LEGISLATIVE COUNCIL

Thursday 11 February 1993

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PETITIONS

OCCULT TEACHING

A petition signed by 87 residents of South Australia concerning the teaching of the occult within public schools, and praying that this Council will call upon the Minister of Education, Employment and Training to:

1. reclassify all such printed material as unsuitable teaching aids and have it immediately removed from the classroom curriculum and school libraries; and
2. formalise policies which will exclude the direct and indirect references to and teaching of the occult and/or associated practices within public schools;

was presented by the Hon. R.R. Roberts.

GENDER DISCRIMINATION

A petition signed by 129 residents of South Australia concerning Justice Bollen's summing up to the jury in a recent rape in marriage trial, and praying that this Council will:

1. look into ways and means of officially condemning the statement and officially warning the justice of his unacceptable attitude of gender discrimination;
2. request the Government to encourage and promote education for the judiciary into attitudes which discourage any forms of domestic violence; and
3. request the Government to take a lead in gender sensitivity training for law enforcement personnel and judges,

was presented by the Hon. Bernice Pfitzner.

QUESTIONS

LITERACY

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about English literacy.

Leave granted.

The Hon. R.I. LUCAS: Last week the House of Representatives standing committee report on literacy was released, and showed that between 20 and 25 per cent of primary age students were suffering from literacy problems. Last year a senior academic from the University of Adelaide, Mr Peter Moss, made a scathing submission to the House of Assembly select committee on education on the state of teaching English in South Australian schools, and I wish to quote from part of that scathing submission, as follows:

(1) In subject English the board's [SSABSA] methods have managed to produce an assessment process which lacks both integrity and educational accountability. There is no procedure to ensure that every school adheres to fair and common practice in the school assessed areas of the certificates awarded. Some teachers and schools over correct informal writing submissions; others assess once only and offer students no further opportunity to redeem or improve upon their efforts. This situation does occur. It is not monitored (it is probably impossible to do so), and thereby creates an inbuilt inequality of supervision and opportunity for different groups of students.

If this slackness pertains in other subjects, then our students are being badly served and the South Australian public is being deceived in their [assumed] belief that the only pre tertiary mechanisms of accountability is reliable and sound.

(2) In the 1991 matriculation examination in English, 92 per cent of candidates scored an A, B or C grade. How so? Obviously, grades and assessments can mean anything, but are South Australian 17 year olds so literate and accomplished that only 8 per cent are inadequate at this level of educational achievement? Even to ask the question is ludicrous. It is another example of unrealistic and irresponsible reporting to the general community.

That submission was made by Mr Peter Moss, a senior academic from the University of Adelaide as well as a senior lecturer in education specialising in English. My questions to the Minister are as follows:

1. Will the Minister indicate for the 1991 and 1992 year 12 examinations the percentage of students who received A, B or C achievement levels for English, maths I, maths II, physics, chemistry and Australian history?
2. Has the Minister received any submissions expressing concern about assessment procedures for year 12 English and, if so, what has been her response?

The Hon. ANNE LEVY: I will refer those questions to my colleagues in another place and bring back a reply.

COURTS ADMINISTRATION

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question on the subject of courts administration.

Leave granted.

The Hon. K.T. GRIFFIN: I raise a matter of courts administration which in the broad scheme of things may be regarded by the Government as minor but which to my constituent is a major cause for concern. Also, it reflects other experience which has been reported to me of persons seeking to deal with the courts system.

This particular matter relates to Mr Allan Clarke who runs a general store and the post office at Parndana, Kangaroo Island. He gave credit to a Mr Michael Jones for food in 1990. In July 1991, $250 was still outstanding and, because Mr Jones said he would not pay that amount, Mr Clarke decided to sue. Mr Jones had said that because the food was taken by his son, a minor, he was not responsible for it. That was the start of Mr Clarke's disillusion with the administration of the courts system.

In August 1991 Mr Clarke applied for an ordinary summons and it was sent to him from the Christies Beach Magistrates Court. He filled out the form and sent it back to the court with a fee of $35. After three weeks it was returned to him because he did not put 'Mr' before the defendant's name. Well, he corrected that and then sent the summons back to the court. Three weeks

later the court returned it again because he had not inserted his full Christian name. It was then corrected, returned to the court and issued.

Mr Jones, on whom the summons was served, did not enter an appearance. Mr Clarke found this out by telephoning the court, which said he could issue an unsatisfied judgment summons. He had to ask on three separate occasions for the forms to be sent to him, remembering that he has to ring from Parndana, Kangaroo Island, on a trunk call to Christies Beach. He then arranged to issue an unsatisfied judgment summons after the form was finally sent to him, and he paid his $21 fees.

The defendant, Mr Jones, then engaged a solicitor and on two occasions Mr Clarke attended court in order to defeat the interlocutory summons. On the second occasion Mr Clarke says there was a panel of four people at Kingscote who dealt with him, but Mr Jones did not turn up. One member of the panel, when Mr Clarke asked what he could do next, told him that he could take out an arrest warrant, which I presume was a warrant of commitment.

Mr Clarke waited a week to allow the records to be returned from Kingscote to Adelaide and then rang the court. He was told by a male person that he did not have to do anything further; the matter was proceeding. He waited a considerable period before ringing the court and was told by a female that nothing could be done unless he applied for an arrest warrant. That was quite contrary to what he was earlier told. He was promised a form in the post.

Sometime later when the form had not arrived—a bit like those mysterious cheques in the post—he telephoned the court again and was promised a form. It still did not arrive. He telephoned the court for the third time. On this occasion he spoke to the Clerk of the court who he said was very helpful and who sent the forms the very next day.

The warrant for the arrest of Mr Jones was completed by Mr Clarke and forwarded to the court with a fee of $39. The form was returned by the court which asked for $46.20 distance fee outstanding on the previous unsatisfied judgment summons, an amount of which which Mr Clarke had not previously been informed, and another $46.20 distance fee for the warrant of commitment. He was told he would have to pay the fees by the second week in October because the bailiff would be visiting Kangaroo Island in November or December.

Mr Clarke sent the money and copies of the paperwork were sent back to Mr Clarke. As I said earlier, Mr Clarke runs the post office at Parndana and the bailiff usually calls on the shop for help in locating people. When the bailiff arrived Mr Clarke asked the bailiff if he had a warrant for Mr Jones. To Mr Clarke's surprise, the bailiff said, 'No.' The bailiff rang the court at Christies Beach but was told that there was no warrant. Mr Clarke showed the bailiff his paperwork, which he discovered contained his copy of the warrant returned by the court plus the original warrant and correspondence belonging to the court, which I understand was an unfortunate error.

After some communication with the court, the bailiff arrested Mr Jones and took him to Kingscote where terms of payment were set. Mr Clarke was promised notification of the outcome, but he got nothing. On 5 January 1993, he again rang the court and was told that Jones was to pay $30 per fortnight and that the first payment was due that day. He was told that if Jones did not pay, Mr Clarke would have to take out another summons. But then Mr Clarke received a letter on 6 January, the day after he had spoken to the court on the telephone. That letter was dated 23 December 1992 and it said that the first payment was actually due on 23 December. Again, Mr Clarke rang the court and was told he could not proceed until Jones was in default with two payments, and then another warrant could be issued at a cost of $23—and I suspect also the distance fee of $46.20. When Mr Clarke asked what would happen if Jones did not pay up, he was told, 'Don't worry about that; we'll cross that bridge when we get to it.' Since that time, only one fortnightly payment of $30 has been made.

Mr Clarke and his wife run a small business seven days a week at Parndana, which is some distance from Kingscote. He collects bread from the bakery in Kingscote each morning, and on the three or four mornings he has had to appear in court at Kingscote he has had to get someone else to do that at a cost to his business. Of course, his attendance at court in Kingscote is not just for a few minutes but for most of the morning waiting around. Mr Clarke informs me that he has spent a small fortune in trunk telephone calls to Christies Beach, and he has wasted an inordinate amount of time trying to get access to information. Always he has had to contact the court and not the other way around. Mr Clarke also complains that he is never told what the whole procedure is, even when he has inquired. He has only been told what the immediate procedure is, and he makes the observation that 'this entraps one into a poker situation as the ante is raised'. He asks, 'Is the civil law as it now stands a workable tool in the recovery of debts, and is access to the courts really open to a small business person who gives credit?' The action number for the Attorney-General's benefit, because I am sure he will want to follow this up, is 915552. My questions to the Attorney-General are:

1. What steps will the Government take to ensure that the administration of the courts is more user friendly and that more information about procedures is provided to prospective plaintiffs who act for themselves?

2. Will he investigate specifically Mr Clarke's unfortunate experience with the system and endeavour to ensure that it does not happen again?

3. In the light of Mr Clarke's experience, will the Government consider an *ex gratia* payment to cover some of Mr Clarke's expenses incurred not through his own fault but through significant failures of the administration?

The Hon. C.J. SUMNER: I am quite happy to examine the matter, and I will get a report from the Court Services Department. As to an *ex gratia* payment, obviously no decision can be made on that until I have examined the matter to see whether the situation as outlined by the honourable member is correct, although I doubt whether these circumstances justify an *ex gratia* payment. The Court Services Department is generally very user friendly. It is a department of Government that has a very good reputation for service and innovation in

a number of areas including court reporting and the use of computers.

However, if what the honourable member says is correct then it is clear that his constituent has had some difficulty in pursuing his particular claim. Having said that, I suppose the real problem that this incident highlights is the difficulty of getting debts paid when there is an unwilling person at the other end. It is obvious that Mr Jones has done what he possibly can to exploit the system and to avoid paying his debt, and it is a regrettable fact now, as it has been for the past 10, 20, 30 and 50 years, I suspect, that if individuals in the community go out of their way to avoid their legal obligations then it is sometimes difficult to get them to meet them, as indeed Mr Clarke has apparently found in this case. However, that does not justify the situation that he has apparently found himself in, if what the honourable member says is correct, and I will certainly ascertain the facts about the matter and bring back a reply to the honourable member.

FESTIVAL OF ARTS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about the Adelaide Festival Board of Governors.

Leave granted.

The Hon. DIANA LAIDLAW: At the Annual General Meeting of the Adelaide Festival of Arts Incorporated last September the rules were changed to reduce from 15 to eight the number of elected governors to the board. It was also resolved that from 1994—I think it would be from September 1994—the Government would have the opportunity to appoint an additional representative to the board, increasing the number from two to three. That current number of two includes the Chairperson of the Adelaide Festival Centre Trust.

However, board members are now agitated that without consultation, and with no regard for the rules of the festival's governing body, the Minister is adamant that she wants the third Government representative to be co-opted to the board immediately.

The Hon. L.H. Davis: This runs up against the Public Corporations Bill.

The Hon. DIANA LAIDLAW: It runs against a lot of things and it is certainly upsetting people—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —related with the board. Mr Stephen Spence, the secretary of the Actors Equity of South Australia, is the Minister's nomination, and I ask the Minister—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I ask the Minister:

1. Why is she insisting upon immediately adding a third Government representative to the Board of Governors of the Adelaide Festival when the rules of this incorporated body do not make provision for a third Government representative until September 1994?

2. As she is seeking to override the rules of the Adelaide Festival's governing body, why did she not consult with senior members of the board before determining that Mr Spence would be the Government's third representative on the Board of Governors?

The Hon. ANNE LEVY: Mr President, in response to the question from the honourable member, I would like to make very clear that it was the Festival Board itself which wrote to me indicating the manner in which it had changed its rules, indicating that a third or an additional Government nominee would be made to the board as from 1994, but saying in the meantime that the board would be willing to co-opt an extra Government nominee. I do not have that letter with me but I can assure members that that letter is in existence and I would be happy to show it to the honourable member. There was an offer from the Festival Board that it would—

The Hon. L.H. Davis interjecting:

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

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will come to order.

The Hon. ANNE LEVY: Mr President, there was an offer, not a request from me, but an offer from the Festival Board, or from the Chair of the Festival Board who signed the letter, that the board would be willing to co-opt an additional Government nominee as of now, prior to the change in the rules becoming effective in September 1994.

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: Mr President, there was nothing in the letter that I received from the chair of the board about consultation.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: In consequence, I consulted with officers, with Cabinet and with appropriate individuals before putting forward my nomination in response to the invitation from the chair of the Festival Board.

The Hon. L.H. Davis interjecting:

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

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw asked a question. If she wants an answer, I suggest that she listens in silence. The honourable Minister.

The Hon. ANNE LEVY:. The Festival Board, in its present constitution and as it will be constituted after September 1994, has nominees from the Government and also from the city council.

The Hon. L.H. Davis: Why didn't you nominate Mr Speaker?

The Hon. ANNE LEVY: As I understand it, the city council nominates someone as its representative on the board. There is no requirement for it to do anything other than nominate its representative.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: It has done that.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The city council has a representative on the board and has had since the Festival Board was first established. It nominates someone to that board.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It follows the practice and nominates someone. It is not a question of consultation; it nominates someone. It is requested to do so and it does. The Government currently has one representative on the board and there is also *ex officio* the Chair of the Festival Centre Trust.

The Hon. L.H. Davis: Does the appointment comply with the Public Corporations Bill? I bet it doesn't.

The PRESIDENT: Order!

The Hon. ANNE LEVY: The Government's current nominee on the Festival Board was nominated by the Government, as was its right, and he has contributed a great deal to the board since he was nominated by the Government. The rules, which will come into operation in 1994, will allow for two Government nominees. As I said, the chair of the Festival Board wrote to me indicating that as from now until the new rules become operational the board would be happy to coopt another Government nominee, and I provided the name of another Government nominee. I have scrupulously followed the practice that has always been followed in appointing Government nominees to outside boards. I point out that it is not a Government board; it is an outside board to which the Government is invited to nominate one or, in this case, two members.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I took up the offer that was made to me in a letter from the chair of the Festival Board. If the honourable member is not happy with this explanation, I should be more than happy to show her the letter that I received from the chair of the Festival Board.

The Hon. DIANA LAIDLAW: As a supplementary, can the Minister explain why, when she was invited—

The Hon. L.H. Davis interjecting:

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

The Hon. DIANA LAIDLAW: —to nominate a third person to the board, she went to Cabinet and nominated Mr Spence without consultation with the board? Will she also outline what Mr Spence's qualities and qualifications are to be a member of the board of governors?

The Hon. L.H. Davis: Militant left winger.

The PRESIDENT: Order! I suggest that the Council remain silent. The question was asked in reasonable silence, apart from Mr Davis, and I suggest that the same silence apply in listening to the answer, without Mr Davis.

The Hon. ANNE LEVY: Hear, hear, Mr President. In the letter which I received from the Chair of the Festival Board there was no suggestion that consultation was invited or required, in the same way as there was no consultation between the Adelaide City Council and the board before the Adelaide City Council put its nominee for the board.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I followed the same procedure as is always followed when the Government is invited to nominate someone for a board. It was the standard procedure. The second supplementary question asked by the Hon. Ms Laidlaw was why I nominated Mr Stephen Spence. He is well-known in art circles. He has contributed a great deal in many areas of the arts. He has, until very recently, been a member of the Film South Board, where he has contributed greatly and been much admired by all the members of the Film South Board who have personally told me of his great contribution to the work of that board. I should point out to the Hon. Mr Davis in particular that many members of the Film South Board are certainly not left wing unionists and would be most offended at such a description of them. They have the highest regard for Mr Spence, and felt that he contributed greatly to the work of that board.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: Mr Spence, whatever his political views may be—I have never inquired what are the political views of the other members of the Festival Board—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: Mr President, one of my main purposes in nominating him—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! Does the Hon. Ms Laidlaw want to hear the answer to the question or not?

The Hon. Diana Laidlaw: I don't think she understands the ramifications of what she does.

The PRESIDENT: Order! The honourable member has the opportunity to ask another question later if she is not happy. The honourable Minister.

The Hon. ANNE LEVY: Mr President, one of the big advantages that Mr Spence can bring to the board of the festival is the view of a young person—he is probably 20 years younger than any current member of the board—

The Hon. Diana Laidlaw: So we are going to have 50 per cent of young people on boards in future, are we?

The Hon. ANNE LEVY: —and it seems to me that to have one young person on the board able to bring a young person's view to the festival will be of assistance to the board as a whole in its most important work of being responsible for the Adelaide Festival of Arts.

COURT SERVICES DEPARTMENT

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the selling of personal information by the Court Services Department to credit agencies.

Leave granted.

The Hon. I. GILFILLAN: Last week I received a letter from the Senior Solicitor of the Aboriginal Legal Rights Movement, Ms Kathy Whimp, detailing her concerns about Court Services Department selling personal information of people who had been the subject of unsatisfied judgment summonses. Ms Whimp said in her letter that some of her clients had recently received letters from two financial businesses, Blakeview

Financial Services and Eastern Equity Pty Limited, offering debt reconstruction services. She writes:

> We understand that the name and addresses of our clients may have come into the possession of these companies as a result of a contract between Court Services Department of South Australia and Dunn and Bradstreet, which provided the names and addresses of judgment debtors to be available for credit reference services. At the bottom of each letter is a similar note indicating the information was obtained 'from various courts' and 'from various public records'.

As Ms Whimp states further in her letter:

> It would only be the provision of this information on a broad scale in electronic form that companies such as this would be able to efficiently access it. It may be that the practice of selling this type of information by Government has become commonplace, but it would seem to us, in view of the potential abuses to which it can be subject, that it is not a step Government should take without adequate public debate first.

It appears that Blakeview Financial Services and Eastern Equity Pty Limited have had access to far more than simply names and addresses; both letters contain the same script which includes '...it is important that you contact our office urgently to resolve your present financial crisis...' and '...debt reconstruction funds may be available from an associated company to resolve this matter...'

I understand that Dun and Bradstreet, the contract providers of personal details, are forbidden under the terms of their contract to provide any more than names and addresses to clients exclusively for the purpose of checking credit worthiness, but for no other purpose.

However, it now appears that clients of Dun and Bradstreet are misusing the information for the purpose of sending unsolicited letters to judgment debtors. Of particular concern is that both Blakeview Financial Services and Eastern Equity Proprietary Limited operate from the same address, 72 to 74 Halifax Street, and have the same telephone numbers, which is alarming, because Blakeview Financial Services has been forbidden to have access to Court Services information due to prior misuse of confidential information, and appears simply to have established Eastern Equity as a means of sidestepping that hurdle. I think that other members may be as surprised as I am to know that there is this trade of information between Court Services and a public company, and I ask the Attorney the following questions:

1. Is he aware that Court Services is allegedly selling personal information to Dun and Bradstreet?

2. Does he believe that it is appropriate for a Government department to be in the business of selling information of a personal nature?

3. What guidelines and checking procedures are employed to ensure that information sold by Court Services is not misused?

4. Will he investigate whether Blakeview Financial Services is the same as Eastern Equity Proprietary Limited and determine whether either business has illegally used information from Court Services?

The Hon. C.J. SUMNER: I will have the matters examined, but I think the honourable member has attempted to put something of a gloss on a situation that does not exist. As I understand the position, the information that Dun and Bradstreet gets is information that is on the public record. It is not personal information held by a Government department that is not available to the public generally; in other words, like all court orders, unsatisfied judgment summonses are made by the courts in public and are available to members of the public. Normally the honourable member complains if there is any suppression of evidence, names or other information that goes on in the courts. He will recall that, to overcome that problem to some extent, there have been changes to the Evidence Act dealing with suppression orders.

Also, in the courts package passed last year, we made it clear that evidence taken in the courts is available for the public to peruse, because they are public documents: the evidence was given in public. These orders are public orders made against people and, accordingly, are available to the public. As I understand it, some arrangement is entered into by the Court Services Department with, in this case, Dun and Bradstreet but, I assume, others, if they wished, to access that information, and I am sure that it is accessed for a fee. I do not see anything wrong with that. It is not a matter of selling personal information but a matter of making available for a fee to members of the public information that is on the public record. So, I think the gloss that the honourable member put on it was not justified.

However, the honourable member has made some further allegations about the use of this information by other parties and suggested that one of the organisations to which he has referred was prohibited from using the information in the past. I will certainly have inquiries made into the issues raised by him and bring back a reply.

The Hon. I. GILFILLAN: As a supplementary question, will the Attorney provide the Council with the detail of the commercial arrangement between the Court Services Department and Dun and Bradstreet and any other company or organisation that is purchasing that information?

The Hon. C.J. SUMNER: Yes.

AUSTRALIAN DEMOCRATS

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking you, Mr President, a question about funding for the Australian Democrats.

Leave granted.

The Hon. L.H. DAVIS: My attention has been drawn to the fact that the Leader of the National Party in South Australia (Mr Blacker) has no additional assistance or equipment provided to him to enable him to carry out his duties as Leader of the National Party. Mr Blacker has 1.6 staff members, which only reflects the fact that for many years country members with large electorates such as Mr Blacker's have quite rightly been given extra secretarial assistance.

However, the Australian Democrats in the Legislative Council, with just two members, have to my knowledge three full-time staff and a good range of supporting equipment including computers, FAX and a new photocopier. In fact, the State budget estimates for 1992-93 reveal that the two Australian Democrats will cost the taxpayers of South Australia $175,000 in the current financial year—sharply higher than the $130,000

spent in 1991-92. That is about $90,000 for each Australian Democrat in secretarial assistance, rental and equipment. And it could be more; we do not know.

I understand that the rental for the Australian Democrats' office in the North Terrace building could be of the order of $75,000 to $80,000 per annum. The Liberal Party, with 10 members in the Legislative Council, that is—

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: I am just looking at the bullseye. The Liberal Party, with 10 members in the Legislative Council (that is, five times the number of the Australian Democrats, if the Hon. Mr Elliott is numerate), has three full-time staff, the same number as the Australian Democrats, but the equipment provided to the Liberal Party is inferior. We have two computers with incompatible disk drives. Although the Australian Democrats and, indeed, the Labor Party have brand new high performance photocopying machines, the Liberal Party photocopying machine has produced to date 1.3 million copies. It has been around the world many times. It continually needs servicing and often it just provides a blur of a copy. It is often not functioning when most needed. A few months ago the Legislative Council Liberal Party put in a most reasonable request for a $35 stapler and a $300 guillotine, but this was refused. You, Mr President, would be well aware—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: You, Sir, would be well aware that many Liberal Legislative Councillors employ additional staff and/or provide equipment for their own needs in Parliament House. I ask the following questions of you, Sir. You may be able to provide the answers directly or you may need some ministerial assistance. My questions are as follows:

1. Can the President provide details of the staffing provided to the Australian Democrats in and out of session at Parliament House and at their North Terrace office?

2. Will the President provide a full inventory of all the equipment that the Australian Democrats have at their North Terrace office and at Parliament House?

3. Will the President provide a full breakdown of the $175,000 budgeted for the two Australian Democrats in the 1992-93 State budget and advise whether the Australian Democrats receive any additional moneys from any Government source and, if so, can full details be made available?

4. Does the President agree that the Australian Democrats have much more taxpayers money spent on them per head in Parliament in South Australia than any other Party, and does he believe this is equitable?

The PRESIDENT: In reply to the honourable member's question, I have no power over the rooms outside Parliament House and the allocation of money involved. Most of the services provided to the Democrats and the extra rooms come through SACON. Also, I have no control over the staffing: that comes through SACON. However, I am happy to take up the matter with the Minister responsible and bring back a reply.

WOMEN, POLICY

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before directing my question to the Minister for the Status of Women on the question of initiatives for women in South Australia.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday a statement was made by the Prime Minister, Mr Keating, in relation to new initiatives for women in his policy direction for Australia. Can the honourable Minister outline which components of the Prime Minister's policy statement for women will benefit South Australian women?

The Hon. ANNE LEVY: The statement from the Prime Minister was a most significant one which will have considerable impact on South Australian women as, indeed, it will have for women all over Australia.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I think it was most interesting that the key issues that were raised by the Prime Minister yesterday have been heartily applauded by the *Advertiser* today as being issues of great importance to women and to the whole community, both here and nationally. Indeed, the *Advertiser* said, 'It will surely win the accolades of women and men of both sides of politics.'

The emphasis on measures to combat violence against women, the emphasis on women's health and the emphasis on justice for women in our law system are being welcomed everywhere and will be a great benefit to the women of South Australia.

If anyone did not read the fine print, they might be interested to know that the Prime Minister will fund the development of a judicial education program which is already being undertaken by the Institute of Justice Administration and that the President of the Administrative Appeals Tribunal, Justice Deirdre O'Connor, will be working to develop a program to help magistrates and judges identify and combat any prejudices they may have which in any way influences their treatment of the women who come before them.

Further on this important topic, the President of the Australian Law Reform Commission, Justice Evart, will be heading an inquiry into ways of ensuring that women do receive equal treatment before the law. The *Advertiser* comments on how there is growing community awareness of the difficulty that many women have in achieving equal status and, so, equal justice before the courts. This work by Justice Elizabeth Evatt will be, I am sure, welcomed throughout the nation as a most desirable step.

Furthermore, as part of the efforts to rid Australia of violence against women, the rural women throughout the nation will be assisted with a 008 telephone number which they can use when they need to escape domestic violence, and in cases involving isolated women financial assistance will be provided for them for transport to get away from the criminal assaults which they are having to submit to in their own homes.

In the area of women's health, there will be a long term study of such matters as the effects of contraception, the effects of sport on the physiology of

women, the menopause and many areas of women's health that are imperfectly known at this stage. I am sure that everyone welcomes the knowledge that at long last there will be a thorough investigation of this area of women's health. Many women have been pushing for such an investigation for a long time, and I am sure that they are delighted, as am I, that this matter will finally be taken seriously and proper studies undertaken.

Another measure that will be of great benefit to numerous women in South Australia is the fact that bone density tests will be eligible for a Medicare rebate. They have not been so until now, despite the urging of many people. Bone density tests provide a very good advance warning of osteoporosis, a condition that affects many older women. These tests are considered extremely useful in obtaining information on the development of osteoporosis, a debilitating condition which, it is hoped, if picked up early can be treated or prevented from becoming more severe.

There is, of course, the question of child-care, on which the Prime Minister has made several announcements which, I am sure, have been welcomed throughout the nation and which will be of great importance to South Australian women. It is recognition of the fact that child-care is not a frivolous issue, that it is not regarded as just pandering to selfish people but is integral to women's participation in our society at all levels of employment, training and participation throughout the community. It is absolutely critical, and the welcome initiatives put forward by the Prime Minister will result in far more resources being put into this important matter.

The extra rebates will be welcome to the many women who pay a great deal for their child-care needs, and the child-care assistance that is being offered will enable women far more to exercise choice in deciding whether they will undertake employment or further training or what activities they will undertake, and this assistance will go a long way towards ensuring that women do have a choice and are able to play their full part in society. I am sure that it would be niggardly of anyone to criticise the proposals put forward by the Prime Minister. Even the *Advertiser* feels that Dr Hewson may have to match these promises one way or another. He certainly has not done so at the moment, and it is quite clear that the proposals from the Prime Minister will be of enormous benefit to the women of South Australia.

STATE BANK

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General representing the Treasurer a question about the State Bank art and wine collection.

Leave granted.

The Hon. J.F. STEFANI: I have been informed that since the merger of the Savings Bank of South Australia and the State Bank of South Australia an extensive and most expensive art and wine collection has been amassed by the State Bank. The art collection has been described to me as having been purchased without regard to the money which was required to acquire it and it is valued at many hundred of thousands of dollars. Equally, the wine collection, which was purchased for corporate and client entertainment and executive use and which is kept in the bar store of the State Bank, has been described as one of the most comprehensive and expensive private cellars held by a corporate organisation and boasts an unparalleled section of the very best premium quality wines available in Australia. In view of the huge State Bank losses that are being funded by the South Australian taxpayers, my questions are:

1. Will the Treasurer obtain a detailed list of every art item over $500 purchased by the State Bank and provide Parliament with an audited list showing the date of purchase, the purchase price, the current value and the current location of the item?

2. Will the Treasurer advise Parliament of the value of the liquor stock held by the State Bank, together with a detailed list of the items held?

The Hon. C.J. SUMNER: It could well be that these acquisitions were one of the very few good investments made by the State Bank in the past 10 years, because as I understand it—and no doubt the Hon. Mr Davis will be able to confirm this through his extensive knowledge of these matters which he insists on parading before us every time he gets up to speak—two areas of appreciating assets in the past decade have been collections of art and wine.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Well, they might have gone down in recent times, but certainly for a good period in the 1980s the information I got from my extensive reading of the financial pages and other investment advice sent to me by my bank, Westpac—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The honourable Attorney-General.

The Hon. C.J. SUMNER: —is that works of art and wine were considered good investments. Whether that has turned out to be the case in recent years, I do not know, but I still suspect that they were probably better investments than some of the real estate and other activities that were invested in by the State Bank, my bank and others during the past decade. However, that being said, I will see whether the Treasurer is able to provide the information requested by the honourable member.

ALGAL BLOOM

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Environment and Land Management a question about Gulf St Vincent.

Leave granted.

The Hon. M.J. ELLIOTT: Only a few days ago there was an outbreak of algal bloom in the Gulf St Vincent, and fisheries officers' reports that I heard said that it extended from Port Adelaide to well beyond Port Parham. The current report is that the bloom was predominantly non-toxic, although there were some toxic organisms within that bloom but not at a sufficient level to cause concern in their own right. The presence of that bloom exacerbated the anaerobic conditions and that then led to a significant killing of fish and many micro-

organisms and juvenile organisms such as juvenile prawns.

I digress but it is important. New Zealand has recently suffered an astonishingly large algal bloom which has been totally around the north island and also at the north end of the south island. Its extent has been such that the fishing industry has already lost $32 million and exports of certain species, including bivalves, have been totally banned and they are not sure when that ban will be lifted and what the final damage will be. It is worth noting that this algal bloom was caused by a *dinoflagellate alexandrium minutum.* That same species is found here in South Australia in the Port River. Also, in recent days I have spoken with representatives of the Gulf St Vincent Prawn Fishery which has been closed for some two years and the loss of production has been several million dollars a year. Recent surveys, I understand, suggest that the fishery is not recovering despite being rested for some two years and there is a possibility that the problem was not simply over-fishing but the problem may also relate to the general health of the Gulf St Vincent and in particular nutrient load.

In relation to the blooms the advice that I have been given is that while still and hot conditions are necessary for a bloom to occur nutrients from Bolivar have been a major contributing factor. I ask the Minister:

1. When will the Government cease effluent flows from Bolivar and other sewage works entering the Gulf St Vincent?

2. Have the South Australian authorities as yet examined the bloom in New Zealand to see what implications it has for South Australia, particularly as the same species responsible for that bloom is already known to exist in South Australia?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

ODR REPORT

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Primary Industries a question about the ODR report.

Leave granted.

The Hon. PETER DUNN: The ODR report looking into the Department of Primary Industry recommends that the Central Veterinary Laboratories and the State chemical laboratories be sold, since they are only recovering 56 per cent of the cost of running them. As only 41 per cent of the total is related to agriculture, the rest of the services must be provided from outside, these being the zoo, the equine industry (horse husbandry), dogs and cats and some other species, rats and mice, etc.

The services provided by these departments have, from my observations, been well received and in fact I have not received a complaint in the 10 years since I have been in this Parliament from within or without these departments.

Because of the shortfall in funds compared to running costs generated by the State chemical laboratories and the Central Veterinary Laboratories, my questions are: how do these laboratories compare with private enterprise laboratories within and without the State on a cost basis? Should these two departments be closed down as recommended? What are the facilities within this State which could take up the work if the laboratories are closed, and will the work have to be contracted interstate or, for that matter, overseas?

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

OVERSEAS INVESTMENT

In reply to **Hon. R.I. LUCAS** (22 October 1992).

The Hon. BARBARA WIESE:

1. A range of material to promote South Australia as a place to do business and to live is available for business people travelling overseas. This information is available at no charge and the value of 'unofficial ambassadors' is both acknowledged and appreciated. The approach towards specific investment proposals is more targeted and material is prepared on the basis of particular needs. It is not normally included in a package of generic promotion information.

2. The material withdrawn at the Crown Solicitor's suggestion was not promotional literature. Investment Opportunities was a listing only of SA businesses seeking investment funds. The relevance and focus of this publication is not consistent with the more targeted approach adopted towards overseas investors. No literature aimed at promoting SA has been withdrawn. There was no legal action by any company which led to its withdrawal.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 1009.)

The Hon. J.C. IRWIN: I start by declaring an interest in this legislation as members of my family own various guns because they live in agricultural areas of the State. I make the mandatory declaration of an interest.

The Opposition supports the second reading of this Bill. In introducing this Bill the Minister indicated that the Government makes no exaggerated claims for this legislation and does not record it as a panacea, and further he suggests that no firearms or criminal legislation can in itself eliminate crime. I certainly agree with those sentiments. The debate around the subject matter of this legislation is yet another example of trying, by legislative means, to put a lid on an ever increasing social problem. The problem is a deep seated complex and serious community problem, which has to be treated at its roots by the community and by politicians as well as by legislative means. The problem is not guns in a primary sense. What brings the problem to the attention of the people and the Parliament is guns and you cannot blame the gun—you have to blame the person using it and what caused him or her to use it. I will read part of a letter I recently received, which makes this point very well:

> Firearms, being inanimate objects, are unable to act independently of an animate operator and an operator with any sort of firearm can cause it to perform its functions. The animate operator, being a unique personality with a will and an intention individually peculiar for a person can and will achieve that purpose regardless of laws and regulations paying regard to them only as a reflection of their fastidiousness.

The Minister's second reading speech gives no explanation why the Government has been dithering since 1988, as amendments to the principal Act in 1988 have still not been proclaimed and we are indeed amending these unproclaimed amendments with this Bill. If the Government is or was really serious about gun legislation it would have acted long before now; 1988 is four years ago. If it were really serious about gun legislation it would listen to the people who know most about guns and their safety.

One should make some allowances for the incompetence of the former Minister of Emergency Services but it is not good enough for the present Minister of Emergency Services, Mr Mayes, to say that all those who want to consult him can ring him up, and he then calls that consultation because as Minister of Sport and Recreation and other pursuits he understands, and probably correctly so, that a lot of people in the community, and certainly those in the firearm area, know him personally, but that is not what the Opposition and I call consultation, just to say, 'Well, I am available to be rung up.' We are available to be rung up and we have been rung up but consultation, as my colleagues on this side and I have often pointed out, is actually getting out and asking the industry what is best for the industry and for people generally. You put all of those things together when the Minister, the Cabinet and the Government have to make decisions. However, it becomes clearer to me that, although there is some passing consultation, from all the considerable correspondence that I have looked at, a common thread is that people have not been consulted who, in their various areas, believe they are the experts in gun legislation.

My colleagues and I understand that we have to balance that peer interest in gun legislation with community and social interests, which are the other side of the consultation process. The Government admits that it does not have the answers, for anyone who wants to read the second reading speech, from beginning to end of the chain, which brings us to debate this sort of Bill. The Opposition cannot make wholesale amendments to this sort of legislation without the resources to go through its own process of long, in-depth consultation with all sections of the community. We can throw the Bill out with the help of the Democrats, and that has been done before, but it is not an option because this Bill contains some measures which may help with the control of firearms in this State.

I do not support, as some do, that there should be no gun legislation at all. I have a healthy respect for the gun lobby, made up, as it is, of people across the political spectrum who, by and large, are very responsible people. I was in Sydney some years ago following the Greiner Government's first electoral victory. I know full well what part the gun lobby played in the demise of Mr Unsworth. It was not the only factor, but it was a considerable factor in his defeat. I believe I have an understanding of the politically sensitive nature of any sort of gun control measure. This subject is but one of many where purely philosophical positions break down because a few in our community go to extremes with their actions and the whole community must suffer, let alone the victims of their crimes.

In early 1990 the Federal Minister for Justice and Consumer Affairs (Senator Michael Tate) prepared a statement for consideration by the Australian Police Ministers' Council at its meeting in April 1990. The statement proposed wide-ranging bans on the import of firearms. The statement was withdrawn from consideration due to the impending Federal election at that time. The statement was re-listed for consideration at the meeting at Alice Springs in November 1990 and, despite some opposition, it was supported by the Council and translated into amendments to the Federal customs (prohibited imports) regulations on 21 December 1990. Those regulations are now law. The regulations specifically ban the importation of self-loading centre fire rifles with a detachable magazine capacity of more than five rounds or that are designed or adapted for military purposes or that substantially duplicate in design, function or appearance firearms designated or adapted for military purposes.

In August 1991 public outrage was reflected in media headlines over the massacre at the Strathfield Shopping Plaza in Sydney. Wade Frankum shot and stabbed to death eight people, including himself, and wounded six others. The Police Commissioners met one month later and considered various issues associated with the subject of firearms control. A wide-ranging agenda was considered and resolutions were adopted as the minimum standards which all the States and Territories agreed to implement, subject to approval by the Special Premiers' Conference two months later.

The following is a brief summary of the resolutions adopted by the Australia Police Ministers' Council:

Importation and sale of various firearms.

The Commonwealth Government to ban the import and possession of automatic firearms, ban the importation and sale of military-style centre fire self-loading rifles, ban the importation and sale of self-loading shotguns and centre fire self-loading rifles with detachable magazines of a capacity greater than five rounds.

The existing restrictions on hand guns in all jurisdictions was confirmed.

Firearms licences.

In future, licences will be issued as follows: only to residents of proven identity on the basis of appropriate qualifications and training; to be endorsed with the description or category of firearms for which the holder is licensed; to be issued for a period of not more than six years; to incorporate a photo of the licence holder; to be issued only after a 28-day cooling off period; and to be issued on the basis of genuine reason. The criterion for what constitutes 'genuine reason' is to be developed on a national basis.

Other matters.

Registration and permit to purchase were not supported by New South Wales, Queensland and Tasmania and will not be introduced in those States.

I am not sure, without adequate time to follow this through, whether that is still the case. I think there is a softening in some of those States. It continues:

The purchase of ammunition is to be limited to the type relevant to the category of firearms for which the licence is held; a ban on the sale and possession of detachable magazines with a capacity of greater than five rounds for centre fire self-loading rifles and self-loading shotguns; separate secure storage of firearms and ammunition; suspension of licences and

mandatory seizure of firearms by the police in cases of domestic violence; reciprocal rights for licensed firearms owners in all States; obligations on the sellers of firearms to ensure that purchasers are appropriately licensed; and implementation of all new provisions to be in place by 1 July 1992, subject to endorsement by the special Premiers' Conference.

Of course, we are eight months away from 1 July 1992. The object of this legislation and the Firearms Act Amendment Act 1988 is, in the words of the Minister (Hon. M.K. Mayes), to prevent as far as possible death and injury as a result of firearms misuse. The Firearms Act Amendment Bill 1987, introduced into the House in December 1987, was withdrawn in March the following year as a result of public pressure. The Firearms Act Amendment Bill 1988 was introduced in April and a select committee was appointed to examine that Bill. The select committee report was presented to Parliament in August 1988. At the same time, the Firearms Act Amendment Bill (No. 2) was presented. This Bill was also controversial. There was a division on third reading in the House of Assembly and it was finally assented to on 1 December 1988. However, the Bill has not been proclaimed.

To add to the confusion, we are debating another Bill today. When it is passed, we are told that it and the 1988 Bill will be proclaimed at the same time. On past performance, I would not ask anyone to hold their breath. Even the Bill before us has had a chequered course. It was presented in March 1992, just before the end of the session, thus it had to be reintroduced last November—another inexplicable delay.

Firearms legislation in Australia, and no doubt in many other countries, is brought before Parliaments sometimes as a knee-jerk reaction to highly publicised incidents, as we can see from the timing of the Ministers' conferences, one of which was one month after the Strathfield massacre. Strong emotions, inflamed by blazing media headlines, keep conflicting parties at each others' throats and the result is reactionary legislation rather than legislation designed on fact. It is absurd for the Minister of Emergency Services to say in Parliament that the objective of the Bill is to prevent death and injury as a result of firearm misuse and seriously mean that statement when it has taken so long for the Bill to arrive in this place and the fact is that the 1988 Bill still has not been proclaimed. If he were serious, he would have ensured that his Party would have reacted in a somewhat speedier manner.

During 1988 and 1989, a group of distinguished Australians worked together on the National Committee on Violence. That committee was established following a meeting between the Prime Minister, State Premiers and the Chief Minister of the Northern Territory in the aftermath of the tragic events in Melbourne, where another massacre, known as the Hoddle and Queen Streets massacre, occurred in 1987.

Its task was to assess the incidence of violence in Australia, to investigate the cause of violent behaviour and to propose measures for the prevention and control of violence. In its report entitled 'Violence: Directions for Australia' in 1990, the committee observed that there was a serious lack of systematic information in Australia concerning the nature and extent of violent crime in general, and homicides in particular. More complex questions, such as the proportion of homicides occurring within the family, committed with firearms, could not even be estimated.

I do not think there is anyone in this Parliament who would honestly believe that the legislation that we are debating is going to wipe out future massacres. They are unfortunately a fact of life, driven by some dark factor which has nothing to do with a gun or a weapon. I do believe that our most powerful ally in lowering gun related deaths is through education and research on the relationship between guns and the death rate from violent crime, accidents and suicides, and many other issues within the community, whether it is the family, education or other community matters.

I was interested in some of the statistics mentioned by my colleague the Hon. Mr Lucas when asking a question today on literacy. I have had experience, as have other members of this Chamber, with some aspects of the literacy question. As members of a select committee, the Hon. Ron Roberts and I have seen in our prison system the accumulation of an enormous number of illiterate people—some 40 per cent of all inmates. That is a horrific statistic. In relation to the community in general, I think the Hon. Mr Lucas's figures indicated that some 20 to 25 per cent of children leaving primary school are illiterate, and that is the beginning of the problem. It goes right through the community, and those who have had experience in looking at the crime rates, the prison system and other aspects can see the enormous value to the community in getting literacy levels much higher in the community. It is fairly obvious now that the standards have slipped, despite being told by the teaching profession that we have the best system in the world and that there is nothing wrong with the education system in South Australia. I beg to differ on that and I could go off on a tangent and spend a good deal of time substantiating that claim. With this literacy problem, I am sure that research in percentage terms would indicate that more of those people finish up being the perpetrators of Strathfield and Hoddle Street type massacres. We certainly do not want those to occur again—but that is another matter.

The whole issue regarding the control of guns should revolve around research on whether the death rate would be lowered if certain members of the community did not have access to guns at all. Would they still commit violent crimes with stolen or black market guns or knives? Until such research is done we will continue to have reactionary legislation based on assumptions. Diverging slightly, although the matter is raised quite often in here, we do not have enough research work on the effects of films, videos, and violence on the television screen. As a day to day occurrence in family life, one cannot turn on the television without some form of violence, to the extent that we are becoming used to that, and it becomes a role model for people who just need to be clicked over the centre, and they produce a devastating effect in the community. So there are other areas that require discussion.

Often we hear statistics quoted from other countries, particularly the United States, and these statistics can be valuable as a guide for comparison, and often look impressive, but more often than not are not considered in the full and correct context. How often do we consider

the cultural differences of various countries when accepting these statistics? Again I relate, as I have before, the fact that I spent a day with the police in Detroit in the United States about 18 months ago, and I know they have well over 600 homicides in that city a year, which is a pretty horrifying statistic; but what I do not know is how those statistics relate to guns.

It is my gut feeling that many of those 600-odd homicides would be related to guns, because we know of the saturation of guns in America. But I hesitate to go any further with the gut reaction to that, because I do not know. It is another area that needs to be researched to see what that relationship is. It might be something quite different.

While talking about statistics, I would like to bring to the attention of members some statistics on homicides in Australia and particularly South Australia. I believe that they are important in this debate, in order to get a true perspective on just how many people are killed by guns and why. We must also be aware of the state of the offender, the person wielding the weapon at the time of the killing. These statistics may seem endless but, when studied, I believe, justify my call for education campaigns and further research, particularly when you consider that only 25.1 per cent of all homicides in 1989-90 were by firearms, and my updated statistic on that was 24 per cent for 1990-91.

It was significant that, for the 50 per cent where the state of the offenders and the victim was known, the incidence of alcohol was a major factor. The sex of victims in each State is fairly uniform except for the Northern Territory, averaging 2.5 per cent or 215 male victims per 100,000 people, and 1.3 per cent or 114 female victims per 100,000 people. The South Australian ratio was 2.4 per cent or 17 males, and .6 per cent, or four females, slaughtered by guns. Almost 60 per cent of all homicides occurred within residential premises. More than two-thirds of these occurred within the victim's own home, which, it should be noted, was not infrequently also the offender's home. Twenty-five per cent of the victims and offenders were cohabiting at the time of the incident. About 13 per cent of incidents occurred in the street, while a further 6 per cent occurred at a pub, club or disco, or in the environs of a club, disco or pub.

An interesting aspect of location concerns those places where homicides rarely occur: shops, shopping malls, car parks, sporting venues, beaches, public transport, taxis and other vehicles, public parks, railways and bus stations and places of entertainment other than venues where alcohol is consumed; these together accounted for fewer than 8 per cent of all homicides. That is the area of location.

At least 30 per cent of all homicides are related to the breakdown of family relationships; 25 per cent occur spontaneously over apparently trivial matters, frequently when either, both or all participants are alcohol affected. Out of 53 murders or attempted murders in 1991-92 in South Australia, seven, or 13 per cent, were by gun; nine, or 17 per cent, were by knife; four, or 7 per cent, were by bashing; 31, or 58 per cent, were other weapons or unknown causes. It is important to note that 58 per cent were not by guns.

In the firearms section, 10 per cent involved .22 calibre rifles and 7 per cent involved shotguns. These two weapons together accounted for 80 per cent of all gun related homicides. The use of handguns, automatic weapons and so-called assault weapons is rare in South Australia. Firearms appear to be more commonly used in domestic homicides than any other category. About one-third of spouses are killed by firearms and nearly half the victims came from families where the relationship was parent/child (this category includes child/parent and parent/adult child), and this compares with 20 per cent of killings where the relationship was friend, long-term acquaintance, and only 30 per cent of stranger incidents.

The figure suggests that firearms are little used in spontaneous flare-ups between peers, where knives are predominantly the weapon of choice. It also suggests that the conventional picture of a stranger killing is probably inaccurate in that so few of the strangers appear to have been armed at all and, therefore, probably have not set out to do the killing.

A number of significant factors that have not been answered would be invaluable, particularly as to whether the firearms homicides were from registered weapons, the proportion owned by the offender, whether the offender held a firearm licence and whether the firearm was stolen. I wonder why this sort of information is not recorded.

I remember asking the Attorney-General some years ago whether it was a matter of course for those dealing with serious crime in this State to record whether pornographic literature was available in the home of the offender, and I was told that that was not done. However, I am still not persuaded that it would not be a good thing to do for statistical reference and for those people who have the training and academic ability to spend some time on trying to find a relationship between, if you like, pornography and crime.

In this case I am asking why the information about whether the offender has used a weapon that is registered or unregistered is not recorded. It would be invaluable for research, and I tend to conclude that some powerful people do not want to know the real facts and therefore keep them suppressed from the public as much as they possibly can.

I refuse to believe that it is a cost measure that can be swept back in my face by saying, 'We cannot do it; it costs too much'. All we are looking for is some recordings. Although the numbers are small, the highest percentage of a particular age group involving victims of homicide is from birth to one year, 2.8 per cent per 100,000 thousand population; the next highest category is from 20 to 29 years, which is 2.7 per cent per 100,000 thousand population. Of those under one year old the females outnumber the males, although this figure may not be sustained over a number of years.

Only 22 per cent of males and 70 per cent of females who were the offenders were employed at the time of the offence. This is a significant factor and obviously links with the other factors in the past of an offender. Alcohol and drug influence was not recorded for half of all offenders so, again, results must be viewed with some caution. Of those offenders where it was recorded, the following observations could be made.

Over 70 per cent of males and 65 per cent of females were alcohol affected at the time of an incident; and 70 per cent of white offenders and 86 per cent of Aboriginal offenders were alcohol affected. Of the two-thirds of known cases, 75 per cent were known to have a previous criminal record, and nearly half of those offenders with a criminal record had violent criminal histories. So, there again are significant factors that link back to social issues.

Of the two-thirds of known cases, 75 per cent were known to have a previous criminal record. In 8 per cent of incidents, 8 per cent of the offenders committed suicide prior to arrest. Again, these factors would be most important in any serious research project. I cannot get hold of accurate up-to-date figures on firearm ownership, legal or illegal, in Australia or South Australia. I do not say they are not available, just that I did not have the time to do it.

I understand from various data collection areas that gun ownership in Australia in 1979 was one gun for each five or six people. That number has changed in 1990 to about one gun per four people. It is my gut feeling that gun ownership would be increasing in South Australia. I realise also that one other statistic I have not recorded here is that of country ownership. In rural areas, ownership of guns is about 41 per cent of the population whereas in the metropolitan area it is somewhere around 11 per cent. I have not really put a figure on that but, if those figures are anywhere near accurate, there would be 300,000 or 400,000 guns in South Australia, for what interest that is.

For those of us who do a lot of door knocking it is not hard to see the increase in security, dogs, high fences and locked security doors around the suburbs. With the crime rate increasing it is not hard to assume that gun ownership as a sort of security would also be increasing. We must hope that we do not have one monster (guns) feeding on another monster (security) so that there is an ever-increasing accumulation of guns throughout the State.

The point I seek to make here is that, the more guns there are per head of population, the more criminals can get hold of them and the more people with ill-intent can steal them for their own destructive purposes. There are now approximately 16 000 guns unaccounted for in South Australia, and it is anyone's guess how many black-market guns there are in the State.

I refer now to some matters brought to my attention by the shadow Emergency Services Minister, Mr Matthew, which I think raise areas that are of interest to us in this debate. On page 129 of the 1991-92 Auditor-General's Report, under the heading entitled 'Firearm Control', the following appears:

> For a number of years audit has reported to the department regarding the number of persons who have failed to renew their firearm licence as required where they are also the registered owner of firearms.

On two occasions auditors has suggested that additional temporary resources be allocated to address this position, and in 1989 the department provided additional resources for a short period. That, in itself, is most disconcerting. Here we have a report of the Auditor-General telling us that for a number of years—indeed since 1989—he has sought action from the Minister of Emergency Services for the Police Department to do something about the state of the firearm register, but nothing happened. Indeed, that is confirmed by the further audit report finding. The Auditor-General then told us in June 1992:

> An audit report on this issue was forwarded to the department. As at 30 June 1992 there were 16 007 licence holders who are registered as having firearms in their possession but who failed to renew their required licence.

If the Police Department had been operating its firearm register effectively and efficiently, if the area had been appropriately staffed and, if the Government was really in control of the situation relating to firearms, how on earth could 16 007 licence holders fail to renew their firearm licence?

The matter becomes even more interesting when we look at the breakdown of the outstanding licences. The Auditor-General tells us that 1 231 of those licence holders are now deceased, that 3 239 could not be found, and that in 2 374 cases they do not know where the firearms are. The Auditor-General's Report indicates that the Government has been failing to control firearms not only under the existing legislation but also for some time, despite the Auditor-General's reporting on problems since 1989. It becomes worse than that because in a nutshell 3 600-odd firearms are somewhere but the Police Department does not know where.

It becomes even worse when we look at how the situation could come about. I hope that the new Minister (Hon. M.K. Mayes) is aware that the firearms section has been in obvious disarray for some time and has been operating an antiquated computer system that has failed to meet its needs. This is not new news, because it was highlighted as early as 1983. In fact, on 28 February 1983, Touche Ross Services delivered its report 'Computer Strategy to Government' to the Police Department, and that report recommended that 22 new police systems be developed including a new firearm register and licensing system.

However, the irony is that in February 1983 Touche Ross Services, a reputable consulting company which is recognised internationally, estimated that a firearms system would take six months to develop. Here we are in 1993, but this was at the end of 1992, and the Auditor-General's Report indicates this. The Government still cannot get it right. It has had about 10 years to do it and it still cannot do it.

I am pleased to be able to say that a new firearm system was finally implemented. It seems to have taken a lot more than the six months that it should have taken to develop, and that firearm system was finally implemented on 24 February last year, just four days short of nine years after the Touche Ross Report.

It is interesting to see what has now happened, because the new system actually works quite well. However, any computer system is only as good as the information put into it, and that is where the Government presently has an enormous problem.

As I have said, over 10 000 firearms have gone missing, so their location cannot be put into the computer system. Further to that—and it would almost be amusing if it were not such a serious issue—it is interesting to see how the Government has been tackling the situation. I have in my possession a letter dated June 1992 that was sent to a number of firearm owners. Indeed, I understand

that this letter has been sent out continually throughout the year, and it states:

Dear Sir,

Records held at the office of the Firearms Section indicate that a—

it then indicates the make, type, serial number and calibre of firearm—

was sold to you on—

and then it gives the date. The letter continues:

To date, this section has not received an application to register this firearm as required by the Firearms Act 1977 within 14 days of taking possession.

If you have overlooked this matter, please attend to it immediately. Failure to register a firearm within 14 days of taking possession could incur a heavy fine. However, if you no longer possess this firearm please complete the advice slip below and return it to the address indicated.

In other words, the Police Department is sending out letters to people who once had a firearm licence for a particular firearm saying, 'You haven't renewed your licence. Please do so because a penalty applies if you don't, but if you haven't got it any more please write on the tear-off slip who has got it and let us know.'

This indicates the level of control that is being exerted by the Government over firearms in this State. For any Government member to stand up in this place and try to tell us that they are concerned about the use of guns in the community is an absolute nonsense when they have failed to use even the provisions of the 1977 Act or to ensure that they have administered it and when since 1989 the Auditor-General has been saying, 'But you need more staff in the firearms section' and the Police Department has not provided it.

It is interesting to note the importance that the Government places on something being done about this matter. In Estimates Committee A in 1992 in response to a question asked of Mr Hughes of the Police Department, he advised as follows:

It has been a matter of balancing resources between proceeding with the new system and keeping the old system up-to-date. There are benefits in the new system and we have been attempting to do the best we can with our resources considering the total long-term approach as well as the short-term approach.

Mr Hughes said that, in response to my drawing his attention to the Auditor-General's statement on two occasions since 1989, he had suggested that additional temporary resources (that is, two officers) be allocated to the firearms section to get its records up-to-date. The department is saying that as a matter of priority it had to get the new system under way as well as maintain the old system.

I go back to the 1983 Touche Ross report—the new system would take only six months to develop.

What on earth was the Government doing over this time? I am including my colleagues when I say: let no Minister stand in this place and try to tell us that they are using the provisions contained in the 1977 Act. Let no Minister stand in this place and hypocritically state that they are concerned about firearm legislation in this State because the Government has shown by its efforts that it has not been too fussed at all about the situation and has made little attempt, if any, to monitor firearm ownership in South Australia for the best part of a decade since the election of the Government at the 1982 poll.

The ultimate crunch came when the Auditor-General told us that he had received a reply from the Police Department in response to his report of 30 June 1992 about the state of the firearm register in this State. He states:

The reply also indicated the placement of two temporary data entry staff in the firearms section to clear the backlog. However, an audit inquiry in mid-August 1992 indicated that this had not yet occurred.

Amazing! The Police Department told the Auditor-General, 'It's okay; we have the staff for this now. You've been telling us since 1989 that we haven't had enough staff. We think it is there now.' So, the Auditor-General checked in August and it still was not there. I am glad they are in place now after all this, but it has happened only after the issue has been raised in this Parliament a number of times, and I dread to think what state our records are presently in. I know that an awful lot of work needs to be done to determine the location of 16 500 firearms.

I sympathise with the staff who have been working in the firearms section, because their situation has not been helped at all by the attitude of their management or the Government, which has refused to give them the support they need. Indeed, had the Auditor-General been listened to in 1989, we may have had firearm records in this State that reflected the true situation, and we may have had an opportunity to look at proper firearm control using available records. I contend that a lot of the need for this legislation before us today is perhaps brought about by the Government's failure to properly control firearms that should be under its control, the control that it already had at its disposal under the 1987 legislation.

Before I move from this point, there is one other matter that needs to be mentioned. The letter which I quoted and which was passed to me by a gentleman who had been asked to review his licence was interesting because that particular gentleman received more than one such letter and the letter that he passed to me concerned a weapon that was his. He freely admits that, and he also freely admits that that gun was no longer registered. There is a simple reason for that; that weapon had been legitimately disabled and turned into a military trophy for a group in the army. There is a police certificate confirming this. I repeat: a police certificate confirms that the said weapon had been disarmed. I wonder how good the records of the police are. How much support has this Government given to the staff of the firearms section, when information like that is at their disposal but the police are issuing certificates confirming destruction of a weapon they do not even know about?

During my short consultation period, I found in letters and some papers a certain amount of misunderstanding about the regulations. It would be ideal to have regulations tabled with legislation, but for various reasons that are acceptable to me anyway this is not the usual course of events. In the case of the 1988 Bill, I understand that there are draft regulations that have been seen by some members of the public. It may have been useful to have these draft regulations circulated to interested people and groups as part of the consultation process.

I note that the shadow Minister (Mr Matthew) has asked the Minister of Emergency Services whether he

would distribute those draft regulations to the 1988 Bill which has not been proclaimed but with the obvious qualification that the draft regulations will be amended and refined after the final form of the legislation that we are debating is known. As one group has said to me, the 1988 legislation as passed was a skeletal Bill and is incomprehensible without these regulations. In any case, the people interested in the regulations should be advised that they will eventually be tabled and that there will be the opportunity to survey them by either House. The process of consultation on regulations should be well-known and that process is available to the public. Admittedly, regulations are probably not as easy to amend as the legislation before the Parliament. So, I take their point. If they had seen the draft regulations for the 1988 Bill—which was four years ago—they may have had a much better opportunity to understand. Although they might have been amended, they would have had a better understanding of the whole project.

There were a number of matters debated in the other place, where the Minister promised to advise answers to questions raised. For example, with regard to the Crown not being bound, what is the position of an off duty police officer with an official weapon in his or her possession? What is the position of a police officer or parks and wildlife officer who has lost his or her private gun licence being able or not able to use a gun when on official duty? What is the firearm training for a parks officer and what is the arrangement for an officer who needs to store guns in his or her home while off duty? I can raise these questions in the Committee stage or they can be addressed when concluding the second reading debate.

I am pleased to note that the original Bill comes to us with some amendments already passed by that House. I will be moving some other amendments in the Committee stage that will relate to the definition of a pistol. The Registrar can only restrict, vary or revoke a licence with the approval of the consultative committee. A person authorised or licensed to use a certain class of firearm under the regulations should be able to own, under that licence, any firearm contained in that class and a person aggrieved by any decision of the Minister should be able to appeal against the decision to a magistrate sitting in chambers.

The Attorney-General may have received some advice from the Minister of Emergency Services on areas where there are no appeal provisions to decisions made by the Registrar or the consultative committee. I would be pleased to hear that advice from the Attorney-General on this matter or indeed other matters I have raised, prior to the Committee stage.

In conclusion, I have to say again that I am disappointed with the consultation process and, where there was consultation, for instance, during the select committee hearings, not all the recommendations of the select committee have been taken up, and I believe there is absolutely no excuse at all for the firearms section of the Police Department not to be given sufficient resources to administer properly its responsibility under the Firearms Act. As discussed earlier, there is a huge backlog and it must be constantly addressed. There are a number of other issues where the Government must help the Police Department live up to its responsibilities under some pretty serious legislation and not let this matter drift on for years, as it has already. With that, I support the second reading.

The Hon. G. WEATHERILL secured the adjournment of the debate.

COURTS ADMINISTRATION BILL

In Committee.

(Continued from 9 February. Page 1158)

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: If the Bill passes, when is it proposed that it will come into operation?

The Hon. C.J. SUMNER: If possible, 1 July.

Clause passed.

Clause 3—'Objects of this Act.'

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

Page 1, line 9—Leave out 'a judicial council' and substitute 'the State Courts Administration Council as an administrative authority'.

This amendment is recommended by the Legislative Review Committee.

The Hon. K.T. GRIFFIN: I raise no objection. In the course of the second reading debate, I indicated that the description 'judicial council' could be misleading, particularly when read in conjunction with the provision of the Bill which relates to reporting, clause 13, and the name proposed by the Legislative Review Committee reflects more accurately the functions of this proposed statutory corporation. So, I would raise no objection to it.

Amendment carried.

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

Page 1, line 10—Leave out 'the judicial council' and substitute 'the Council'.

Amendment carried; clause as amended passed.

Clause 4—'Interpretation.'

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

Page 1, line 15—Leave out 'Judicial Council' and substitute 'State Courts Administration Council'.

This is consequential.

Amendment carried.

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

After line 15, insert—'Parliamentary committee' means a committee of either or both Houses of Parliament.

The insertion of this definition is necessary for the purpose of the proposed amendment inserting the new clause 28a, which we deal with later and which deals with the responsibility of the council and the administrator to Parliament.

The Hon. K.T. GRIFFIN: I am happy to support the amendment. In a sense, it is consequential upon the proposed new clause 28a, which does identify the responsibility of the statutory authority and the members of the statutory authority to the Parliament. I expressed concern during the second reading that there would be some doubt as to whether the members of the Judicial Council could be required to appear before the Estimates Committees and other parliamentary committees. I was pleased to see, in the evidence given to the Legislative Review Committee, that the Chief Justice acknowledged that he had no difficulty with his attendance and, if there

is to be this statutory authority, we have to make clear that the members of the statutory authority are not immune from questioning by committees of the Parliament on issues affecting the operation of the council. With that background, I indicate the Liberal Party's support for this amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I should like to address a question to the Attorney-General on the definition of 'participating courts'. I raised the issue of the Industrial Court, or at least part of the Industrial Court, where it basically deals with similar issues to the civil and criminal courts and whether it was appropriate for that to be part of the system. I have read the evidence to the Legislative Review Committee, and I am not going to push that issue. However, I should like to think that at some time in the future the Industrial Court could be brought under the wing of this body so that it has a much closer relationship with the ordinary courts, particularly where it deals with issues like unfair dismissal, damages and some prosecutions for breaches of statutory offences. Can the Attorney-General indicate whether at some time in the future that course could possibly be followed?

The Hon. C.J. SUMNER: I doubt it. Under this Government at least there is no intention at present to prescribe the Industrial Court as a court for the purposes of this Act. Apart from the peculiar nature of the Industrial Court, in recent times attempts have been made to bring the administration of the State Industrial Court together with the Industrial Relations Commission at federal level, and they are now collocated for the purposes of more efficiently dealing with issues of industrial disputation which often cross State borders and the jurisdiction of federal and State Industrial Courts and tribunals.

The Hon. K.T. GRIFFIN: I should like now to deal with the Licensing Court, presided over by a person who is a District Court judge. I can also link in with that the Commercial Tribunal, also presided over by a District Court judge. Is any consideration being given to those two jurisdictions being brought under the umbrella of this new statutory authority and to allow for a greater integration of administration of those two bodies with the courts of which their presiding officers are members?

The Hon. C.J. SUMNER: The Government's intention, supported by the Chief Justice, is for those courts administered by the Court Services Department to be the participating courts under this legislation. However, that does not mean that other courts may not be added to it at some stage in the future, and that is what this provision allows for. It is possible that the Commercial Tribunal and the Licensing Court may be looked at in future, but, if they are, a considerable amount of work would have to be done, because, for instance, the Commercial Tribunal is responsible for issuing certain occupational licences. Essentially, that is an administrative function and it probably would not be appropriate for a court to carry that out.

One proposal which has been floated is that the Commercial Tribunal's functions should be split between its appeal and adjudicative functions and its administrative functions, such that licences could be issued by the Department of Public and Consumer Affairs as an administrative decision and there could be an appeal from that decision to refuse or issue a licence to the Commercial Tribunal. It would then be in the nature of an administrative appeal, which means that the Commercial Tribunal could become part of the administrative appeals division of the District Court and properly be placed there. While it has both administrative and judicial functions, I do not think that it would be appropriate for the Commercial Tribunal to be made a participating court under this Bill. My recollection is that the Licensing Court probably has some administrative functions vested in it as well, and obviously considerable thought would. have to be given to whether it is appropriate for that court to become part of the courts administration structure, but it may be that in future it would be.

Clause as amended passed.

Clause 5 passed.

Clause 6—'Judicial Council.'

The Hon. C.J SUMNER: I move:

Page 3, line 5—Leave out 'Judicial Council' and substitute 'State Courts Administration Council'.

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—'Proceedings and decisions of the Council'.

The Hon. K.T. GRIFFIN: During the second reading debate I expressed the view that there ought to be a provision that the presiding officer of the jurisdiction to which decisions of the State Courts Administration Council applied should concur in the decision before it became binding on the basis, for example, that, although the Supreme Court was secure and the Chief Justice always had to concur in any decision, the District Court and the Magistrates Court did not enjoy the same protection. As I said, a later amendment by the Attorney General will go some way towards addressing that issue where an intention is to be included that each court will basically continue to run its own affairs as it sees fit and will not be the subject of interference through the State Courts Administration Council. I think that goes some of the way towards resolving the issue, but it does not go all the way.

I do not intend to pursue the issue at this stage; I merely put on notice that this issue may have to be addressed if we find that the Chief Justice and the Chief Judge make a decision about the Magistrates Court administration with which the Chief Magistrate does not agree. That is possible under the structure which is proposed. We must be careful that we do not have the majority vote situation overriding a preference of a particular division of the justice system. I recollect that the Chief Justice made an observation during his evidence to the Legislative Review Committee that he has an overriding responsibility for the whole judicial system. I do not think that has ever been formally expressed. It may have been envisaged by various occupants of that office, but I would beg to disagree with the Chief Justice, who, in my view, does not have an overriding responsibility for the administration of the whole courts system.

I think there are some dangers in presuming that the Chief Justice does have that jurisdiction in relation to the District Court and the Magistrates Court. The Magistrates Court is a particularly different jurisdiction

dealing with day to day issues, ordinary people, petty as well as some major crime, and statutory offences. Its functions and needs, whilst directed towards the administration and delivery of justice, in its implementation is quite different from that of the Supreme Court, which is becoming largely an appellate court. So I would not want it to go unremarked that, whilst there may be a view that the Chief Justice has that overriding responsibility, I do not necessarily agree that that is or ought to be the case. In practice that may not mean much because they may work in considerable harmony, but I think it is important to express that view from a philosophical point of view rather than leaving it unsaid.

The Hon. C.J. SUMNER: Suffice to say I do not agree with the honourable member. I think it has clearly been, if not expressly laid down anywhere, at least implied, that the Chief Justice has an overriding responsibility in this State for the administration of justice through the courts. Certainly if there is a problem in any courts or with particular judges or magistrates, it is usual for the Chief Justice to be involved and consulted, or if there is a major issue of concern in the courts system, even if it is not in the Supreme Court, then it is customary for the Chief Justice to be aware of it, and to express a view about it and possibly be involved in its resolution.

The Hon. I. GILFILLAN: I repeat my concern about this particular clause and its implication, and I have just reminded myself of the proceedings in decisions of the council as covered at page 14 of the report of the Legislative Review Committee, and I quote:

3.7.1 Concurrence of the Chief Justice.

The committee heard evidence raising concerns about the provisions of the Bill stating that decisions of the Council are decisions supported by the Chief Justice and one other member of the Council. This provision is effectively a power of veto. (However, it is noted that the view of the Chief Justice can only prevail if he obtains the vote of another Council member).

The point of course is that for the Chief Justice's will to prevail he needs the support of another member, but the wish of the other two members can be totally frustrated by the Chief Justice casting a 'no vote'. It continues:

The Committee heard evidence that this matter is considered vital to the success of the Council. The Committee accepts it is desirable to have one person in ultimate control of the direction and vision of the Council. It would not be appropriate to have the system capable of being pulled in a variety of directions. Administrative consistency is desirable. If the Chief Justice is to have the public responsibility for the state of the courts' administration in South Australia then the Committee accepts that the 'veto power' is necessary and appropriate'.

I am not persuaded, Mr Chairman. I do not believe it is a necessary power to be vested in the Chief Justice in these matters, which are particularly financial and administrative. It may well be a perfectly amiable arrangement with the current people who are likely to be appointed to the council, but we certainly cannot guarantee that indefinitely, and the phrase used is 'being pulled in a variety of directions'. If it is such that the will of the Chief Justice is at odds with the other two members of the council, to the extent that this veto becomes quite a significant feature then there is distinct stress in the situation which is not going to be resolved by one member of that triumvirate virtually having overwhelming power. It is all very well saying that the Chief Justice can only prevail if he obtains the vote of one other council member. The fact is that a stubborn or obstinate Chief Justice could cheerfully sit there blocking any initiatives until something came up which he or she approved, and then his or her will would prevail.

It continues to be a matter of concern to me. I understand that the Hon. Trevor Griffin shares the concern but does not feel it significant enough to proceed to object to its continuing in the Bill. I do not share that view. It is my intention to call against the passage of clause 9. I realise that it is not an issue upon which the Committee should be called to divide and I will not attempt to do that, but I want my continued objection to this veto power to be clearly recorded in the report of the Committee stage of this Bill.

Clause passed.

Clause 10—'Responsibilities of the council.'

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

Page 4—

Line 13—Before 'The' insert '(1)'.

After line 15—Insert—

(2) A participating court remains, however, responsible for its own internal administration.

(3) The council may establish administrative policies and guidelines to be observed by participating courts in the exercise of their administrative responsibilities.

These amendments were suggested by the Legislative Review Committee to clarify the role of the council. The amendments are designed to ensure that, within the limits of the resources provided by the council, each individual participating court will be responsible for the internal management of its own affairs. The committee further considered that the council should have the power to make administrative guidelines relating to the use of resources and the exercise of administrative responsibilities.

The Hon. K .T. GRIFFIN: As I indicated earlier, this provides some measure of protection for participating courts, particularly the Children's Court and the Coroner's Court but also, I suggest, the other courts, the Magistrates Court and the District Court. Certainly, I go along with that, but I think that if there are administrative policies and guidelines established under the Attorney-General's proposed subclause (3), they ought to be published. I am suggesting an amendment that I will move to the Attorney-General's amendment that they be published in the annual report for the financial year in which they were established. We then know what the council is doing and it is all on the public record. The administration council may regard that as being a bit heavy handed, but I think that, because this body will largely be independent of the Executive arm of Government, it is important that what it does administratively is available for public scrutiny.

This is one way by which overriding policies and guidelines that do impinge on all the participating courts can be made available for public scrutiny. So, I move:

Page 4—After proposed new subclause (3) insert subclause as follows:

(4) Any such administrative policies and guidelines must be published in the annual report for the financial year in which they are established.

Hon. C.J. Sumner's amendments carried; Hon. K.T. Griffin's amendment carried; clause as amended passed.

Clause 11—'Powers of the council.'

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

Page 4, after line 24 insert paragraph as follows:

(ab) enter into a contract of a class prescribed by regulation for the purposes of this section; or.

This clause sets out the powers of the council. Subject to subsection (2) the council can enter into contracts, can acquire and deal with real and personal property and can provide services on terms and conditions determined by the council. However, subsection (2) provides that the council cannot incur contractual liabilities exceeding a limit fixed by regulation for the purposes of the section or acquire or dispose of an interest in real property. So, it must have the Governor's consent.

I propose two amendments: first, to add in subclause (2) a new paragraph, which also provides that, without the Governor's consent, the council may not enter into a contract of a class prescribed by regulation for the purposes of the section. That means that even though there may be a limit of $20,000, $50,000 or $100,000 set, if there is a class of contract that the Government of the day believes should not be entered into without the Governor's consent, it can promulgate a regulation which, of course, is subject to scrutiny by the Legislative Review Committee and both Houses.

It seems to me that the Bill is somewhat open ended if there is to be only a reference to the monetary limit on the contractual liabilities. If there is a contract in a class prescribed by regulation which ought to be consistent throughout that sector of Government which provides services to the public, then I think a regulation ought to be able to be promulgated to deal with that. That is the first area.

I just point out that in a later amendment I will be proposing a protection so that no power or discretion vested in the Governor may be exercised so as to impugn the independence of the judiciary in relation to the exercise of judicial powers or discretions, and that is relevant to some extent to that. Then I go on to propose an additional subclause, so that regulations may prescribe procedures that the council must observe for the transaction of its business or a particular class of its business. So, again, there can be some consistency in that and some protection, too, for the public ultimately in the way in which money is expended.

The Hon. C.J. SUMNER: I do not have any objection at this stage, although it is a matter that I would like to consider and it may be that we will revisit it in another place.

The Hon. I. GILFILLAN: With the traditional concern about leaving certain matters to be prescribed by regulation, I am more at ease with the clearer line that the amount will be fixed by regulation, and I can see that that may require to be flexible. But the amendment seems to me to be more open ended and, therefore, I am not as comfortable with it as I am with the Bill.

The Hon. K.T. GRIFFIN: The monetary limit remains, but there is an extra paragraph that will enable a regulation to be made which prescribes a class of contract. It may be in relation to computing, for example: the compatibility between the courts computer system and the Justice Information System. Even though there is a block between the two, there should be some compatibility.

It seems to me that if that cannot be negotiated at least there ought to be some safeguard there for the Executive arm of Government that it promulgate the requirement that a contract falling within the class relating to computers, for example, should be the subject of approval by the Governor, and I do not see that that creates any problem. It just maintains some administrative controls which I think partially can be implemented through the responsibility of the Attorney-General to approve budgets, but not always, and I am just looking to see that we do reserve some ability for the body which is ultimately responsible for the expenditure of taxpayers money, the Executive Government, and ultimately the Parliament, to be able to promulgate something as a control. It is in the public arena. It is subject to disallowance. It is subject to review by the Parliament.

I appreciate that the Attorney-General wants to give some consideration to that, and I am relaxed about that. However, but I think that, in the interests of good government and some consistency in areas where there may need to be consistency, it can best be achieved by having this ultimate fallback position.

Amendment carried.

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

Page 4, after line 26, insert subclause as follows:

(3) the Council must observe any procedures prescribed by regulation for the transaction of its business or a particular class of its business.

This may be a matter to which the Attorney-General may want to give further thought later. It seems to me that if, in the approval of the budget, it is proposed that certain construction works should be undertaken by tender or in a particular way in accordance with particular procedures, it seems to me appropriate that there be a regulation-making power which can prescribe the procedures, recognising that this body will, in its administration, be largely independent of the day to day procedures which are in place within the Public Service to ensure that there is propriety in, say, tendering, in the provision of services, or in some other way and this deals with procedures to be prescribed by regulation.

The Hon. C.J. SUMNER: I have no objection to the amendment at this stage.

Amendment carried; clause as amended passed.

Clause 12—'Delegation.'

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

Page 4, line 28—After 'may' insert ',by instrument in writing,'.

This amendment has been recommended by the Legislative Review Committee.

The Hon. K.T. GRIFFIN: I support the amendment.

Amendment carried.

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

Page 5, after line 1—Insert subclause as follows:

(3) a delegation must be reported in the annual report for the financial year in which the delegation is made.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14—'Additional reports.'

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

Page 5—

Line 13—Before 'The' insert '(1)'.

After line 15, insert—

(2) The Council must, at the request of the Attorney-General, report to the Attorney-General, on any matter relevant to the administration of a participating court.

These amendments enable the Attorney-General to seek information and are recommended by the Legislative Review Committee.

The Hon. K.T. GRIFFIN: I support the amendments. This is one of the issues that I raised at an earlier stage, and I am pleased that the Legislative Review Committee saw fit to recommend it as an appropriate power for the Attorney-General to gain further information if necessary.

Amendments carried; clause as amended passed.

Clause 15—'Control of property.'

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

Page 6—

Line 6—After 'or other building' insert 'that is under the Council's care, control and management'

After line 6, insert—

(3) A courthouse or other building will be taken to have been set apart for the use of participating courts if—

(a) it is dedicated or reserved for use as a courthouse under a law governing the administration or use of Crown Property; or

(b) it is set apart for the use of participating courts by proclamation under this section.

(4) The Governor may, by proclamation—

(a) set apart a courthouse or building belonging to the Crown for the use of participating courts;
or

(b) vary or revoke a proclamation previously made under this subsection.

These amendments are designed to clarify the position relating to the care, control and management of property. The Bill makes clear that the council is responsible for that property which is set apart for the use of the participating courts. The amendments will make it clear which property will be taken to have been set apart. This property will be that which is reserved or dedicated for use as a courthouse or that which is set apart for such use by proclamation.

The Hon. K.T. GRIFFIN: That clarifies the position. There was a defect in the provision in the Bill because it left the question of how a courthouse became the responsibility of the council which had care, control and management of it.

Amendments carried.

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

Page 6, after new subclause (4)—Insert subclause as follows:

(5) A proclamation may be conditional or unconditional and, if conditional, will be subject to such conditions as the Governor thinks fit to include.

My amendment seeks to put beyond doubt that a proclamation may be conditional or unconditional. If it is conditional, it is subject to such conditions as the Government thinks fit to include. I remind members that my later amendment to insert a new clause 30 protects adequately the judicial independence of the courts so that no condition can be attached which impinges upon judicial independence. I draw attention to the fact—and I did this during the second reading debate—that there are courtroom facilities which are attached to police stations. One that comes to mind immediately is the Kingscote courthouse. While I have not been there for some years, the courthouse was a distinct courthouse divided by a public area from the police station. If that courthouse were to be vested in the State Courts Administration Council some conditions would have to be attached as to common usage of the foyer, for example, because without that I would suggest that the courts may then control the police in relation to access to the police station rather than there being some common arrangement.

There are plenty of other examples one could give where it may be necessary to impose a condition on the public record relating to the way in which a particular building is used. Let us take the temporary courts building. If the old tram barn, for example, is vested by proclamation in the care, control and management of the State Courts Administration Council, there is a governmental carpark at one point and it may be that there will have to be a condition with respect to that or, more particularly, a condition that the vesting is for a period of three years or however long it will take to refurbish the old magistrates court building. So, I suggest there is a need to have this clarification in the Bill to deal with those situations to which I have referred and many others where it may be important to have some conditions attached in relation to the conjoint or other use of the building.

The Hon. C.J. SUMNER: I have no objection at this stage.

Amendment carried; clause as amended passed.

Clause 16—'The State Courts Administrator.'

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

Page 7, line 15—Leave out 'Director' and insert 'Administrator'.

That is a technical drafting amendment.

The Hon. K.T. GRIFFIN: Subclause (2) provides that the administrator is to be appointed by the Governor on the nomination of the council for a term not exceeding five years specified in the instrument of appointment. Is that subclause intended to require the Governor to make the appointment or does the Governor have a discretion? I can understand, because the administrator is a key official in the administration of this council, the need for the nomination to be approved by the council, but I would be very concerned if this was intended to convey that the Governor had no discretion. I raise this matter only because on a previous occasion it has been suggested to me that in respect to other recommendations from the courts the Executive Council had no discretion.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: For example, the appointment of QCs. I do not want to get into that, except to flag that it is only because of the suggestion that there was no discretion, with which I disagree, that I raise this issue. Does it retain the discretion in Executive Council, which I believe it ought to retain?

The Hon. C.J. SUMNER: I will clarify the intention, but my understanding was that discretion still remained in the Governor in Executive Council to make or not to make the appointment and, if the Governor failed to make the appointment, the council would have to

nominate someone else, but that the Governor could not appoint someone who was not nominated by the council. So, in that sense the discretion of the Governor in Executive Council is curtailed. However, the Governor, as I understand the intent of the clause, is not obliged to appoint the nominee, but cannot appoint anyone who has not been nominated by the State Courts Administration Council.

I do not think that the honourable member is correct on the question of QCs, although a procedure has been established, and it is an order in council, that QCs be appointed on the nomination of the Chief Justice. That procedure has been adopted since the controversy over the appointment of Mr. Elliott Johnston QC, as he then was. The Governor in Executive Council has always accepted the recommendation of the Chief Justice on who is to be appointed as Queen's Counsel.

I do not think that the Governor in Executive Council is technically obliged to appoint only those who are nominated by the Chief Justice. That is certainly the practice and I would suggest it is almost a convention now that the Chief Justice. That is certainly the practice and I would not refuse to appoint someone nominated by the Chief Justice, although I understand that is what has happened recently in the Northern Territory. That is in fact the underlying reason why the Northern Territory has been enthusiastic about the abolition of Queen's Counsel because they did not like the political colour of one of the nominees who was put up at that time.

Amendment carried; clause as amended passed.

Clause 17—'Functions and powers of the administrator.'

The Hon. K.T. GRIFFIN: I have tried to understand the relationship of clauses 17, 18, 19, 20 and 21; all those dealing with staffing. I have tried to relate that to the obligations under the Government Management and Employment Act imposed upon the person who is the Chief Executive Officer of the administrative unit. Under clause 17(3), the administrator, in relation to staff employed under this Act, has the powers of a Chief Executive Officer of an administrative unit of the Public Service. But under the GME Act there are certain functions which can be undertaken by the Commissioner of Public Employment. I am not sure how this all hangs together. Clause 23 provides:

> The Council may vary or revoke a determination or instruction of the Commissioner of Public Employment.

Clause 22 states:

> A member of the Council staff is answerable through any properly constituted administrative superior for the proper discharge of his or her duties to the administrator,

or in certain cases to the judicial head of that court. Is the Attorney-General able to clarify what rights the Commissioner for Public Employment will have as against the rights which the administrator has against this Bill, and whether the Commissioner for Public Employment ultimately has any authority if the State Courts Administration Council decides to override a determination or instruction other than in relation to conditions of employment?

The Hon. C.J. SUMNER: The Government Management and Employment Act applies generally to the staff of the Courts Administration Authority but in respect to senior staff only part 3 of the Government Management and Employment Act applies to them. There are provisions relating to the discipline of senior staff which we will deal with in a minute. However, as to other staff they are to be appointed under the Government Management and Employment Act and the Government Management and Employment Act applies to them, which means that the Commissioner for Public Employment can make a determination or give an instruction that relates specifically to the council's staff; that is provided for under clause 23.

However, the council may vary or revoke the determination and may itself exercise any of the powers of the Commissioner for Public Employment. So, the proposal is that generally what the Commissioner for Public Employment says goes; that the Courts Administration Authority staff are bound by those directives given by the Commissioner for Public Employment but the Courts Administration Authority retains a residual power to vary those instructions or determinations if it considers they are not appropriate to its staff. In the preparation of this Bill it was considered important to ensure that there was truly an independent courts administration and not one which was just seen to be another division of the Public Service.

The Hon. K.T. GRIFFIN: I do not want to delay the consideration of the Committee on this unnecessarily but I merely flag that the fact that the council can override a determination or instruction of the Commissioner for Public Employment does cause me some concern, particularly because the staff, other than the senior staff, are going to be covered by the same obligations under the Government Management and Employment Act as are public servants outside the jurisdiction of the State Courts Administration Council. I suppose it is possible that there will be inconsistency. I am not sure that there would be prejudice but it is possible, theoretically, to anticipate that there could be, and I am concerned about that, as I am about the question about discipline of senior staff, which we will deal with when we get to clause 19. I do not think I can really take the matter further.

I would hope that having raised the issue the Attorney-General might see fit to have that matter examined again before it is dealt with in the House of Assembly and to be considered by the Commissioner for Public Employment in particular to see what areas of conflict may arise as a result of that capacity of the council to override the Commissioner for Public Employment. Would you feel disposed to take it up with the Commissioner for Public Employment again to examine it before it is finally resolved in the other place or have you already done that?

The Hon. C.J. SUMNER: I do not think there is very much point because this issue was fairly well thrashed out. While I do not want to be difficult, I will have another look at it, but I do not think there is much point in referring it to the Commissioner for Public Employment again as the issue was very thoroughly thrashed out in the Establishment Committee, which the Commissioner for Public Employment was involved with. I am not saying that he agreed with all of it, but he was involved with it.

The Hon. K.T. GRIFFIN: If the Commissioner was involved, does the Attorney-General know whether he agrees that this is a proper course to follow in the

employment of public servants by the Council? If not, will he be able to find out in due course?

The Hon. C.J. SUMNER: I understand the Commissioner had some concern about this provision, but, in the negotiations leading to the preparation of the Bill and the report on which it was based, I do not know whether he agreed with it. In any event, the Government determined that this was an appropriate way of dealing with it.

The Hon. K.T. GRIFFIN: I wonder whether in due course, without delaying the Bill, the Attorney-General might be able to provide the Council with an indication of the Commissioner's view on this subject.

The Hon. C.J. SUMNER: As I said, I do not think the Commissioner supports this proposal.

The Hon. K.T. GRIFFIN: For what reasons?

The Hon. C.J. SUMNER: He thinks that everything that opens and shuts should be governed by the Government Management Employment Act. That is perhaps a bit of an exaggeration, but he did not think that the staff of the Courts Administration Authority council should be able to escape the Government Management and Employment Act. As a matter of practice, I do not think they will. It will be a pretty brave Courts Administration Authority that decided to buck the general provisions relating to the Public Service. Given the conceptual framework of the Bill, namely, that it is an independent Courts Administration Authority, it was considered that there should be this mechanism whereby the Courts Administration Authority could vary or revoke a determination made by the Commissioner of Public Employment. My firm conviction is that that will not arise and that the people who are employed there will expect to be under the same terms and conditions as the Public Service generally. I cannot take it any further than that. I think that the Commissioner of Public Employment was opposed to it and those were his reasons, but the Government determined that we should go down this track with the staff generally being subject to the Government Management Employment Act and the Commissioner of Public Employment, but there would be this safety net, this fail-safe mechanism, recognising the independent nature of the authority that we are establishing.

Clause passed.

Clause 18—'Senior staff.'

The Hon. K.T. GRIFFIN: Can the Attorney-General indicate whether any consideration has been given to the positions on the staff of the council which will be prescribed positions for the purposes of subclause (1)?

The Hon. C.J. SUMNER: It has not been finally determined, but consideration is being given to the Registrar of the Supreme Court, the Registrar of the District Court, the Registrar of the Magistrates Court, the Registrar of Probates, the Sheriff, the Director of Corporate Services, the Manager of Resources, the Manager of Information Services and the Manager of Court Reporting. The positions that will be identified will come from those nine. It is unlikely that there will be any others. Those who are finally prescribed may be only the first five, but that is yet to be determined.

The Hon. K.T. GRIFFIN: My recollection is that under the Supreme Court Act and the District Court Act the Registrar has some protection anyway, and I have no difficulty about that. I would be concerned about the Manager of Resources and those who are not specifically officers of courts being prescribed. Where there is already some statutory protection in the specific Acts which establish the Supreme Court, the Sheriff, the District Court and the Magistrates Court, I have no difficulty. However, I do have some difficulty with the executive-type responsibilities which are, in a sense, administrative rather than having key functions to perform in respect of particular courts. I flag that.

I also draw attention to the fact, which is pertinent to my earlier comments about clause 16(2), that the drafting here is:

> The Governor may, on the nomination of the Council, appoint a person to a prescribed position on the staff of the Council.

However, clause 16(2 provides:

> The Administrator is to be appointed by the Governor...

There may be some argument about the different form of drafting so that one is discretionary and the other is not. I draw that to the Attorney-General's attention for consideration. I would hope that both provisions will be discretionary rather than—

The Hon. C.J. Sumner: Do you want to move an amendment to clause 16(3)?

The Hon. K.T. GRIFFIN: You can recommit it if you like and I will move an amendment.

The Hon. C.J. SUMNER: I do not want the honourable member to be under any misapprehension. If my further examination of this matter and discussion with the Chief Justice, who was involved in the preparation of the Bill, is that this is a mandatory requirement on the Governor, I do not want the honourable member to feel that he has missed his opportunity to move an amendment if that is our conclusion. If the conclusion is that it is discretionary in any event, then his intention will have been fulfilled. I would not want him to feel that I had let the Bill pass with a mandatory proposal in it when he had clearly made known that he thought it should be discretionary. I shall be seeking leave to report progress on the final clause, in any event. I will check that in the meantime and if an amendment is necessary I will bring it back when the Bill is recommitted.

Clause passed.

Clause 19—'Disciplinary proceedings.'

The Hon. K.T. GRIFFIN: I suppose that clause 19 is contingent upon what senior staff are identified as prescribed staff in clause 18. I could live with clause 19 if it related to persons like the Registrar and the Sheriff, statutory office holders who already have protection under specific Acts. However, if it extends to the Manager of Resources, the Manager of Court Reporting and other administrative officers who presently do not have that protection, I shall have to oppose the clause. It may be that the solution to the problem can be resolved if, after further consideration, clause 18, instead of dealing with prescribed positions, merely identified the officers who are to be appointed and in respect of whom clauses 18 and 19 apply. For the moment, because of the uncertainty of that, I have to indicate my opposition to clause 19 for the reasons that I have given.

The Hon. C.J. SUMNER: The Government considers this is an important part of the structure which has been established to separate courts administration and for it to

be seen to be separate and independent from the Public Service generally. Therefore, it was thought that any disciplinary action against a senior member should only be with the consent of the Courts Administration Authority Council. The honourable member points out that the Registrar of the Supreme Court and the Registrar of the District Court cannot be dismissed or reduced in status without the concurrence of the Chief Justice, or the Chief Judge in the case of the District Court, and therefore there is already an existing law of protection for these officers. I think the best way to handle this is, rather than debate it I can consider the honourable member's view and it might be that, if Government agrees to limit the senior officers to the first five that I mentioned, then he might agree not to proceed with his amendment.

Clause passed.

Clauses 20 to 27 passed.

Clause 28—'Immunity.'

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

Page 10, line 5—After 'no civil liability for an' insert 'honest'.

As I worked through this I discovered that the provision in this clause is different from that in the Public Corporations Bill and in all other recent legislation which provides an immunity, and it leaves out the word 'honest'. Maybe there is some debate about the necessity for that in any event, but I think it should be there to maintain consistency with other legislation. I do not see that as an administrative body this council is going to be much different from other statutory authorities in the way that it performs its work.

Amendment carried; clause as amended passed.

New clause 28A—'Responsibility to Parliament.'

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

After clause 28—Insert new clause as follows:

28A. (1) A member of the Council, or the Administrator, must, at the request of a parliamentary committee, attend before the committee to answer questions about—

(a) the financial needs of participating courts; or

(b) the expenditure of money by the council; or

(c) any other matters affecting the administration of participating courts.

(2) A member of the Council, or the Administrator, cannot however be required to answer questions about the exercise of judicial as distinct from administrative powers or discretions.

This amendment has been recommended by the Legislative Review Committee. Parliamentary committees and Estimates Committees might have legitimate reason to seek information from the council. While it must be acknowledged that the Chief Justice indicated his preparedness to attend before such committees if required to do so, it was considered desirable that the matter of attendance before such committees should be made clear. This amendment is the key to providing appropriate accountability by the council to the Parliament.

The amendment is drafted so as to ensure that the members of the council who may appear before such committees are not required to answer questions about the exercise of judicial powers and discretions. This is essential to preserve the independence of the judiciary in the exercise of their judicial role as distinct from the administrative responsibilities the judges will have under this Bill.

The Hon. K.T. GRIFFIN: I have indicated that I support this amendment. It is an important provision and it will certainly remove any doubts about the requirements for members of the judicial council to appear before the various committees of the Parliament.

New clause inserted.

Clause 29 passed.

New clause 30—'Non-interference with individual powers or discretions.'

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

Page 10, after clause 29, insert new clause as follows:

30. No power or discretion vested in the Governor or the Minister by this Act may be exercised so as to impugn the independence of the judiciary in relation to the exercise of judicial powers or discretions.

I was sensitive to reflect the restriction in the Attorney-General's new clause 28a in so far as it related to my amendments to the regulation-making provisions, and I think that my proposed clause 30 will do that, so that the independence of the judiciary in relation to the exercise of judicial powers or discretions is maintained.

The Hon. C.J. SUMNER: I have no objection at this stage.

New clause inserted.

Progress reported; Committee to sit again.

MINING (PRECIOUS STONES FIELD BALLOTS) AMENDMENT BILL

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

DOG CONTROL (DANGEROUS BREEDS) AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The *Dog Control Act* was enacted in 1979. It replaced legislation relating to the registration of dogs dating back to 1924. The 1979 Act contains measures for controlling and regulating dogs as well as for the registration of dogs.

During the past 12 or so months there has been considerable publicity given to savage dog attacks, especially attacks on children by American Pit Bull Terriers. The *Dog Advisory Committee* recommended in June 1991 that legislation to control American Pit Bull Terriers be introduced. The Federal Government has moved to prohibit certain breeds of dogs known to be of a potentially savage nature (including American Pit Bull Terriers) from being imported into Australia. The 1991 Conference for Ministers responsible for Animal Welfare

expressed overwhelming support for stringent controls on such dogs.

This Government is committed to introducing stringent controls in order to curb attacks and to ensure that owners and others in charge of dogs known to be of a potentially savage nature take full responsibility for the dogs.

The Bill introduces special measures relating to prescribed breeds of dogs—the American Pit Bull Terrier, Fila Braziliero, Japanese Tosa, Dogo Argentina. These are the breeds that may not be imported into Australia.

The Bill provides controls in relation to dogs of those prohibited breeds that are already in the State or that are brought in from interstate. The Bill requires such dogs to be muzzled and to be held on a leash by a person of at least 18 years of age at all times while in a public place. It also requires the dogs to be desexed and it makes it an offence to sell the dogs or to advertise them for sale. The Bill provides that repeated breaches of these provisions may lead to disposal of the dog, as it may with certain other repeated offences.

The penalties for not registering such a dog, not attaching a registration disc to the dog, allowing the dog to water at large or to enter a place such as a shop or school are increased to a maximum fine of $2 000. It is important that the dogs are registered so that the *Dog Advisory Committee* can monitor the situation effectively.

The Bill also contains a housekeeping amendment related to greyhounds and a consequential amendment relating to the evidentiary provision.

I commend the Bill to honourable members.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 amends section 5, the interpretation provision, by adding two definitions. 'Prescribed breed' means American Pit Bull Terrier, Fila Braziliero, Japanese Tosa or Dogo Argentina. 'Sell' is defined for the purposes of an offence of selling a dog of a prescribed breed *(see clause 9).*

Clauses 4 to 7 amend various sections by increasing the penalty where the dog involved in an offence is of a prescribed breed. The offences concerned are failure to register a dog, failure to have a registration disc attached, dog wandering at large and dog in shops, schools etc.

Clause 8 amends section 48 which deals with the muzzling of greyhounds. The amendment is of a technical nature to tidy up a reference to 'land' and 'premises'.

Clause 9 inserts a new section 48a dealing with dogs of a prescribed breed.

The section provides that such a dog must be muzzled and secured on a lead held by a person of or over 18 whenever off premises occupied by the person responsible for the control of the dog.

The section also requires the dogs to be desexed. The person responsible for the control of a dog that is not desexed is guilty of an offence. The defence of reasonable belief that the dog was desexed is provided.

The section also makes it an offence to sell such a dog or to advertise such a dog for sale.

Clause 10 amends section 59 by adding new section 48a to the list of prescribed offences that enable a court to order disposal of a dog for repeated offences.

Clause 11 amends section 61 by providing further evidentiary aids—an allegation that a dog was of a prescribed breed or that a dog of a prescribed breed was not desexed is to be accepted in the absence of proof to the contrary.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

ADJOURNMENT

At 5.20 p.m. the Council adjourned until Tuesday 16 February at 2.15 p.m.