.

The Hon. M. B. CAMERON: I am sure the member has. I have been involved in the tattooing of animals, and I have taken great care. I did as well as I could and I am sure the job would be as good as that done by any veterinarian and would be done at less cost.

The Hon. J. R. Cornwall: You stupid old fool, I haven't been in veterinary practice for two years.

The Hon. M. B. DAWKINS: I ask the member to withdraw that. He goes on with nonsense like that, and I ask for an apology.

The Hon. J. R. Cornwall: I withdraw.

The PRESIDENT: The Hon. Mr. Dawkins sought an apology and a withdrawal?

The Hon. M. B. DAWKINS: Yes, Sir.

The Hon. J. R. Cornwall: I withdrew the thing unconditionally.

The Hon. M. B. CAMERON: I am sure that most veterinarians in the State would be in full support of this legislation. It would be manna from heaven, particularly with the over-supply of veterinarians and the disappearance of incomes. I do not say that as a reason for enforcing a provision that I believe will be unworkable. It would help the veterinarians, because by the time they finished tattooing some dogs that I have seen, they would regret the decision. I do not know how one would tattoo a chihuahua dog. How do you tattoo a black dog's ear and get a colour that will show up? I understand that the tattoo was to be put on the inside flank.

Apart from that, the tattoos will not come out in a legible fashion. I have purchased stud stock that had a number placed in the ear by experts, but one could not read it. I believe that it is sensible to take out a totally unworkable provision. More importantly, it is a good idea to take the power from the central committee and give it to councils. I commend the Minister.

The Hon. C. M. HILL (Minister of Local Government): I thank members for the manner in which they have applied themselves to the Bill. I realise that many points will be discussed in Committee, and I do not want to take long in replying to the second reading debate. One matter that should be mentioned is that I completely refute the accusations concerning local government made by members opposite. The Government and I take the view that dog control is basically a council responsibility. If councils cannot look after their own dog problems, we may as well give the third tier of government away.

We know that councils can and should do the work. It involves the local community, so we should give councils as much responsibility as we can in the area. The more there is improvement of standards, the better. I realise that tattooing is a major issue in the Bill, but, since the present Act was debated in February last year and since it was proclaimed in July last year, the whole issue of tattooing just has not worked. People at large and councils will not accept it. It is by no means as reliable for identification as members opposite claim. It may be reliable to the point of finding out who was the owner at the time of tattooing, but that is as far as it goes.

The Hon. J. R. Cornwall: That's what central registration is about, as you know.

The Hon. C. M. HILL: Central registration was another vision of the centralists. Not only did they want to make the whole operation centrally controlled but they also wanted a central dog register. If the member wants to make his central dog register work, he has to see to it that every registration of every dog is dealt with by that means.

The Hon. J. R. Cornwall: It is not too difficult with computer technology.

The Hon. C. M. HILL: It is much more difficult than the honourable member believes. I know he wants to set up a computer and go to expense in that respect, but even when a dog dies a person would have to send in a form. Whenever the ownership changes or even for first rgistration, notification would be required. All this was going to be carried on in the central technology area. While in theory it looked grand, in practice it has simply proved unworkable. It is the central dog registry that has got to go. It is the Central Dog Committee that has not worked in practice.

I refute the accusations that I have brought some pressure to bear on the committee, or have had anything to do with the committee in an endeavour to see that it does not work. In truth, the opposite is the case. I changed the chairmanship of the committee to try to see that it would work. I placed in the chair a person who has been acclaimed by members tonight, and the gentleman who had been in the chair was a first-rate officer in my department but, in practice, around the table in that committee it just was not working. One of the main reasons why it was not working was that the formation of that committee included too many people appointed by the previous Government representing too many vested interests. Each person around the table was subjective in outlook on committee issues and was concerned with the association he represented more than he was concerned with the overall problems that he was supposed to be handling.

The committee was working and the officer from my department, the same officer who had been Chairman, was spending far too much time on this matter trying to sort it out. The Act was not working in practice and had to be changed. What we have before this Council is the Government's endeavour to both change and improve it. This Bill does give more power to local government and we are proud that it does. I should think that the Hon. Mr. Creedon should be proud that it does, too. We are giving local government in the country the responsibility of looking after its own dogs. Surely it is capable of that.

We are not taking back to the central committee of any the country local government registration fees. We are saying to local government in the country that it should look after its dogs. In the metropolitan area there are two or three purposes for which all the metropolitan councils should contribute, and by that I mean that they should fund the dogs rescue home in the southern part of metropolitan Adelaide and the rescue home at Wingfield. The R.S.P.C.A. also should receive some financial assistance, as it has been doing in the past.

Therefore, it is necessary in metropolitan Adelaide for some portion of the registration fees to be sought from local government and funded to those institutions to assist in the running of the control of stray and unwanted dogs. That money will come back from local government, but it will be a lesser amount than that which has been collected previously. By allowing metropolitan councils to have the control of more of the funds than they have had in the past, we expect them to do more about the problem generally. I am sure that local government will respond to this challenge.

There were one or two other matters that were specifically raised in the debate by members opposite. The Hon. Mr. Creedon dealt with the question of education, and I agree that this is an important function. Education can still continue under the present Bill on advice from the new dog advisory committee, which will work in association with local government on the question of publicity and general education.

The Hon. J. R. Cornwall: How will you undertake that?

The Hon. C. M. HILL: We will undertake general education by co-operation with the Local Government Association and local government. We still have funds.

The Hon. J. R. Cornwall: What about the 129 roneoed sheets?

The Hon. C. M. HILL: As the honourable member should know, some education of dog owners in some parts of the State should be different from the education pamphlets that go to other areas of the State. Education pamphlets for country owners on the subject of hydatids ought to be concentrated in country areas, and other matters in the more densely populated urban areas should be developed in regard to education.

In regard to under-age owners, whom members opposite seem to oppose vigorously, I think the point has been overstated by the Opposition. I point out that strong complaints about young people being unable to own a dog have been received by the Government since it has been in office. For instance, the Government believes that people of 17 years, if they wish to own a dog, should be able to do so. Now the Government is willing to monitor this situation closely in the future, but we do not think it will get out of hand. We know that if offences do occur, it may mean a visit to the Children's Court—

The Hon. J. R. Cornwall: For a three-year-old child?

The Hon. C. M. HILL: If a parent registers a dog in the name of a three-year-old child, I think that would be a rare occurrence. As I say, the situation will be monitored carefully by the Government. In metropolitan Adelaide particularly, there has been very strong criticism of the present Act, which prohibits a child under 18 years of age from either owning or being in control of a dog on the street. In other words, such a person cannot walk a dog in the street.

The Hon. J. R. Cornwall: Which section of the Act provides that?

The Hon. C. M. HILL: I will tell the honourable member the section in a moment. A dog can walk without a lead under the existing Act, but of course it must be assumed that the owner has control of that dog. That is specifically provided.

The Hon. J. R. Cornwall: Tell us about the children who cannot walk dogs on the street.

The Hon. C. M. HILL: We will come to that in Committee. If that part of the Bill is lost and the situation remains as it is at the moment, I want it made clear that it will be on the heads of members opposite. I freely admit that it does give rise to some doubts, but in view of the public feeling on the subject and in the hope that responsible people will be careful in regard to this matter, the Government would like to give such children the right to own a pet dog. The Government believes the change should occur.

I mention the funding that would pass to the major pounds in metropolitan Adelaide and the support that would be given to the R.S.P.C.A. It is intended that, when the regulations come down under the new measure, the money collected will permit the same funding to be continued to those institutions as has been the case in the past. In regard to the fees that were queried by the Hon.

Mr. Creedon, committee members are not entitled to sitting fees but to travel expenses incurred by them.

I also mention that the legislation strengthens control on dogs. Under this Bill an aggrieved person can lay a complaint against the owner of a dog which makes a nuisance of itself by barking too much. An aggrieved person such as a neighbour cannot do that under the present Act; only a council can do that. This Bill means that tight control will be achieved. Secondly, where a dog inflicts injury upon a child or any other person, under the existing legislation, if it returns to its owner's property, it cannot be touched by the council if the owner refuses to give it up until the fate of the dog is decided by a court. Court action can take months. Under the new Bill the council will be empowered to take charge of a dog immediately and to impound it until such time as the court decides the dog's fate. That would be of great interest to certain people in metropolitan Adelaide who have been involved in such circumstances in recent months where dogs have injured people and have remained on the owner's property. The aggrieved persons live in fear and dread in the event that the neighbour might allow his dog to roam again or that the dog might escape from its owner's property.

Surely that is evidence of a strengthening of dog control under this legislation. Other matters can be dealt with as we proceed. I hope that honourable members opposite will reconsider some of the attitudes they disclosed when they debated this matter earlier. I believe that the proposed legislation is better than the existing Act. However, I am not criticising the previous Government, because that is all history. The previous Act was a genuine endeavour to control an existing problem. That problem is on the way to being corrected, but there are aspects of the Act that have proved unworkable, and the Government wants to overcome those problems. There is a need for tighter controls which this Government has introduced in this legislation. I urge honourable members to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Definitions."

The Hon. J. R. CORNWALL: I refer to clause 4 *(f)* and *(g)*. Clause 4 *(f)* refers to the striking out from subsection (1) the definition of "dog control warden" and substituting certain definitions. I foreshadow that the Opposition will be opposing clause 6 *in toto* which refers to dog wardens. Therefore, we also oppose clause 4 *(f)*. The Opposition sincerely believes that clause 4 *(f)* is a great leap backwards, because it is a return to the part-time dog-catcher who may well become the general dogsbody around the council area, and that is not an inappropriate term.

The present Act provides for a dog control warden who is a person well qualified to do a particular job. When that legislation passed it was recognised that it would not be possible for many councils, particularly smaller councils, to employ a full-time warden. However, specific parts of the Act made it possible for councils to share wardens. It is a major leap backwards to return to the old days where someone around the council area is employed from time to time for an hour or two as a dog-catcher. The Opposition opposes that measure because it is a major leap backwards.

Clause 4 (g) has a specific bearing on the central registration, as I understand it. Perhaps the Minister will correct me if I am wrong. As I indicated earlier, the Opposition is very keen to see the provisions of central registration and tattooing retained to be implemented, not in the immediate future, but as it becomes practical to do so. I will have more to say about that matter when we reach the specific clauses referring to tattooing.

The Hon. C. M. HILL: This is another example of where the previous Act was too strong and too unreal in its concept. The Act stated that a council shall have a dog warden, including some arrangements whereby councils could share a warden. Since becoming Minister, I have had many dealings with local government and I have had to give many exemptions to help councils overcome this situation, because many councils simply could not afford to have a dog warden. The Government proposes to do away with the concept of dog wardens and instead introduce authorised officers who could do other work as well. It would be their responsibility to handle the question of dog control in council areas. That is a far more sensible and real answer to the problem and is preferable to appointing full-time officers, because some councils cannot afford full-time officers. An existing council officer could take that responsibility as an authorised officer. That approach is so much more sensible.

In relation to the registrar, he will be appointed by the council to be a registrar of dogs. We do not want a central registrar because the Government does not believe in centralism of that kind. It is proper that in a council the title of registrar should be bestowed on the person who is responsible to control and administer the register of dogs in a particular council area. That officer, too, could do other work as well.

They were the two main points that were made in relation to paragraphs *(f)* and *(g)*. I ask the Committee to support the inclusion of those provisions in the Bill.

The Hon. N. K. FOSTER: It seems that the Minister is very anxious to amend the Act, which provides for the saving or sharing (I do not object to that) of money in relation to outside staff. Many councils have a whole range of staff that is far beyond their means. The Government says that it is opposed to the hierarchy in the Public Service, yet it sits back and watches the denuding of outside staff. If one reads press advertisements for local government staff, one sees that the salary ranges offered are far in excess of those which obtain elsewhere. If a council employs someone to do work in relation to, say, noxious weed control, some members say that it costs too much money. The Minister is not being consistent and should accept the Opposition's point that the Bill should remain in its original form.

The Hon. J. R. CORNWALL: I make clear that paragraphs *(f)* and *(g)* are quite objectionable to the Opposition. Also, paragraphs *(b)*, *(c)* and *(d)* refer to matters to which the Opposition objects violently. We are, therefore, opposed to the whole of clause 4.

The Committee divided on the clause:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 5 passed.

Clause 6—"Appointment of authorised persons."

The Hon. J. R. CORNWALL: The whole idea of dog wardens, to which this clause refers, was to introduce a degree of professionalism that previously had simply not existed. Dog wardens would be well-trained lay persons. Ultimately, they might well be involved in tattooing when

and if it was introduced by some evolutionary means. They would be expert in the humane handling of dogs and a whole range of activities that people cannot be trained to do by being sent out to one or two emergency calls each week. This is where professionalism is essential if we are to have the measure of dog control as contemplated in the Act.

The Opposition completely opposes this clause. We are not, as the Minister has said so many times during the debate, committed to centralism. The Minister knows well that this Bill was developed after a lengthy examination by an all-Party Select Committee of another place.

The Hon. C. M. Hill: It was a Government Bill.

The Hon. J. R. CORNWALL: Of course it was. That is not the most intelligent remark that the Minister has made. There was agreement among all committee members, and the Bill was developed and introduced after evidence was received from a wide range of witnesses representing all groups in the community. This was one of the things on which the Select Committee was unanimous. The Opposition is totally opposed to the clause, which removes the professionalism that is necessary for the humane and reasonable handling of the dog problem.

We simply cannot send any mug out because a person telephones about a problem in the street. There must be professionals, and there are provisions in the Act for wardens to be shared.

The Hon. C. M. HILL: I do not accept that, simply because a Select Committee, nearly two years ago, recommended something, that has proved to be the best solution. The opposite has proved to be the case. The legislation forged in the Parliament then has not worked in practice and I want assistance and co-operation now to enact legislation that will work. Local government will not be sending out mugs.

The Hon. J. R. Cornwall: Only in respect of being able to handle dogs. They may be highly intelligent persons otherwise.

The Hon. C. M. HILL: You are assuming that a lot of people cannot handle dogs. Councils will appoint responsible people to these jobs. The only power available to a dog warden that is not available to an authorised officer will be the power to tattoo, which will not be applicable. The term "authorised officer" is common in local government. The present provisions require the dog control warden to be engaged full time unless the Minister otherwise consents, and that is an interference with the rights of councils in regard to use of resources. I stress this point, because the Hon. Mr. Foster spoke on what he claimed to be excess human resources in councils. If a council is to be given the best opportunity to adjust its manpower resources so that they are being used most effectively, the change should be made.

The Committee divided on the clause:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. Frank Blevins.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 7 passed.

Clause 8—"Public pounds to be maintained by councils."

The Hon. J. R. CORNWALL: I am looking for clarification on this. New section 11 (1) *(a)* provides that each council shall maintain a public pound for the purposes of the Act. I find that unexceptional, although it does not spell out any standards, and that causes alarm to people like myself. New section 11 (1) (b) provides that councils can enter into arrangements, satisfactory to the Minister, under which a pound is available to the council for the purposes of this Act, and any such pound must conform to minimum standards determined by the Minister. I should like the Minister to spell out in more detail what the minimum standards may be.

The Hon. C. M. HILL: This clause deals with the provision of pounds and ensures that each council, other than the Outback Areas Community Development Trust, will provide a pound for its area and, if necessary, the pound will comply with the minimum standard. Previously, only municipal councils had to provide pounds but, if any council is going to enforce the Act (for example, by seizing strays or holding savage dogs), that council must have adequate and proper facilities. The previous situation whereby a council may jointly construct facilities or use a private pound will continue to apply.

This is where the new committee will be called upon to give advice and where the Minister will have control over local government in the unexpected event of councils not coming up to the standards. I hope that they will meet the standards. It is necessary for control to be there and also for that control to be able to involve minimum standards; the Act will provide that they are determined by the Minister, which means that they will be determind by the Minister on the advice of the small committee provided for in the legislation.

The Hon. J. R. CORNWALL: I take it that there is no intention that these minimum standards will be determined by regulation, so they could vary enormously from area to area. The Minister will be the sole arbiter on what the standards may be, on the advice of the committee.

The Hon. C. M. HILL: The honourable member is right. The clause also provides for two or more councils to maintain a common pound. It is also true that the demands and requirements for pounds vary. There is a difference between rural areas as to their needs. I would be more interested in minimum standards, if these are required.

The Hon. C. W. CREEDON: Do paragraphs (a) and (b) mean that a council could enter into an arrangement with a private body to permit its strays to be kennelled privately?

The Hon. C. M. HILL: Most certainly, there is flexibility there. The honourable member must know the situation applying at Sandy Creek, where there is a private pound. Some councils use it and some others do not. All these opportunities are there for the ultimate purpose of getting stray dogs out of towns and off the streets but, at the same time, seeing that they are properly and correctly pounded pending their fate.

The Hon. J. R. CORNWALL: Having heard that explanation I am absolutely convinced that section 11 of the principal Act is superior to what is proposed by this clause, and the Opposition must oppose it.

The Hon. N. K. FOSTER: I refer to the pound in the southern area at Lonsdale. Does the Minister believe that that pound is sufficient for the area, or do the proposals provide for enlargement of the pound? What is the cost of retrieving impounded animals?

The Hon. C. M. HILL: I do not have the costs that the honourable member seeks, but I can express a general opinion about the pound to which he refers. It was established after the Mitcham Dogs Home was closed. I understand that it is confronted from time to time with some financial difficulties, but that it is coping reasonably well with the dog problem in the southern part of

metropolitan Adelaide. It has been funded by the Central Dog Committee and will be funded with no lesser sum under this Bill. It is one of the two major metropolitan pounds to which I referred earlier.

Money for that funding will come in from all the metropolitan area, because councils will have to pay a portion of their registration fees. About the future, I believe there will be considerable pressure on the existing pounds because the dog population has trebled in recent years to about 180 000 and now, because local government has been able to tackle this problem, there are estimates coming in from local government offices that the dog population is reaching 250 000. Because local government is going to be able to keep more of its registration fees and expand its programme for dog control under this legislation, it may well be that more and more unregistered dogs will have to be impounded, and the facilities at Lonsdale may prove to be inadequate. We may have to come to an arrangement for future expansion. I assure the honourable member that questions like that will be checked out and monitored carefully.

The Hon. N. K. FOSTER: I am concerned about this matter. The Minister indicated clearly that the Lonsdale pound caters not only for the southern districts but also for metropolitan areas. If the Minister's dog was impounded from the Unley area and sent to Lonsdale the Minister might have to pay up to $30 to get it out of the pound. That is an exorbitant fee. The number of registered dogs has increased considerably and on 20 October 1980 was over 112 000, and the dogs are still at it. The number of dogs is increasing. Perhaps the Government should consider more stringent control over the desexing of animals. I seek more information about the Lonsdale pound. I refer to the pound at Wingfield run by the Animal Welfare League, which charges a considerable sum in the case of the dogs that it impounds. Is that pound considered to be an accredited pound under the Act? Is that pound run on almost a profit-making basis rather than a pound incurring a debt or relying on public funding under the Bill?

The Hon. C. M. HILL: First, it is not that the dogs are still at it. The dogs have been at it for a considerable time. Dogs that previously have not been registered are being found by council inspectors, and stray dogs are being impounded to a much greater degree than was previously the case, because councils have some finance to channel into this activity. In regard to the other matter, I do not think there can be much positive result in arguing about the financial situation of the two major institutions in this State. The Animal Welfare League operates at Wingfield and is somewhat financed by private sources. That is in stark contrast to the operation at Lonsdale developed initially with money from the Mitcham Dogs Home and the Government of the day. I think the Lonsdale institution has heavy indebtedness which it is probably finding somewhat difficult to manage. I do not think that is an issue to be raised in this debate. To the best of my knowledge both institutions are doing a good job in accepting unwanted dogs, principally from local government officers. They take strays and other unwanted animals from private people and kind people who find strays on the streets and take them to Wingfield or Lonsdale. The majority of their dogs come from the pounding arrangements that they undertake in co-operation with certain councils. Where the boundary is between the two institutions, at what point people travel north or south, I am not sure, but I do not think it is relevant. The assurance I give is that as time passes, if there is a demand for increased facilities, the Government would consider discussing such a problem with the parties involved.

The Committee divided on the clause:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Ayes—The Hon. M. B. Dawkins. No—The Hon. Frank Blevins.

Majority of 1 for the Ayes.

Clause thus passed.

The Hon. J. R. CORNWALL: I seek to recommit clause 9.

The CHAIRMAN: That cannot be done until the remainder of the clauses have been considered.

The Hon. J. R. CORNWALL: You were pretty quick off the mark.

The CHAIRMAN: I was not. I gave you every opportunity.

Clause 10—"Repeal and substitution of new heading."

The Hon. J. R. CORNWALL: The Opposition does not oppose clauses 10 and 11, because we do not believe that a great deal lies in the name. The Opposition does not care whether it is called the Central Dog Committee or the Dog Advisory Committee, as long as the present constitution of the committee remains.

Clause passed.

Clause 11 passed.

Clause 12—"Constitution of the committee."

The Hon. J. R. CORNWALL: The Opposition opposes this clause completely. The present committee as it is constituted is an excellent committee. It is very well balanced and has representatives from a wide spectrum of people in the community with an interest in the care and welfare of animals. For example, to have a Central Dog Committee or a Dog Advisory Committee, which has the function of advising the Minister on a whole range of matters in relation to the welfare and control of the dog population, without a member of the Australian Veterinary Association is like trying to run the Health Commission without a medico. Clearly, this clause is totally and absolutely ridiculous.

Members interjecting:

The Hon. J. R. CORNWALL: Members opposite can chuckle as much as they like, but this is the silliest proposal I have seen before this Chamber. The Opposition opposes this clause completely, unless the Minister gives an undertaking that he will amend it in some way to retain a member from the Australian Veterinary Association. I notice that the committee will have a member from the R.S.P.C.A. and one from local government. Apart from that, it is a committee of four members only with a Chairman appointed by the Minister and another stooge also appointed by the Minister. That is totally inadequate, and we oppose it. I would like an indication from the Minister that he will give a firm undertaking that someone from the Veterinary Association will be appointed to this committee.

The Hon. K. L. MILNE: I also seek a firm undertaking that the Minister will make such an appointment. There are many very intelligent and highly trained veterinarians who have good manners and a good approach to this type of measure, although I cannot name one at present. I have met many veterinarians; I have spoken to the President of the Veterinary Association, and he is well aware of what is required. I ask the Minister to give a firm undertaking that a member of the Veterinary Association will be appointed to that committee, because I believe that is essential.

The Hon. C. M. HILL: First, the proposed committee is half the size of the existing committee. Apart from the change of name, that is one of the major changes. As I said earlier, the present committee did not work well because it comprised too many members representing professional bodies and other groups. However, I am not being over critical of the individuals involved. I suppose it did not work well because of the institutions that those members represented or their professional outlook. What ever the reason, they found it difficult to be objective in their deliberations. For that reason I did not want to fall into the same trap in a committee comprising four members and be committed to too many representations from too many organisations.

It was decided that two members should be connected to institutions; one from the Local Government Association and one from the R.S.P.C.A. I also wanted some flexibility in regard to the other two members. However, in view of the fact that two speakers opposite have indicated that they believe a veterinarian should be on the committee I acknowledge that that is an area that could assist the committee. I acknowledge that the present veterinarian on the existing committee has done a very good job indeed. In view of what has been said and the obvious strength in the two opinions, I am prepared to give a clear undertaking that a veterinarian will be selected to be a member of this committee.

The Hon. J. R. CORNWALL: I am delighted to receive that undertaking. However, despite that the Opposition still strenuously opposes with great vigour the dismantling of the present committee which was constituted to be a very balanced body. We do not intend to divide on this issue, but I would like it recorded that we oppose this clause in the strongest possible terms.

Having said that, I appreciate the undertaking (although it was given begrudgingly, as the Minister does not have the numbers to enable him to do otherwise) that a veterinary surgeon will be included on the new committee.

The Hon. C. W. CREEDON: I refer to new subsection (3) of section 14, which provides that a member of the committee shall hold office at the pleasure of the Minister. As that seems to be an odd provision to have in the Act, will the Minister explain it to the Committee?

The Hon. C. M. HILL: It was not thought necessary to lay down specific terms of office of the members of this small committee. It is intended to have continuity of membership because, once a committee member has been installed, he gains experience in this field. That is why the provision was worded in this way rather than our specifying terms of office. There may be some staggering of terms of office, and the question of continuity will be borne in mind.

The Hon. N. K. FOSTER: Would the Minister consider having a dog warden as a member of the committee? I consider that this is necessary from a practical point of view. Councils have not shown any great interest in controlling the dog population; otherwise, this Bill would not have been necessary. The Minister has already given an undertaking that a veterinary surgeon will be on the committee and, as the R.S.P.C.A. will also be represented thereon, I think that the Minister should say, even at this late hour, that he will stipulate that one of the committee members should be a person who is known as a dog catcher or a dog warden and who is competent to apprehend dogs.

The Hon. C. M. HILL: I cannot acccede to that request, because I do not have any room in which to manoeuvre. The committee is to comprise four members, and I must find a Chairman. The other three members are tied to their selective groupings. I make the point that information regarding dog problems in the field is built up through local government, and I am sure that the committee's local government representative will have an intimate knowledge of this whole area.

The Hon. K. L. MILNE: Will the committee have power to co-opt the sort of person to whom the Hon. Mr. Foster has referred? I thought that the honourable member's suggestion was excellent.

The Hon. C. M. HILL: If, in its deliberations, the committee wants to seek such opinions, it can certainly do so. I stress the point that a small committee such as this, once it gets involved in this work, becomes committed and dedicated to this particular form of community service; that is what it is. Its members at all times will be interested in all aspects of dog control. I can well imagine that those people will be in touch with local government and those council officers who are handling the matters of administrators in councils. There will be this cohesion between people at all levels involved in the problem. They will be down to see the institutions where pounding takes place, and so on. The operation is so much smaller than what it has been that there certainly is no need for a committee larger than four. The point of co-operation can probably be effeted by calling the people in from time to time and discussing problems with those people.

The Hon. K. L. Milne: Will you encourage them to do that?

The Hon. C. M. HILL: Most certainly, because we want a first-class job done.

The Hon. J. R. Cornwall: The committee has no power to co-opt.

The Hon. C. M. HILL: We are not dealing with a black-and-white problem. We should be co-operating and finding out the best answer when a situation does not work out. We are not trying to be ham fisted and iron clad, saying, "This is what we will impose on Parliament." We want to discuss these things. I am convinced that, by a wise choice of personnel, I as Minister and my officers can keep in close contact with the committee, which will meet in my department's rooms.

The Hon. J. R. Cornwall: How often? Twice a year?

The Hon. C. M. HILL: Monthly, I would think, and I will encourage it to do that. Any little problem occurring that they should know about, I am convinced that they will find out about.

Clause passed.

Clause 13—"Repeal of sections 15 to 25 and substitution of new sections and heading."

The Hon. J. R. CORNWALL: The Opposition opposes this clause *in toto*. It goes right to the heart of the matter concerning the committee, which the Minister is mischievously, in my opinion, destroying. He has given it no chance to work at all. He has been entirely hostile to the whole concept and to the whole operation of the committee. He is abandoning and disbanding it at a time when it is just starting to work. For example, sections 15 to 25 are repealed by this clause. The whole matter is thrown out the window. Significantly, section 20 of the existing legislation refers specifically to the committee's role in providing information, education, care and control, among other things. The Minister in a spirit of malice is throwing this matter out the window. He has watered down the whole concept of the committee and control, and is saying, "It's a bit too difficult for me. I've not been able to make it work (not that I have tried too hard), but I was opposed to the whole thing, from the time it came into the House two years ago, and I am throwing it all out. As an excuse, I am going to say it doesn't work." My information from members of the committee was that it was beginning

to work well. I am hostile and bitter about the action being taken with the committee, in particular. We will almost certainly divide on this clause.

The Hon. N. K. FOSTER: I seek information as to what is repealed by the repeal of sections 15 to 25. I have not the principal Act with me or an adviser, and I am sure the Minister will be able to tell us.

The Hon. C. M. HILL: The clause repeals all those sections that were necessary for the Central Dog Committee to operate as a separate statutory authority, and new provisions are inserted setting out the role of the new Dog Advisory Committee and the establishment of a trust fund. New sections 15 and 16 lay down the simple functions of the committee, which are to advise the Minister regarding the making of grants from the fund and to advise the Minister on any matter relating to the administration of the Act.

Then the fund is dealt with, because there will be money to the credit of the present Central Dog Committee and this will have come from metropolitan councils. This money must be placed in that fund and, from them, money will be paid out as I have explained.

I take strong objection to what the Hon. Mr. Cornwall has said. I have refuted the statement once and I am forced to do so again. I have taken no action to downgrade or to try to adversely affect the operations of the Central Dog Committee since I have been Minister. I have done the opposite. I was worried about it and I was in consultation with the Chairman, an officer of my department, for months. He was saying that it was not working and that he was not sure how to make it work.

He is an extremely competent officer, a former Town Clerk, and he was chosen as one to advise town clerks in the State. He was handicapped by the structure with which he was provided. Further, I changed the Chairman and selected Gordon Johnson, a former President of the Local Government Association, a former President of the Federal Local Government Association, a former council Chairman highly respected in local government, and an extremely capable man in any form of activity. I thought that, if it was going to work, it would work under the new Chairman. He has been frustrated since. He told me this afternoon that he supported the Bill, and he is the outgoing Chairman. I tried my best to make the old committee work. It has been impossible to do it, and that is what has necessitated this change.

It has been impossible to do it, and that is what has necessitated this change.

The Hon. N. K. FOSTER: I am more concerned than ever because, in seeking information, I have not been given the information that I was endeavouring to get in regard to sections 18 to 25. The Minister dealt briefly with new sections 15 and 16 but went no further. He tried to inform me that new section 16 was relevant to funding. The Committee stage is when information is to be sought. The Minister has told us that he has put the most competent people in the position of responsibility. Does the Minister suggest that the provision before us is going to cure the situation? We need more practical people at the grass roots level on the committee. I refer again to dog catchers and wardens out in the street. There should be two postmen on the board—they would know more about it than the past Chairmen. How could they have failed to the extent that the Minister stated? The Minister said that Mr. Johnson was a top Chairman.

The Hon. C. M. Hill: I didn't say that.

The Hon. N. K. FOSTER: The Minister said that Mr. Johnson was a member of a council, and was the best town clerk in the State.

The Hon. C. M. Hill: One of the best.

Members interjecting:

The Hon. N. K. FOSTER: I do not need the Hon. Mr. Carnie to take me to task.

The Hon. L. H. Davis: You just make things up.

The Hon. N. K. FOSTER: Did not the Minister tell the Committee that Mr. Johnson was one of the very best town clerks?

The Hon. C. M. Hill: One of the best—not the best.

The Hon. N. K. FOSTER: Second to none. Did he not say that Mr. Johnson was one of the most highly respected people and had no peers in the top echelons of local government but he was unable to carry out the task successfully? However, I want an explanation of sections 16, 17 and 18. I do not want to hear about Johnson or a town clerk. I want to know the functions of those sections in the principal Act that the Minister seeks to remove.

The Hon. C. M. HILL: The honourable member seeks information about sections 16 to 25 of the principal Act. Perhaps if I read the marginal notes, he might be satisfied. Those sections cover pages of the Act. Section 15 deals with terms and conditions of office. Section 16 deals with expenses—that is, money that might be paid by way of expenses to officers.

The Hon. J. R. Cornwall: They don't get fees, do they?

The Hon. C. M. HILL: They get travelling allowances. The expenses are determined by the Minister in regard to costs. Section 17 deals with quorums, and section 18 deals with the validity of acts of the committee and immunity of its members. Section 19 deals with due executions of documents by the committee.

The Hon. N. K. Foster: Is there a legal adviser on that committee?

The Hon. C. M. HILL: Yes. Does the honourable member realise that we are talking about the outgoing committee?

The Hon. N. K. Foster: Yes, I want to know what you are up to.

The Hon. C. M. HILL: Section 20 deals with the functions of the committee.

The Hon. N. K. Foster: What functions?

The Hon. C. M. HILL: Section 21 deals with the moneys of the committee; section 22 deals with investment by the committee; section 23 deals with application of moneys of the committee; section 24 deals with provision of administrative services by the Local Government Association. The Local Government Association works in conjunction with the Government in this regard.

The Hon. N. K. Foster: They failed: you told us that.

The Hon. C. M. HILL: They turned their back on it because it was impractical.

The Hon. N. K. Foster: That wouldn't work in a fit, if that is what you say.

The Hon. C. M. HILL: It will work under the new arrangement. Section 25 deals with the accounts and audit of the Central Dog Committee. Those sections are being repealed: two new sections will replace them, namely, sections 15 and 16.

The Hon. N. K. Foster: I am not questioning those, but I want the Minister to come back to section 20, because he scratched over that pretty smartly.

The Hon. C. M. HILL: It deals with the functions of the committee.

The Hon. N. K. Foster: That is a broad and loose term.

The Hon. C. M. HILL: The functions of the old committee were as follows:

(a) to receive and apply moneys in accordance with this Act;

(b) of its own motion, or at the request of the Minister, to advise the Minister on any matter relating to the registration of dogs or the control or keeping of dogs or relating to the administration of this Act; and

(c) to promote and disseminate information as to the objects of this Act and the proper care, keeping and control of dogs.

The new committee has the following functions:

(a) to advise the Minister in relation to the making of grants from the fund; and

(b) to advise the Minister on any other matters related to the administration of this Act.

They are simple functions for a small committee and will work efficiently. The Hon. Mr. Foster gave me the impression that he thought that the committee will go around chasing and collecting unwanted stray dogs, but this is an administrative body and it will advise local government and work with local government to see that local government does the job. Its task will be in connection with local government in the metropolitan area only, because the committee will have nothing to do directly with country councils unless country councils fail in their activities. This simple, small and quite efficient committee will work far better than did the former arrangement.

Members interjecting:

The Hon. N. K. FOSTER: I object to what you say, Carnie, and I think you are a nut.

The ACTING CHAIRMAN (Hon. G. L. Bruce): Order! I draw the honourable member's attention to the fact that that remark is unwarranted in this debate and he should confine his remarks to the debate on clause 13.

The Hon. L. H. Davis: Hear, hear!

The Hon. N. K. FOSTER: I agree, Sir. You are quite right to tell me that, and the bloke who said "Hear hear" is a scoundrel. I believe that the Minister kills the Bill in regard to clause 20. A whole host of administrative areas have been removed. I suggest that the Minister tries to convince me that the functions of the committee are as provided in new sections 15 *(a)* and 15 *(b)*, and that these new clauses will carry out the functions of section 20. I will give the Minister leeway on the other clauses, because they deal with quorums and matters of that kind.

Clause 20 is a basketful of administrative matters, and the Minister has stripped from the Act those functions by including two very brief clauses that provide for grants to the fund.

The Minister should not try and tell me that I have been under the impression that the committee's function is to physically catch dogs. I have never thought that at all. The Minister has dogs on the brain, but it is the Bill that is about dogs. I am not satisfied at all, and I seek an assurance from the Minister, short of moving an amendment, that section 20 will be retained in the Act.

The Hon. C. M. HILL: I will come to that matter another way.

Members interjecting:

The ACTING CHAIRMAN (Hon. G. L. Bruce): Order! The Hon. Mr. Foster asked a question and should get that answer without interjecting.

The Hon. C. M. HILL: The Government approached this matter of change on the principle that local government should handle its own dog control problems. It was basically a matter for local government, and we wanted to get away from the centralist plans that were not working. We said that we should get rid of this Central Dog Committee and let local government do it all. That was the first step, and I supported it. We said that if local government did the lot it would work well, but there is a problem in metropolitan Adelaide because fair and reasonable funding has to go to those two big organisations that act as pounds.

The R.S.P.C.A. should be maintained with the financial advantages it has gained under the old legislation, so a small body had to be established to obtain the money from metropolitan councils to distribute it to these organisations about which we are talking. The question then arose about who would do that. It was asked why this was not done within the Local Government Department. True, the department could probably have done it, but it would probably be more fair if representative people were called in and a small advisory committee was established to see that there is an overview of the whole dog control scene. That is how it evolved. It was not planned in the Bill because the Government was looking for a substitute committee for the committee that already existed. It came about in this way and, if the Hon. Mr. Foster accepts that sort of philosophy, he will appreciate that there is no need for the committee's function to be wider than that. Paragraph *(b)* of new section 15 provides:

to advise the Minister on any other matters related to the administration of this Act.

That is completely wide and covers every detail in the Bill. To try and drag other matters back into the measure that we are taking out is quite illogical.

The Hon. K. L. MILNE: In regard to the distribution of funds, the Bill seems brief and new section 16 (3) *(b)* provides:

to any council or organisation in respect of the maintenance of a pound.

If a council is too small to have a pound, can councils share a pound?

The Hon. C. M. Hill: Yes.

The Hon. K. L. MILNE: There is nothing to prevent that?

The Hon. C. M. Hill: No.

The Hon. K. L. MILNE: New section 16 (3) provides:

The Minister may make grants from the fund—

(a) to the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;

That provision singles out one organisation. Can the Minister explain what that organisation is expected to do with that funding? The people who have been getting it and who perhaps are not getting funding other than through this organisation might object to that provision. Clause 16 (3) (b) states:

. . . to any council or organisation in respect of the maintenance of a pound.

I think that what the Minister means is "any council with respect to the maintenance of pounds or any other organisation chosen for purposes for which that organisation exists." You cannot have another organisation (the Apple and Pear Board, for example); some deserving organisation will not get money because it has not got a pound. I wonder whether that could be rewarded.

The Hon. C. M. HILL: First, I will deal with the Royal Society for the Prevention of Cruelty to Animals. The situation at the moment is that it gains financial aid under the existing Act. That aid is gained on the voucher system whereby, I understand, pensioners and possibly other people of limited means can arrange, perhaps, to have their animals put down or treated in one way or another. If they organise that through the R.S.P.C.A., a voucher passes and the R.S.P.C.A. then, as an organisation, comes to the fund and obtains a subsidy. Our objective is to keep that same arrangement running. We do not want to affect adversely any existing institutions that are gaining some financial aid and that is why the R.S.P.C.A. is mentioned in this Bill; it is simply to continue an existing practice.

With regard to the other matters, there are two large organisation about which we have been talking tonight—the big dogs home at Lonsdale and the Animal

Welfare League's premises at Wingfield. I now turn to the Hon. Mr. Foster's point. If the time arrives when the demand for service of this kind cannot be satisfied, it might be that a fringe metropolitan council, the Mitcham council for example, has some land in one of the old disused quarries and might say, "We are in a situation where we can establish a much bigger pound than we need for our purposes. Can we gain some funding if we take dogs in from other councils to this pound?" So, we have some flexibility to deal with a council that might put up a proposition like that and it is necessary.

The Hon. K. L. Milne: How many councils have pounds now, roughly?

The Hon. N. K. Foster: Mitcham looks after several councils now.

The Hon. C. M. HILL: Yes, Talking of the metropolitan area, I cannot give the exact number of councils that have pounds. Some have arrangements with the two large organisations and some have their own pounds. I think, also, that there is an arrangement in the eastern suburbs whereby some councils share a common pound. They all have a temporary pound, but that is not what we are talking about.

The Hon. N. K. Foster: That is an overnight holding area.

The Hon. C. M. HILL: Yes, they have temporary arrangements.

The Hon. K. L. Milne: Do you mean that the other organisations mentioned here are the two big organisations which are not councils?

The Hon. C. M. HILL: That is exactly what I mean. Perhaps if a third one established itself and came to us for aid and wanted to satisfy a need and become involved, or if a legacy was left by somebody for the establishment of a dog pound, that might mean that a third one would have to be established in some area. This gives us flexibility. I do not think that there is really anything else.

The Hon. K. L. MILNE: Are there not other organisations which might be grateful for some help from this fund and which are connected with animals or dogs? You are limiting it at the moment to the two big organisations, plus councils. I would have though that, when the committee gets into gear, there might be other organisations, although I cannot think of one at the moment, such as a school with an education programme, or something that is not covered here. There is no discretion in the Bill for the Minister to do anything if someone else should apply.

The Hon. C. M. HILL: If a new organisation comes forward, that could well be dealt with under *(b)*, because it would be an organisation. If any organisation showed an interest and wanted to become involved—

The Hon. K. L. Milne: That applies only to a pound. What about education?

The Hon. J. R. Cornwall: You're throwing it all out.

The Hon. C. M. HILL: We are not throwing it all out at all. I agree that education is important.

The Hon. K. L. Milne: If an organisation other than a council wanted to spend money, or if the New Advisory Committee wanted it to do so, I do not believe that it could.

The Hon. C. M. HILL: No, if an organisation such as a school wanted to develop a project for educational purposes, it could not obtain money from this fund.

The Hon. J. R. Cornwall: That is correct; the Government has destroyed that whole concept.

The Hon. C. M. HILL: The point is that the educative role which this committee will develop must be based on proper arrangements and must be supervised by the committee. I have already discussed with the Local Government Association secretary—

The Hon. N. K. Foster: Who is he?

The Hon. C. M. HILL: Mr. Jim Hullick.

The Hon. N. K. Foster: That is not his proper title.

The Hon. C. M. HILL: Well, he is the Secretary General. I have already discussed with him the possibility of local government being canvassed to provide extra funds for educational purposes. As I said earlier, whether the Department of Local Government does it in conjunction with the Local Government Association or whether the Local Government Association decides to go it alone, the Government will by no means be opposed to educational programmes. These are some of the sophisticated activities that we must get into in the future. Any impression that the Government is not interested in education in relation to dog control programmes is ludicrous, because the Government is very interested.

The Hon. J. R. CORNWALL: I congratulate the Hon. Mr. Milne for exposing the Minister for the phoney that he is. The Hon. Mr. Hill is grievously misleading this Parliament. Nowhere is the whole structure of the Central Dog Committee referred to in clause 13. Section 20 of the old Act specifically refers to the dissemination of information, education, care, control, cruelty, parasite control, and so on. The Minister has prevaricated and circumlocuted, but the fact is that he has been forced to admit, under questioning from the Hon. Mr. Milne, that the Government will not be able to involve itself in education programmes because it will have no money.

The Hon. C. M. Hill: Rubbish!

The Hon. J. R. CORNWALL: It will have no money. Clause 9, which I intend to have recommitted, takes away all moneys that had to be remitted to the Central Dog Committee. Therefore, it will receive no money and will be absolutely castrated by clause 13. No matter how much the Minister carries on, clause 13 amounts to the destruction of the committee in any useful form. The proposed new committee is a sham. It will proffer some advice, but on the whole it will be as inactive as possible. On his own admission, the Minister is throwing it all back to local government, where the necessary degree of competence just does not exist.

How in the name of goodness, with 129 councils in this State, can one have any meaningful sort of education programme? A simple answer to that is that it is clearly not possible. The Minister has set out on a vendetta to destroy the Dog Control Act, which was introduced after lengthy debate and after being considered by a Select Committee. The Minister has set out on this vendetta to deliberately destroy the principal functions contained in the original Dog Control Act, and he has now been exposed for the phoney that he is.

The Hon. C. M. HILL: That submission is absolute rubbish. The functions of the committee are any matters related to the administration of this Act. This Act remains as the Dog Control Act. Education is one of the facets of dog control and the simplest child would know that fact.

The Hon. J. R. Cornwall: No money, no education.

The Hon. C. M. HILL: It can get as much money as it wants, because it will get its funds in by regulation. The figure of 21 per cent which has been estimated at the moment to be the proportion of registration which we will obtain from metropolitan councils is a figure on which we think we can get by. If after the passage of time there is a need for that percentage to be increased, we can increase it. So, why is Dr. Cornwall talking about no money all the time? He talks about local government having to involve itself in local education programmes in terms of each individual council having a shot at its own scheme. Does he not know of the Local Government Association and

that it represents every council in the State?

He may not know, because it took this Government to bring all councils into the association, whereas the former Government could not achieve this. This Government has done that and that is a highly organised central operation now. I have already discussed the question of education with the President of the honourable members' own professional association, and the Hon. Dr. Cornwall was satisfied with the result of that discussion. By all means we will get involved in education, and we will do it in collaboration with the L.G.A. If we need more funds we will regulate to get more funds.

The Hon. J. R. CORNWALL: Here we must surely have the most devious, mendacious Minister of the Crown that we have had in the South Australian Parliament for at least 30 years. The Minister says, of course, that the Dog Advisory Committee will have money, namely, 21 per cent of money collected by metropolitan councils. Under the old arrangement it was mandatory for the committee to receive one-third of all dog fees collected throughout the State. This 21 per cent contribution from metropolitan councils is phoney. It is much less than half of what we were receiving before and, of course, almost all of that money has to go to animal welfare associations such as the one at Lonsdale and dog rescue homes, to which the Hon. Mr. Milne referred earlier. In this respect the Minister is trying to completely mislead the Committee and there is no other way to put it. I am sorry to have to be so blunt, but there is just no other way of putting it. The question of education was always central to the function of the Central Dog Committee. As I said earlier in the debate I would not have minded at all if the Minister changed the name to the Dog Advisory Committee or to the Canine Education and Control Committee, or anything else. He could have taken the word "central" out, and perhaps that would have satisfied his ideological predilections. However, the fact is that the Minister has set out quite deliberately, and in my submission quite maliciously, to destroy and completely take the teeth away from the Central Dog Committee. As I have said several times, the Opposition completely rejects the Bill because of that.

I believe that the Minister may be trying to take some counsel to see how he can satisfy us. If he does that, I would be prepared to retract some of those extreme remarks that I have made. I am not sure that I would retract the words "mendacious" or "misleading", but perhaps I would say that he has not set out maliciously to destroy the Central Dog Committee, as I said earlier. Perhaps the Minister can give us some firm undertaking that there will be additional money available for education. He knows very well that the great bulk of councils would be lucky to have a Gestetner machine and they would be lucky to send a roneoed sheet to their primary schools in their districts once a year. That is not the sort of involvement in animal welfare—

The Hon. C. M. Hill: Have you been to the Local Government Association's rooms?

The Hon. J. R. CORNWALL: We are talking about where the money is coming from. The Minister knows perfectly well that as part of the association's constitution it is prepared to take on board responsibility from the State Government, but clearly with the understanding that it will take them on board only if there is a *quid pro* quid, and I do not mean *quid pro quo*.

The association will take that responsibility on board only if specific finance is made available. The Government says continually that local government people are in touch with the grass roots and that that is the appropriate area in which to locate the administration. I do not know where we will finish with all this. Presumably, health, conservation and all other areas will ultimately be handed over to local government. The Government cannot go on abdicating more and more of its responsibilities.

The Hon. N. K. FOSTER: Because of the wide-ranging nature of this Bill, will the Minister say whether provision is made for educational programmes in high schools, for example?

The Hon. C. M. HILL: I give a commitment that the committee will involve itself in education.

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

Page 4, after line 33—Insert the following new paragraph:

(c) for any other purpose approved by the Minister in respect of the objects of the Act.

The object of my amendment is that other organisations may apply, and the Minister may give permission for the committee to give funds to them.

The Hon. C. M. HILL: I accept the amendment.

The Hon. J. R. CORNWALL: We are opposing clause 13. How is it, Mr. Chairman, that you can put the amendment without considering the whole clause?

The CHAIRMAN: We will deal with the amendment first, then the clause, as amended, if the amendment is carried.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Registration."

The Hon. J. R. CORNWALL: I believe that paragraph *(b)* refers to minors. Am I correct in that interpretation?

The Hon. C. M. Hill: Yes.

The Hon. J. R. CORNWALL: This matter obviously requires clarification. I do not object, particularly on sentimental grounds, to Debbie, Mark or Mandy having a dog in his or her name, provided that the Minister can clarify the legal position. I also take the point that the Minister made that it may be desirable for a 16 or 17-year-old who lives away from home to own a dog and register it, but we do not want to get ourselves into a legal bind over this matter. I want the Minister to be clear, because there are substantial penalties and obligations even in what will be left of the Act when all these amendments have been made to it. It is not possible for an eight, nine or 10-year-old to be sued under common law, although the Attorney may be able to correct me on that. I would not like to see a strange anomaly, and I see the possibility of that in paragraph (b). I appreciate the sentimentality of the Minister, and I am all for it.

The Hon. C. M. Hill: Are you backing it up or not?

The Hon. J. R. CORNWALL: I am not backing it up, if it is going to be bad legislation. Surely the Minister can get an opinion that clarifies the legal status of an eight-year-old who has a dog registered in his or her name or whose parents see fit to register one or a number of dogs in his or her name, thereby slipping out from all the penalties under the Act generally. I would appreciate the Minister's claification.

The Hon. C. J. SUMMER: The issue is important and I direct my remarks to the Attorney-General as well as to the Minister, because the issue raises the question of the legal status of a minor who is the owner of a dog. In the Act, responsibility for wrongful acts by dogs rests with the owner. I have not the precise section but there is a clear responsibility on the owner for acts of a dog that cause damage. If the owner is a minor, what happens if a prosecution is taken?

If the person is under 10, it could be that no criminal liability will attach to the person. If the person is a minor and a fine is imposed, it could be that the fine could not be enforced, because if a child of five is the owner, how do you enforce a fine assuming it could be done? The parents would not be liable to pay the fine but the owner would.

The same would apply to civil proceedings taken by someone who had sustained damage as a result of the actions of a dog. That owner ought to be held liable but, if he is a minor and is sued and if judgment is obtained, assuming it can be, what redress has the person? The minor will not have money. Are you going to put the minor in gaol for non-payment?

The Hon. J. C. Burdett: You cannot.

The Hon. C. J. SUMNER: How does the person offended against obtain redress?

The Hon. K. L. MILNE: This may be over-simplistic but I think the Opposition has a good point, and it is a weakness in a Bill that it is trying to strengthen. I think the simple answer is to provide that people under 18 years may not own dogs, or to provide that if a minor wishes to own a dog as a Christmas present, or something else to get interested about, in the event of negligence by that minor, the parents are liable. I have not thought of this previously, but it is a major weakness, because I think that most of the people who care for dogs are children. I ask the Government to try to draft an amendment on that.

The Hon. C. M. HILL: The Hon. Mr. Cornwall is like those politicians who go out among constituents and, when some point is raised, the politicians say, "Yes, that is a bad law." They talk to a boy or girl of 17 and say, "It is terrible when you cannot own your own dog."

The Hon. J. R. Cornwall: I have never said such a thing in my life.

The Hon. C. M. HILL: I gained that impression from the way the honourable member was trying to close his options and cover his ground. The Hon. Dr. Cornwall has to make up his mind as to whether or not he is going to let those young people own a dog. In the last 12 months my office has been inundated with parents and young people who want the right for a minor to own a dog.

The Hon. C. J. Sumner: How are you going to protect the people damaged by a dog?

The Hon. C. M. HILL: Let us work back from that point. That is the point we have to solve; whether or not we would allow them to own a dog.

The Hon. J. R. Cornwall: Don't get emotional.

The Hon. C. M. HILL: I am, and these young people are emotional about it.

The Hon. C. M. HILL: If members opposite want to vote against it, this is their chance. If they want to go back to the law as it was, it is in their hands. I am saying, as I said early in the debate, that there are some risks involved in proceeding with it.

The Hon. C. J. Sumner: Plenty.

The Hon. C. M. HILL: Not plenty; there are some risks. It is all very well for the Leader to make statements when he should have been listening to the debate for the last five hours. It has been stated before in the debate. The Government has intended to watch and monitor this carefully. However, we do know that children who offend can, of course—

Members interjecting:

The Hon. C. M. HILL: There are procedures for children to be prosecuted in the Children's Court.

Members interjecting:

The CHAIRMAN: Order! Honourable members have made their point. It is not the time of night to go on and on. The Minister has the call and I ask him to continue.

The Hon. C. M. HILL: If minors offend, they appear before a screening panel, which decides whether they should appear before a Children's Court or a children's aid panel. The Hon. Dr. Cornwall can throw his hands up in the air, but what I say is true.

The Hon. K. L. Milne: That will take a long time to implement but you have gone to a lot of trouble to make implementation instantaneous.

The Hon. C. M. HILL: It does not take any longer to bring this machinery into the courts than it does for any other offence. The Government would like to give young people an opportunity to own a dog. If members opposite support that clause, that can be achieved. If they do not support it, then obviously they believe that the law should remain as it is.

The Hon. J. R. CORNWALL: That is the greatest load of codswallop and humbug that I have ever heard in my life. The Opposition is not attempting to stop children from owning dogs. It is absolutely ridiculous. If the Minister listened he might learn a bit. I have been in verterinary practice for 20 years. Children who own dogs and cats come into the surgery every day. They own them proudly, look after them, and derive a great deal of joy and pleasure from them. I would be the last person in the world to suggest that they be deprived of that. There is no objection to making out vaccination certificates or making out pedigrees or registering dogs in children's names. It is nonsense to suggest otherwise. It is common sense, compassion and reason. But for us to sit here and pass legislation which allows minors of five to 10 years of age to register dogs and then incur all sorts of substantial penalties that of necessity must be contained in any Dog Control Act is just the most outrageous thing I have ever heard.

I wonder whether Mr. Boyd Dawkins would like to enter the argument. How would he feel if one of these dogs owned by an 8-year-old child mauled, maimed or killed 40 or 50 of his sheep? He would have no chance, even if he could identify the dog from the disc on its neck, of suing the eight or 10-year-old owner. I appeal to the Attorney-General: he must see that this is outrageous legislation. I make my position clear: I am sympathetic to the fact that children should have the care and control of pets, but it is absolutely outrageous that parents or irresponsible owners could put the responsibility on to young children.

The Hon. C. J. SUMNER: In all seriousness, I would like to put to the Minister and the Attorney-General a factual situation: if a dog is registered in the name of a five-year-old or 10-year-old child, and if that dog commits an act that causes damage or permanent injury to another person, would there be any redress for the injured person against the owner of that dog if the owner is a minor of tender years? It may be that proceedings can be taken, but surely that young owner would not be in a position to make any recompense for the damage that was caused by his dog.

The Hon. C. M. HILL: Members opposite are making a storm in a teacup of this matter. The Government has been trying to help young people and I stress that representations have been made during the time in which we have been in Government, because the public at large believes that it is very unfair that these people should not be able to register a dog. We have done our best in this Bill and we have been frustrated and obstructed by members opposite, and I ask whether they will take a chance on this occasion, on the understanding that if, in the future, the Government encounters serious problems such as those envisaged by members opposite, it will take action to amend the Bill.

The Hon. K. L. MILNE: I would prefer that the Government agreed to do it the other way around, that is, to keep the law as it is and raise this matter in another debate, after there has been time to consider whether children could be allowed to own dogs, registered in their name, or whether some adult should be responsible. The Hon. Dr. Cornwall referred to the fact that children came

to his surgery and referred to "my dog", and I point out that the dog might have been given to them by mum or dad and perhaps they do not really own it but pretend that they do. I suggest that in clause 15, page 5, line 6, paragraph (b) should be left out.

That will hold the situation. I believe it strengthens the situation. I know what the Government is after, and I would consider any sensible suggestion for overcoming the problem in the future.

The Committee divided on the amendment:

Ayes (10)—The Hons. G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne (teller), C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. Frank Blevins. No—The Hon. M. B. Dawkins.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. J. R. CORNWALL: I have indicated to the Minister that I would like clarification of paragraphs *(d)* and *(e)*, which refer to concessional rates. Paragraph *(e)* states:

> By striking out the definition of "pensioner" from subsection (5)

I wonder whether these concessions, which are obviously intended to be extended to people with pensioner entitlements, are to be extended to the unemployed. What is the scope?

The Hon. C. M. HILL: The scope of the proposal is to enable the making of regions extending the concessions to war service pensioners and other people with low incomes who hold a State concession card, issued by the Department of Community Welfare. The people who it is intended should benefit are those who presently qualify for remission of rates and taxes.

Clause passed.

Clauses 16 to 20 passed.

Clause 21—"Seizure of dogs found wandering at large."

The Hon. J. R. CORNWALL: Clause 21 *(c)* states:

> By striking out from paragraph *(c)* of subsection (5) the passage "tattooed or";

This removes tattooing from the original Dog Control Act. I made the point early in the night, and several times since, that the Opposition and the Australian Veterinary Association accept that at the moment there is not an entirely workable situation with regard to tattooing, but I believe that one is being developed. I can relate personal experiences with tattooing whole litters of dogs, Great Danes and German Shepherds particularly, which was done in my former practice, a practice in which I once had a financial interest. I will come back to that in a moment.

The Hon. D. H. Laidlaw: Not at this time of night.

The Hon. J. R. CORNWALL: At any time of night, if I am maligned by that nasty old man. The fact is that it has worked quite well with these dogs. I am inclined to move away from ear tattooing, because I do not think it is entirely satisfactory, but the position is that the veterinary profession has discussed this matter at considerable length and, despite suggestions by the two cockies over yonder, there has been a strong move to suggest that we might well be able to do this as a gesture to the community at absolute rock bottom cost. The only thing that seems to be a matter of some contention at the moment is what rock bottom cost is, so I suppose there will have to be further discussions.

I sincerely ask the Minister to leave the tattooing provision in the Bill. It has not been implemented, it is doing no harm, so leave it at this moment. I am not suggesting that it should be implemented in the immediate or near future, but it would be a great shame to throw out the baby with the bathwater. I sincerely ask that tattooing be left in, because it does not have to be implemented. However, if and when it becomes a practical proposition, it strengthens the operation of the Act immediately. Both the Hon. Mr. Dawkins and the Hon. Mr. Cameron have seriously maligned the veterinary profession in their contributions tonight.

I find it absolutely reprehensible that a profession primarily concerned with the care of sick and injured animals and the alleviation of pain, and all things veterinarians can do, should be maligned by the nasty, vicious remarks of Boyd Dawkins and Mr.Cameron. It is a disgrace to this Chamber. I want to be on record—

The CHAIRMAN: If you do, you should refer to them as the Hon. Mr. Cameron and the Hon. Mr. Dawkins. That is part of the procedure of this Chamber.

The Hon. J. R. CORNWALL: I am sorry, Mr. Chairman, I thought I said the Hon. Boyd Dawkins and the Hon. Mr. Cameron. The Hon. Mr. Dawkins' remarks were particularly vicious, but I can cop that because I have a thick skin. However, his remarks reflected very seriously on and maligned the veterinary profession, and I will see to it that they are widely circulated throughout the profession, which is traditionally conservative and 90 per cent of which would normally support the Liberal Party. The Hon. Mr. Dawkins was malicious in his intent and very careless with his words, and he has reflected very badly on the veterinary profession. On the other hand, the Hon. Mr. Cameron's remarks were not quite as malicious; characteristically, they were just plain foolish.

The Hon. M. B. CAMERON: I believe it would be a good thing if we saved veterinarians from themselves in passing this clause because they will have more time for the lame and the sick of the canine world. I suggest that the Hon. Dr. Cornwall should allow veterinarians to get on with the real work and not land them with this rather foolish provision.

The Committee divided on the clause:

Ayes (10)—The Hons. J. C. Burdett, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Weise.

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. Frank Blevins.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 22 to 26 passed.

Clause 27—"Orders for seizure and detention of savage dogs".

The Hon. N. K. FOSTER: I should like the Minister to comment on this clause, because I am informed by a police authority that there are not sufficiently wide powers to destroy a dog on the spot. We have had several cases recently of pet family dogs seizing and harming or even causing the death of very young children. If the Minister cannot say wheather he considers that there is a need for a provision to immediately destroy an animal, without the necessity for approaching a justice of the peace, a veterinarian or someone else competent in that field to order the destruction of a dog, then that situation is just not good enough. There was a case recently where a dog savaged a young child who was in a pusher.

The Hon. C. M. HILL: In clause 21 some powers are

given to the police to shoot dogs, but not on private property. This clause tightens up the situation as regards private property. The amendment is intended to help overcome many of these quite serious situations which occur when dogs attack human beings and the owners are not prepared to have the dogs put down. At present all the authorities can do is apply to the court for an order, which at the best can take eight weeks, during which time the community continues to live in fear with the dog on that private owner's property. Under this amendment, a dangerous dog can be seized on the property by an authorised person and held in a pound until such time as an application for destruction of the dog is heard by a court.

Clause passed.

Remaining clauses (28 to 32) and title passed.

Bill read a third time and passed.

SHOP TRADING HOURS ACT AMENDMENT BILL

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

ADJOURNMENT

At 1.37 a.m. the Council adjourned until Thursday 27 November at 2.15 p.m.