HOUSE OF ASSEMBLY

Thursday 8 February 1979

The SPEAKER (Hon. G. R. Langley) took the Chair at 2 p.m. and read prayers.

PETITION: MARIJUANA

A petition signed by 89 residents of South Australia praying that the House would not pass legislation seeking to legalise marijuana was presented by Mr. Mathwin.

Petition received.

PETITION: MASSAGE

A petition signed by 130 residents of South Australia praying that the House would enact legislation to ensure the restriction of the use of the words "massage", "masseurs" and "masseuses", to those who genuinely practise the art of massage within the provisions of the Physiotherapists Act, 1945-1973, was presented by Mr. Hemmings.

Petition received.

PETITION: SUCCESSION AND GIFT DUTIES

A petition signed by 65 residents of South Australia praying that the House would urge the Government to adopt a programme for the phasing out of succession and gift duties in South Australia as soon as possible was presented by Mr. Mathwin.

Petition received.

QUESTION TIME

PETRO-CHEMICAL PLANT

Mr. TONKIN: How does the Premier justify his apparent optimism that a major petro-chemical plant can still be established in South Australia? The Managing Director of Dow Chemical (Australia) Ltd., Mr. Stoker, stated on 20 December 1978 that if the Victorian petro-chemical project started first Dow would pull out of South Australia. The general manager of Delhi International Oil Corporation, Mr. R. Blair, said that Australia cannot absorb two similar petro-chemical facilities in the 1980's. The announcement by I.C.I. made yesterday covers two plants, one in Victoria and another in New South Wales, and today Altona Petrochemical Company Limited has announced that its proposed $300 000 000 expansion would now be modified to a $200 000 000 expansion because of I.C.I's proposed activities.

It has been suggested by the Premier that the announcements by I.C.I. may have been made prematurely for business reasons, but Altona's announcement is being widely interpreted by the business community, both here and throughout the country, as being the final factor in the loss of a petro-chemical plant to South Australia. Much as I would desperately like to share the Premier's optimism for the sake of South Australia, it is necessary that we face realities, so that we can take other steps to promote South Australia's industrial development and use Cooper Basin liquids, to the best advantage of South Australia.

The Hon. D. A. DUNSTAN: The Leader always makes it a practice to endeavour to foster doom and disaster for South Australia.

Mr. Goldsworthy: He's being realistic.

The Hon. D. A. DUNSTAN: The honourable member had better listen. The Leader cited Mr. Blair as being one of his authorities for saying that Redcliff was doomed. Today Mr. Blair was asked the following question:

> The editorials are saying it is doomed. Is it doomed?

His reply was:

> It is not doomed, and it is no disaster for Redcliff.

That was Mr. Blair's statement. The Leader must know about it, but he carefully does not cite it to the House. By supporting the I.C.I. proposal, the Prime Minister is effectively promoting a monopoly situation for the chemical industry in Australia, and he is going against the advice of every Federal department, the Deputy Prime Minister, and all other Ministers involved in this area. The Prime Minister is deliberately going against advice he has received as to the national interests of Australia, and he is doing it for political purposes and nothing else.

The Botany petro-chemical plant proposal is only a fraction of the size of the proposed Redcliff petro-chemical complex. In addition, it does not include the 500 000 tonnes per annum of caustic soda that Redliff would produce for the Australian alumina industry, and that 500 000 tonnes is vital to Australia's balance of payments problems. At the moment, the major problem facing the Australian economy is the balance of payments problem. Any stimulation of the Australian economy of major size will immediately promote within Australia a balance of payments problem and, in consequence, unless we can solve the balance of payments problem, the Australian economy is in for a long-term difficulty. Therefore, this plant is of vital importance to the future of the Australian economy and not just South Australia.

Commencement of plant construction at both Botany and Port Wilson is still subject to acceptable planning and environmental approvals. Both areas are environmentally sensitive, and I can assure the honourable member that there may be some difficulties expected in both areas.

I.C.I. has said that the new Botany plant will be designed to use a wider range of Australian feedstocks as they become available. Obviously, these feedstocks would not be Cooper Basin liquids or Bass Strait ethane; in fact, it is certain that Botany would have to be based on imported feedstocks, whereas Redcliff would use a local resource that depends on the project to be brought into production for the benefit of Australia.

There is no export component included in the I.C.I's proposals, and this factor, coupled with the necessity to use imported feedstocks, will have a very adverse effect on Australia's balance of payments. Redcliff, on the other hand, scores positively on each of these points.

In its press statement, I.C.I. say that its preliminary design work is well advanced, but we have reports from within the industry, and we have every reason to believe that this announcement has been made well before I.C.I. has arrived at firm capital estimates or final design proposals. Obviously, the economics of its proposals have not yet been well defined. This whole exercise has been for a two-fold purpose.

It has been a political exercise within the petro-chemical industry, designed to put some grapeshot across the bows of the Redcliff project, which is designed for their competitors and, at the same time, to assist the beleaguered Victorian Government in the coming election in that State. The more the I.C.I. announcement is subjected to scrutiny, the more it looks like a hurried and superficial exercise other than for the realities of the petro-chemical industry.

OPERA THEATRE

Mr. KLUNDER: Is the Minister of Community Development confident that the renovations to the old Her Majesty's Theatre, now known as the Opera Theatre, will prove worth while and is he confident that full use will be made of the theatre? I refer the Minister to various press reports over the past few weeks concerning the renovations, particularly the report in the *Sunday Mail* of 4 February which concluded:

> Adelaide may have lost an old theatre, but it has gained a sophisticated new Opera House which, on the inside at least, has more style and comfort than its big brother in Sydney—and at a fraction of the cost.

The Hon. J. C. BANNON: I have seen the reports to which the honourable member has referred, and it is good to see that they have been so positive (I might even say flattering) in their treatment of this major theatrical development in South Australia at present. The old Her Majesty's Theatre was formerly the Tivoli. It has been refurbished several times during its long life. This present refurbishing and renovation for it to be the home of the State Opera will, I think, see its finest moments and finest performances and, if the record of the State Opera in attracting audiences is sustained, it will see large, if not capacity, houses at every performance of which it is the venue. The State Opera, even in the unfinished and somewhat unsatisfactory state of Her Majesty's Theatre, for previous years has been able to attract a constant 95 per cent seat occupancy for its performances there: it can attract even more, 98 per cent, in the Festival Theatre.

One of the reasons why this renovation is being undertaken is that Her Majesty's was not comfortable enough and was not suitable for the sort of staging of major operas and productions. Some of the seat alignments were such that people could not get a proper view of the activities on stage: all of that will be corrected, at some cost. The honourable member asked whether it would prove worth while. The sum of $1 000 000, quoted in the *Sunday Mail*, was an understatement; it is $1 800 000, or a considerable sum. When one tries to refurbish an existing structure, particularly an old one like Her Majesty's Theatre, as it was, in the course of reconstruction one can come across problems that require further extensive assessment, and it is difficult to estimate in advance all the necessary changes.

In addition, there are the requirements of statutory authorities, such as the Fire Brigades Board, the City Council, etc., which, if a theatre is being renovated, come into play and prove to be costly.

The end result will be magnificent, as I hope that all members will see when the Opera House opens. What use will be made of it, I think, is obviously important. If we are to spend money like this on this kind of facility, we will make considerable use of it. While it is only an opera theatre, and is the home of the Opera Company, it is expected that it will not be dark during the times when the Opera Company is not performing. It will be used by private entrepreneurs and by other theatrical companies. It is really an extension, because the Festival Centre Trust will be involved in the management and entrepreneurial work of that theatre, of the Festival Centre's facilities. In 1979 the theatre has already been extensively booked, not only for the opera season, but for other functions as well. It will be a tremendous asset to the city, and will confirm our reputation as the leading art and festive State in the Commonwealth.

PETRO-CHEMICAL PLANT

Mr. GOLDSWORTHY: Can the Premier say whether, during negotiations with the consortium headed by I.C.I. in 1974-75, the South Australian Government or the Federal Labor Government insisted on Redcliff as the site for the petro-chemical plant and whether this was a major factor in the consortium's decision not to proceed? The Dow chemical company in 1973-74 was effectively excluded from the project by the Australian ownership policy laid down by the then Federal Minister, Mr. Connor. A consortium was interested in the project, including the I.C.I. company. It is well known in the industry that one of the factors that caused I.C.I. to lose interest in the project was the slavish insistence of the Government on the Redcliff site. Since then the Dow chemical company has again become interested in the project but progress has been so painfully slow that it seems that it has now been lost.

The SPEAKER: The honourable member is now commenting.

Mr. GOLDSWORTHY: I think I have explained the question.

The Hon. D. A. DUNSTAN: The position of the Redcliff site was not a reason for I.C.I's withdrawing from the project in 1975. At that stage it appeared on the De Golyer and MacNaughton reports that the feed stock in the Cooper Basin was at a very much lower amount than is presently indicated. In addition, what was suggested was that the escalation of capital costs—

The Premier having withdrawn from the Chamber on account of illness:

FLOOD LIGHTING

Mr. SLATER: Can the Minister for the Environment say whether his department is aware of a problem associated with flood lighting of commercial premises causing a nuisance to nearby residents because of the extensive glare involved? Do residents have any redress in the case of this nuisance? My attention has been directed by a number of constituents to the excessive glare from lights at commercial premises, particularly at secondhand car yards on main roads. Nearby residents are subjected to the inconvience resulting from the excessive glare from the lights. Action is required to minimise the problem. When problems have been brought to my attention in the past, I have been able to effect a solution or compromise with the proprietors of the secondhand vehicle yards to the satisfaction of residents. However, this is a continuing problem, and I seek information from the Minister about the department's interest in this matter.

The Hon. J. D. CORCORAN: I am not aware of the problem raised by the honourable member but I will obtain for him as soon as possible a full report from the department.

NEAPTR SCHEME

Mr. WOTTON: Will the Minister for the Environment say whether the Government will release to the public the assessment on the NEAPTR scheme prepared by the projects and assessment division of the Environment Department? If it will, when, and if it will not, why not? In reply to a question that I asked the Minister on 28 September, he said:

> If the honourable member reasoned at all about the matter he would find that there would be great difficulty for the Government not to release the assessment.

On the other hand, I understand that the Premier has

advised the St. Peters council that the assessment will not be made public. I am anxious to know what will happen about this matter. I am aware that previously the Government has made final assessments public, and I refer particularly to the case of the Morphettville bus depot.

The Hon. J. D. CORCORAN: The answer is "Yes", it will be released when it is completed. The situation is that the position in relation to the final e.i.s. and assessment will be no different from that in the case of the Morphettville bus depot. It will be released by the Minister of Transport. I do not know when that will be, but it will certainly be released.

McNALLY INMATE

Mrs. BYRNE: Can the Minister of Community Welfare give any further information about the injury to an inmate of the McNally Training Centre, as reported briefly in this morning's *Advertiser*?

The Hon. R. G. PAYNE: I can. I have obtained a preliminary report about the incident for the benefit of the House and the general public. The incident occurred shortly after 10.30 last night in assessment 2. It appears that one youth suffered injury at the hands of another youth, there being no staff involvement. What is not apparent is how it came to happen. There is a suggestion that it might well have resulted from a piece of horseplay that had an unfortunate ending resulting in an apparent injury to the inmate. The task of establishing what happened is a matter for the police, who currently have that in hand. The injured youth was taken to the Modbury Hospital after being examined by a doctor called to the centre. There was considered to be a possibility, at that time, of injury to the spleen, but this has proved, fortunately (particularly so for the inmate), not to be the case. The hospital reported this morning that the boy's condition was satisfactory and that it proposed to retain him in hospital for another 24-hour observation period.

INFORMATION SERVICES

Mr. WILSON: Has the Minister of Community Development appointed the working party on information services and, if so, what personnel have been appointed and what are the terms of reference? The Minister previously announced that a working party into information services was to be formed. It is reported that it is to consist of Ministerial nominees and members from local government and community councils. In the Supplementary Estimates an amount of $11 450 is set aside to provide for the costs of this committee.

The Hon. J. C. BANNON: The committee has not been established as yet because we are waiting on the various bodies that have been approached to nominate a member to the committee to respond. Naturally they have to wait for their regular meetings and, although I think the letter to those bodies went out some time in the middle of January, we are not expecting the final committee composition to be determined until the end of this month. We did say that we hoped that by the end of February the committee would be ready to have its first meeting.

I cannot tell the honourable member at this stage who will comprise the committee. As soon as that is known I will do so. I point out that we have deliberately ensured that the community will have maximum involvement of voluntary and other organisations in the field. It is not a Government committee in the sense that it is dominated by Government public servants, although naturally we will be calling on the Public Service, the Libraries Department and so on for their assistance in the work of the committee.

The Committee will be chaired by a Ministerial nominee, and at present we are considering one or two people who might undertake that task. That appointment will be announced when we have the full list of nominees from bodies such as the Local Government Association, the Association of Citizens Advice Bureaux and various other community groups that we have approached. The terms of reference are very wide ranging and, although I do not have the precise terms in front of me, I will provide them to the honourable member. They were outlined in substance in the press release when the committee was set up. Broadly speaking, the committee will range over the whole area of information services, Government, voluntary, and local government, to see how comprehensive they are, what areas they cover and what gaps are involved in them, and to come up with a report to the Government on what sort of assistance we can provide.

We have chosen the committee particularly to involve the voluntary and local government sector, because we do not believe that information dissemination in the community should be a Government function. Naturally, through the libraries and other areas, we have considerable capacity to do this. It is also very important that we stimulate and encourage at local community level those groups experienced in the field, and that is what we will do. Currently, an executive officer is appointed to the committee. She is a project officer in the Community Development Department, and she is setting up the administration so the exercise is ready to begin rapidly in February. We hope to have a preliminary report towards the middle of the year, certainly in time for some budgetary provision in the information service area, and a final report in September.

PISTOLS

Mr. WHITTEN: Will the Chief Secretary consider framing regulations to restrict persons who obtain pistol licences for the purpose of carrying those pistols only to and from places where target practice and competitions are held? On 1 January this year a report in the *Advertiser* referred to people living in fear in the Port Adelaide area. The report referred to the Mayor of Port Adelaide as follows:

> Mr. Marten said he knew of people who had become members of local gun clubs so they could get a licence to use a pistol just in case.

Another recent press report referred to the shooting of a policeman by a boy 14 years of age. That policeman has a bullet lodged in his spine and will probably not be able to continue active work.

The first report to which I have referred appears to advocate the carrying of pistols "just in case". Will the Minister ascertain how many people have obtained pistol licences in the Port Adelaide area to carry and use "just in case".

The Hon. D. W. SIMMONS: I shall be very pleased to obtain a report for the honourable member. A few weeks ago I received some figures which indicated the number of people who had obtained licences for sporting purposes. Despite the allegations of the Mayor of Port Adelaide, statistics show that what he suggested is not the case, because few additional licences have been granted. The police are very hesitant and cautious about granting pistol

licences, and well they might be. Last year I spoke to the head of the Chicago homicide division, who said that his officers had arrested 20 000 people on the streets of Chicago who were carrying guns to which they where not entitled. He said that if he could cut out the carrying of guns by people "just in case", he would reduce the homicide rate in that city by 50 per cent.

It is definitely no answer to this problem for people to be carrying guns for self-protection. One particularly poignant case he mentioned to me happened the day I was in Chicago when a woman was driving her car with her two-year-old daughter sitting beside her. The child opened her mother's purse, pulled out the gun her mother carried "just in case" and shot her mother dead. There is no doubt at all that the practice of carrying hand guns is completely irresponsible. I am surprised that the Mayor made the statement he made, and I am sure the police will do their utmost to discourage such a practice. The granting of a pistol licence to take part in pistol club activities is a valuable privilege given only to people to take part in those activities, and I am sure the police will clamp down heavily on any attempt to abuse it.

STATE ECONOMY

Mr. MILLHOUSE: I had intended to ask a question of the Premier, but in view of his unfortunate collapse and withdrawal from the Chamber (and I hope that the Leader of the Opposition can give us good reports about him), I address my question—

The Hon. J. D. Corcoran: You're not as rude as you normally are.

Mr. MILLHOUSE: I was expressing sympathy for Don, as a matter of fact.

Mr. Becker: It would be all right if you meant it.

The SPEAKER: Order!

Mr. MILLHOUSE: I resent that remark by the member for Hanson; I do mean it.

The SPEAKER: Order! The honourable member for Mitcham has the floor, and I ask him to ask his question.

Mr. MILLHOUSE: Dash it all, I was only expressing sympathy for the Premier. Let me now ask the question of his Deputy. In view of the serious economic outlook for this State, will the Government immediately abandon, and explicitly abandon, those Labor policies which particularly repel business, industry and commerce in the hope that we may be able to attract some new development, or at least keep what we already have?

I ask the question, of course, in the light of the decision of the Government on uranium mining and Roxby Downs, a decision with which I entirely agree, as I made clear last Tuesday. There are now very grave doubts (I must say that deliberately, despite what the Premier said earlier this afternoon), about Redcliff, and at present in this State we have, I believe, the highest level of unemployment in the country (8·3 per cent). I give as examples of what I mean by the policies I mentioned in the question the Government's own brand of industrial democracy, and its policy which it calls "preference for unionists" but which to most people is compulsory unionism. I wish to read only a few sentences dealing with State taxation from a circular put out only a few weks ago by Mr. Bill Dawson of the Retail Traders Association, as follows:

> The retail industry in South Australia believes it could employ an additional 5 000 people. It cannot provide that employment today because for every $100 paid in wages the total cost of employment to a retailer is $150.

He went on to talk about pay-roll tax, workmen's compensation, penalty rates, rosters, long service leave, annual leave, and loading, and sick leave. I may also suggest, although it is not a policy, that the Government will have to get rid of someone who is absolute anathema to business in this State, and that is the Attorney-General, Peter Duncan.

The SPEAKER: Order! The honourable member is commenting now.

Mr. MILLHOUSE: Well, I gave those just as examples.

The SPEAKER: Order! I hope the honourable member does not continue commenting.

Mr. MILLHOUSE: Yes, Sir, I have nearly finished my explanation of the question. I suggest to the Government that this is simply not the time to press on with Party policies which must alienate the very people whose help we need to keep the State going.

The SPEAKER: Order! The honourable member is now commenting.

Mr. MILLHOUSE: My last sentence is to point out that the policies I have mentioned and a number of others are in fact actively repelling the very people whose help we need.

The Hon. J. D. CORCORAN: I guess that, in the situation confronting this State and the Government at the moment, one could expect such a question from the honourable member. In a very general way, he said that the Government should abort the policies that he considers detrimental to business people in this State, or to the attraction of business people to this State. He then became more specific and talked about industrial democracy. He did not say what the pursuit of the policy of industrial democracy by this Government had cost in relation to industry in this State. As he knows full well, the Premier has said many times that there will be no legislation to enforce this policy on any industry in South Australia; in other words, industries will not be forced to adopt this policy if they do not wish to do so. Indeed, I could quote cases where industry in South Australia has adopted this policy of its own volition, because it has suited its own purpose. This has led to increased productivity.

The second point the honourable member raised related to preference to unionists. There is no law as yet in this State that enables that policy to be included in any award. However, I remind the honourable member that, since 1952, there has been a provision in Federal legislation to do just that. If this is considered by the honourable member to be a barrier to industry in this State, I ask him how the national scene has been affected. The honourable member knows full well that one of the greatest factors in industrial peace, particularly in South Australia, is that employers encourage their employees to be members of unions, because they know, as the honourable member does, and as the large industries in this State certainly know, that it is beneficial to them, as industries, to have full union membership among their employees.

The honourable member listed a great area of State taxation. If he examines the incentives that are available to industries becoming established in this State and makes a comparison with the incentives available in any other State in Australia, he will find that South Australia is ahead. He can shake his head if he wants to. He did not cite any specific instances, but raved on about a series of taxes, and said no more about them. Instead of becoming a prophet of doom, I suggest that the honourable member should be honest and get down to selling the great benefits that this State has, and selling the advantages we have to encourage new industry to come to this State and to encourage existing industry to expand. We would welcome his participation, even though it might be more damaging than helpful.

OVERLAND

Mr. OLSON: Can the Minister of Transport say whether the motor-rail system used on the Overland between Adelaide and Melbourne has proved successful? I have received most favourable comments from motorists who have used the system since its introduction, but who express regret that the time factor required by the Victorian rail authorities for the receipt of vehicles prior to the departure of the train is far longer than the half-hour period required in South Australia.

The Hon. G. T. VIRGO: The system that was adopted late last year (it commenced on 6 November) has certainly been successful. It perhaps points up the fact that it ought to have been adopted when it was first suggested in 1972. Clearly, from the patronage it is receiving, it seems almost certain that not only will it continue but also that the number of trucks for the carriage of cars will be increased. At this stage, the average number of cars being carried is five, accompanied by passengers on the train, together with one every other day of unaccompanied cars. All in all, it is successful. I am assured by the A.N.R. that it has additional waggons available to put on as soon as the total capacity of the present one, namely, eight, is reached, and it will certainly put on a second one to accommodate the load.

COAST PROTECTION

Mr. MATHWIN: Can the Deputy Premier say whether the Government intends to introduce legislation that will enable the Coast Protection Board to close roads at the esplanade and nearby, in accordance with the report of the Metropolitan Coast Protection Management Plan? Paragraph 2.7.2, on page 12 of the plan, states:

> The Coast Protection Board will investigate the role of esplanade roads along the coast in order to assess the need for further construction and the possibility of reconstruction or closure to improve amenity.

The report refers to a number of cases of this kind. There are many areas suggested in the report in which the Coast Protection Board will be given the right to close roads and acquire land.

The Hon. J. D. CORCORAN: I have no knowledge of any suggestion being made by the Coast Protection Board to the Director of the Environment, as would be the normal course of events, in relation to this matter. There is absolutely no necessity, in my view, for legislation to empower the board to close or open roads; that would be done under the Opening and Closing of Roads Act, which is handled by the Minister of Lands, if I remember correctly. It would be possible, on the other hand, if the board were of the view that roads should be closed or extended, for it to apply, I would imagine, in the same way as any other authority could, through the district council or the local council involved. That is the only way in which it could be done. I imagine that the approach by the board would have to be through local government.

Mr. Mathwin: It is at the moment.

The Hon. J. D. CORCORAN: That is how it ought to be, in my view. I see no necessity for any statutory authority, or government department for that matter, to change in any way the procedures currently followed. I will check the point for the honourable member and, if any additional information is available, I will bring it down as soon as possible.

CRISIS CARE SERVICE

Mr. DRURY: Can the Minister of Community Welfare provide the House with information on the public use of the Crisis Care Service in recent months? I understand that, during the week following Christmas, the service was particularly busy, and I would appreciate any additional information the Minister may have available.

The Hon. R. G. PAYNE: The honourable member mentioned his interest in this matter previously, and I have taken the opportunity to obtain up-to-date figures on crisis care activities. The service received almost 6 500 calls during the last quarter of 1978. The vast majority of these calls were able to be dealt with by telephone and required limited follow-up action, but almost 500 required immediate visits by crisis care workers operating in radio-controlled cars.

As has been the trend throughout the history of the service, the largest percentage of the calls concerned marital problems or family problems involving children. This may be associated with the general economic climate and the difficulty of obtaining employment. Members may agree with me when they hear the figures. As the honourable member has mentioned, the period after Christmas was particularly busy. From midnight on 25 December until midnight on 1 January the service received 646 calls and made 75 visits. This heavier workload has continued throughout January, with a total of almost 3 500 calls received in that month alone. I ask members to note the dramatic increase. Domestic problems of one kind or another remained the major reason for requests for help but accommodation problems (probably connected with the economic climate) and drug matters also contributed significant percentages.

PUBLIC TRANSPORT

Mr. CHAPMAN: Does the Minister of Transport accept that some anomalies have emerged since the plan to restructure charges and zone public transport in Adelaide was announced, and will he take action to review the impact of doubling student fares? Also, will serious consideration be given to introducing an advance ticket purchasing facility conveniently situated for Adelaide area commuters? The scheme, which incorporates the doubling of student fares and weekly pass charges when travelling distances between three and seven sections inclusive, is alleged to have had a savage impact on families that have several children travelling over those distances and have no safe alternative method of transport. The Opposition supports the principle of the zoning plan that has been introduced and the principle of the regular transferability of tickets between all modes of transport. However, it has been drawn to my attention that, in order to make that scheme work, an essential ingredient will be—

The SPEAKER: Order! The honourable member is now debating the question.

Mr. CHAPMAN: To make the scheme work effectively, it is necessary to introduce a scheme of advance ticket purchasing, whereby book passes or tickets are purchased by the commuter and presented upon his entering the bus or train. Frustration would be avoided and time would be saved on the queue compared to the bus selling system. If those tickets had the time of purchase marked on them, they would become negotiable, and the time of State Transport Authority officers would be saved also. The Opposition believes that it is essential, and I ask the Minister—

Mr. SPEAKER: Order! The honourable member has

already made that statement.

Mr. CHAPMAN: I ask the Minister to give serious consideration to the two points I have raised regarding this scheme.

The Hon. G. T. VIRGO: The first point that needs to be made to anyone who criticises the present system is that, for as long as people have travelled on public transport, it has always been on the basis of section travel. The community has been brought up with that idea. Depending on how old we are, we have had many many years (in some cases, like mine, too many years) experience. We have suddenly gone to a new system, and many people like to find fault with new arrangements. Indeed, I think that is the problem at the present time. The second point which I think needs to be made but which many people have lost sight of (and I went out of my way to make it) is not only are we introducing a new system with zoned fares, but also that we are taking the opportunity of increasing the cost of travel to passengers. This is the first increase for about five years. Suddenly people have complained that their fares for certain journeys have gone up. Of course they will go up if the fares are increased. I am quoting from memory in relation to children's fares, but if my memory serves me correctly (my officers will check this and, if I am not correct, they will inform me and I will inform honourable members) the fare for children increased from 5c to 10c for the first and second sections in 1970. In 1979 (nine years later) the fare is increasing from 10c to 20c. Had we increased the fares, as indeed the very people the honourable member represents (private enterprise people) would have done every year, that fare would probably have been between 20c and 30c.

When 5AD rang me this morning, I said that if there was any fault in what the Government was doing, it was simply showing up the fact that fares should have been increased in the intervening period. Instead, the Government's policy was to keep them down. Now it is being criticised because of that. Regarding the third, fourth and other sections, the schedule with which I was provided went back only to 1966, and the 10c fare was then operating. It probably goes back further—I do not know. Certainly, for three and more sections, in 1966 children were paying 10c. Now they are being asked to pay 20c. Surely even the honourable member would not go so far as to say that that was an unreasonable increase from 1966 to 1979 (13 years), from 10c to 20c.

Those are the facts associated with this scheme. I think that the new scheme has been a real successs. Unfortunately, however, there are a few people who, like the critics of the new personalised number plates, have big drums which they are beating and which make a hell of a lot of noise. I think that the State Transport Authority and its officers have done a magnificent job in working out the whole system and bringing it into operation smoothly. Indeed, last Monday night, when all of our critics and all of the S.T.A.'s critics were parading on North Terrace, they said there would be queues so long that people would never catch their trains. However, there were fewer people in the queues than there usually are on a Monday night.

PERMANENT PART-TIME WORK

Mrs. ADAMSON: Will the Minister of Labour and Industry say whether he supports the concept of permanent part-time work and whether the Government intends to support the Public Service Board in its efforts to extend the concept of part-time employment into Public Service weekly paid areas? A report in the *Advertiser* of Tuesday 24 October stated that the United Trades and Labour Council had rejected the Public Service plan, saying that the concept of part-time work by wages employees was not acceptable. On 26 October I questioned the Minister on this subject and he said he would examine the position and bring down a considered reply because he sincerely believed that this was an important subject. In the three and a half months that has elapsed since that time, has the Minister had time to consider his reply?

The Hon. J. D. WRIGHT: First, I must apologise to the honourable member for not bringing down a reply. I fully intended to do so, and there was certainly no evasion on my part. As I think I explained, I did not hear the first part of the question because I was rushing back to the House. I cannot understand why a reply has not been forwarded to the honourable member. The Government has a policy on this matter, and the Premier is on record as saying that the Government supports part-time work. In fact, I imagine that in almost every department at the moment some people are working part-time. It should be placed on record, however, that the Government does not believe that part-time employment should be introduced to overcome unemployment, because I do not believe that it does. The Government has not opposed a situation where two people want to share a job, provided it does not interfere with the good relations in or the management of that department. To summarise, the Government has already declared its position in this regard, and it will not create part-time employment in the hope that it will solve unemployment, because I say emphatically that it will not. The Government is allowing employees to divide a position. In fact, in my own department five or six people asked the Director for permission to do this, and they have been doing it for some months.

LOCAL GOVERNMENT

Mr. RUSSACK: Can the Minister of Local Government say whether the Government has developed an attitude concerning the future of the Local Government Office and local government in South Australia? It is well known that the Minister will not be continuing in office after the end of this Parliament. Last year the Premier stated that local government must be better represented on community councils and in involvement with social development. Last year the Premier also sent out a letter to local government bodies outlining greater involvement in social development. This, together with the appointment of the former Director of Local Government to the position of Director of Community Development, and activities by the Minister of Community Development involving local government, indicates that a major change in local government could be imminent in South Australia.

The Hon. G. T. VIRGO: I am trying to work out how to answer a question on whether we have developed an attitude toward local government. I do not know what that means, but let me put the honourable member's mind at rest on one matter: he will not have me here to plague him after the life of the present Parliament expires because I have not renominated. Indeed, a very capable person has been endorsed by the Labor Party and, if the honourable member manages to get back (he only just scraped in last time), he will have the opportunity of being slapped down by my successor.

Members interjecting:

The Hon. G. T. VIRGO: My successor was appointed in the democratic way in which elections are held within the Australian Labor Party, and he did not stand as a scab against a member of his own Party. I return to the

question, "Has the Government developed an attitude?" I believe the status of local government in the eyes of the Government has been upgraded dramatically in the 8½ years I have had the privilege of being Minister of Local Government. I believe the standing of local government and its relationship with the State Government are better now than they ever have been in our history; that view is expressed fairly universally by local government, and it is certainly the view expressed unashamedly by the Local Government Association. I know the member for Goyder will acknowledge that.

The former Director of Local Government (Dr. McPhail) has been transferred to the position of Director of Community Development in the normal progression of matters throughout the State Public Service. The position of Director of Community Development is a departmental head position, whereas the position of Director of Local Government is not: he is subordinate to the Director-General of Transport, because the department is the Transport Department, and that embraces the Local Government Office. There is no sinister aspect in the move of the former Director to the position in the Minister of Community Development's area.

We have called for applications for a new Director. Although it would be improper of me to name those persons who have applied, I can assure the honourable member that amongst the applicants are some very competent people. In due season the Public Service Board, which has the responsibility of making appointments, will conduct interviews and make its decision on a new Director. I can see nothing other than a continuation of the Local Government Office in the present role of continuing to serve local government and attempting to improve the relationship even further in the years ahead.

PORT FACILITIES

Mr. VENNING: Can the Minister of Works say what action he and his department have taken to ensure that vessels berthing at South Australian ports do so with caution and understanding? The Minister will recall that in October 1977 a Chinese vessel collided with the jetty at Wallaroo, and more recently a collision occurred at Port Lincoln. The Minister will also know of the record harvest not only in this State but also throughout Australia and realise what could happen if a similar event occurred within this State. When the Minister replies, could he also say how far the legal proceedings against the owners of the *Wuzhou* have proceeded?

The Hon. J. D. CORCORAN: Legal proceedings have been going on for a long time to determine whether or not the South Australian Act has jurisdiction in South Australian waters. This question does not concern just this incident at Wallaroo; it is also of national importance. The hearing has finished, and we are awaiting the judgment. Only the other day I asked the Director of Marine and Harbors to inquire from the Crown Law Office what progress had been made, and he was told that judgment had not been handed down.

The honourable member will appreciate that this is an important matter for the Government, because a decision which enables the South Australian Statute to have jurisdiction would mean much more money being paid by the Chinese shipping company to the South Australian Government which was required to make good the damage done to the Wallaroo jetty. On the other hand, the compensation would be much less if the Merchant Shipping Act applied.

The honourable member raised a good point, because, following the incident at Wallaroo and that at Port Lincoln recently, thorough inquiries were carried out as to exactly what caused the accidents. However, I do not want to get involved in the technical points that were made, because engine failure, pilot error and that sort of thing could be involved. I certainly do not want to get involved in off-the-cuff statements about where blame may lie other than to say it did concern the authorities as well as me that two of these accidents had occurred.

The honourable member is absolutely right: in fact, I praise the excellence of the design and workmanship of the berths, particularly at Port Lincoln, and I am convinced that the excellence of the jetty prevented what could have been a calamity. I think every farmer on Eyre Peninsula and every person involved with the loading or handling of grain was relieved to hear that the accident would in no way affect the transportation of the harvest this year.

An instruction has been issued to all pilots in relation to the techniques involved in the berthing of ships, not only grain ships. If it is ethical to do so, I will obtain for the honourable member a copy of this circular, which will show that some alteration to techniques has been made in an attempt to prevent similar accidents happening in the future. Although I cannot state categorically that they will definitely avoid similar accidents in the future, the possibility will be reduced.

At 3.9 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

URANIUM

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

> That in the opinion of this Council the resolution passed by the House of Assembly on 30 March 1977 dealing with uranium be rescinded.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to provide for the establishment of a corporation with power to trade in timber and timber products and to engage in joint ventures involving trade in timber and timber products; and for other purposes. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

In introducing this Bill for the establishment of a Timber Corporation, I would like to explain the background to the Bill for the information of members. As a result of recent negotiations with overseas producers of pulp and paper, there appear to be good prospects for the Woods and Forests Department to establish long term contracts for the sale of pulpwood probably in chip form from plantations in the south-east region. The sale of pulpwood is vital to the economics and silvicultural well being of our

plantations. Discussions so far with potential buyers have assumed the establishment of a ship loading facility at Portland, Victoria, the port of exit. The complex would be established as a joint venture between the overseas buyer and the South Australian Government, with the Government holding a majority interest. The advantages of such an arrangement are two-fold. It gives added security to long term contracts negotiated; and spreads the funding load.

The Government intends the corporation to hold shares on its behalf in the proposed joint venture company. Capital required by the corporation will be raised by way of semi-government borrowings. The corporation will meet capital service costs on its borrowings from dividend income on investments and will therefore not be a burden on the State's revenue budget.

The Bill also provides for the corporation to engage in trading in timber and timber products in its own right. This feature will enable the corporation to trade in other States where necessary and provide the flexibility needed to successfully market the timber products of the State's forests in a highly competitive national market. The present Forestry Act does not provide this flexibility. The Bill also provides for the corporation to hold shares in other ventures, with the intention of promoting markets for products produced by the South Australian Woods and Forests Department. In this regard, the Government proposes to transfer to the corporation its shares in Shepherdson & Mewett Pty. Ltd. and Zeds Pty. Ltd. It is important that negotiations for the establishment of this venture be concluded as quickly as possible to take advantage of the additional employment and revenue to the State. I commend the Bill for consideration of members.

Clauses 1 to 4 are formal. Clause 5 describes the corporation's legal status and accountability to the Minister. Clause 6 provides for the appointment of the Chairman and members of the corporation. Clause 7 provides for the term of office and conditions of appointment of members of the corporation. This clause also deals with the filling of casual vacancies, the removal of members of the corporation and vacating of office by members.

Clause 8 provides for allowances and expenses payable to members. Clause 9 establishes the number required for a quorum and procedures for the conduct of meetings of the corporation. Clause 10 determines the validity of acts of the corporation. Clause 11 requires members of the corporation to disclose to a meeting of the corporation any interests they may have in proposed contracts or contracts entered into by the corporation. Clause 12 provides for the execution of documents under the Common Seal of the corporation. Clause 13 sets out the powers and functions of the corporation to trade direct and acquire undertakings and interests in undertakings involved in trade in timber, timber products and other products sold or traded with timber and timber products.

Clause 14 provides for the corporation to delegate its powers or functions. Clause 15 provides for the corporation to employ a staff outside the provisions of the Public Service Act. Clause 16 provides for the corporation to arrange superannuation for employees through the South Australian Superannuation Board. Clause 17 provides for the engagement of employees on a secondment basis from other departments of the Public Service or Government instrumentalities. Clause 18 requires the corporation to prepare estimates of income and expenditure for the approval of the Minister and for the appropriation of income by the corporation to meet expenses incurred by the corporation and for the Treasurer to determine the distribution of surplus profits.

Clause 19 sets out the borrowing powers of the corporation. Clause 20 provides for the banking arrangements of the corporation. Clause 21 provides for the corporation to invest surplus funds. Clause 22 requires the corporation to keep proper accounting records and to have such records audited each financial year. Clause 23 requires the corporation to submit an annual report to the Minister upon the conduct of the business of the corporation during each financial year, together with audited finanical accounts. This clause also requires the Minister to table the report before each House of Parliament. Clauses 24 and 25 are formal.

Mr. DEAN BROWN secured the adjournment of the debate.

WATER RESOURCES ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Water Resources Act, 1976. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes several amendments to the principal Act, the Water Resources Act, 1976, that are of a disparate nature.

The amendments have been proposed following a review of the operation of the Act since the first of July, 1976, taking account of administrative experience and the views expressed by the Chairman of the Water Resources Appeal Tribunal.

The Bill proposes amendments to definitions of terms used in the principal Act designed to remove certain ambiguities and extend the application of the Act to publicly owned artifical water channels. Accordingly, new definitions of "watercourse" and "waters" are provided that more clearly define the ambit of the Act and provide for the extension to the waters in publicly owned artificial channels of the licensing controls on the taking or diversion of water under Part III and the water quality controls under Part V of the principal Act. This inclusion within the definition of "watercourse" of artificial channels vested in public authorities has been prompted by the decision that the most appropriate method of managing the utilisation of reclaimed water, such as that produced at the Bolivar sewage treatment works, would be by licensing in the same manner as applies to proclaimed watercourses under Part III of the principal Act.

The Bill proposes amendments to sections 29 and 43 of the principal Act that are designed to make it clear that the Minister may issue licences to take water from proclaimed watercourses or underground waters in a proclaimed region immediately upon the watercourse or region being proclaimed without receiving applications. This amendment would ensure that the present administrative practice would have a clear legislative basis.

The repealed Control of Waters and Underground Waters Preservation Acts enabled the Minister to modify an authorized water allotment, by reducing it, if the water allotment for the preceding year had been exceeded. This

principle was retained in the current legislation by virtue of regulations 18.3 and 31.1. The Appeal Tribunal has formed the opinion, with which the Law Department has concurred, that those regulations were ultra vires by virtue of sections 29 and 43 of the Act. Subsection (2a) of each of those sections enables the modification of the terms and conditions of a licence only with the consent of the holder of the licence. Sections 32 and 45 of the Act, however, provide for the modification of the terms and conditions of a licence, but only in the event of a breach of the terms and conditions of that licence. Thus the use of water in excess of water allotment in breach of the terms and conditions of a licence, discovered after the issue of a licence for the succeeding year, cannot be penalised otherwise than by prosecution. This is often too severe a sanction for breaches of this nature. Accordingly, the Bill proposes amendments to sections 32 and 45 of the principal Act designed to enable the terms and conditions of a licence to be varied without the consent of the licence holder if the licence holder breached a term or condition of any corresponding licence held by him during the preceding year.

The system for the levying of charges for the use of water in excess of a water allotment applying to a River Murray licensee, and, as approved, to apply to a Northern Adelaide Plains underground water licensee, provides the means whereby excess water use is self-regulated. This has been found to be the most satisfactory way of administering this aspect of water use as it eliminates, except in cases of flagrant breaches, the necessity to initiate prosecutions. There is, however, no specific authorization for the levying of such charges in the principal Act and accordingly the Bill proposes an amendment authorising the imposition of such charges by regulation.

Finally, the Bill proposes an amendment designed to make it clear that the Appeal Tribunal may adopt technical and scientific evidence heard in an appeal relating to a particular proclaimed watercourse or porclaimed region in any subsequent appeal relating to the same watercourse or region.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 amends the definition section of the principal Act, section 5. The clause deletes the definition of "surface waters" and incorporates the matters comprehended by that term in a new definition of "waters". This amendment is designed to remove ambiguities only. The clause recasts the definition of "watercourse" and includes within the meaning of that term any artificial channel that is vested in or under the control of a public authority. Apart from this addition, the new definition of "watercourse" is designed only to remove ambiguities in the existing definition. "Public authority" is also, by this clause, defined to include the Crown, councils and any prescribed statutory corporation.

Clause 4 amends section 29 of the principal Act by providing that the Minister may grant a licence to take water from a proclaimed watercourse without having to receive an application for the licence. Clause 5 amends section 32 of the principal Act by providing that the Minister may revoke, or suspend, or vary the conditions of, a licence to take water from a proclaimed watercourse if the licence holder has breached a condition of that licence or any licence under section 29 previously held by him during the preceding 12 months. Clause 6 amends section 43 of the principal Act by empowering the Minister, of his own motion, to grant a licence to take water from a well in a proclaimed region. Clause 7 amends section 45 of the principal Act by providing that the Minister may revoke or suspend, or vary the conditions of, a licence to take water from a well in a proclaimed region if the licence holder has breached a condition of that licence or any licence under section 43 previously held by him during the preceding 12 months. Clause 8 amends section 65 of the principal Act by providing that the Tribunal may receive in evidence any transcript of evidence in other proceedings before the Tribunal and draw any conclusions of fact therefrom that it considers proper. Clause 9 amends section 79 of the principal Act, the regulation making section, by empowering the making of regulations providing for charges for taking water in excess of the quantity fixed in a condition of a licence.

Mr. ARNOLD secured the adjournment of the debate.

WHEAT INDUSTRY STABILISATION ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Wheat Industry Stabilisation Act, 1974-1975. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill has two main purposes. First, it introduces provisions into the principal Act to establish a varietal control scheme for wheat. Secondly, it alters the legal basis on which the board makes payments to State bulk handling authorities in respect of storage and handling costs. The Australian Wheatgrowers' Federation supports both proposals, and legislation giving effect to them has been, or is being, introduced in all States and by the Commonwealth. As honourable members will be aware, the wheat industry stabilisation schemes are the subject of complementary Commonwealth and State legislation. The present amendments, then, are substantially uniform with their Commonwealth and interstate counterparts. The proposed amendments are being made to the legislation governing the current wheat industry stabilisation plan, of which the 1978-79 season is the final year of operation. New legislation will be introduced later this year to cover arrangements which are to apply beyond the 1978-79 season, and it is anticipated, of course, that the matters with which this Bill is concerned will be incorporated into that legislation.

The Australian Wheatgrowers' Federation and the Australian Agricultural Council accept the principal that homegeneity of a crop is an important determining factor in the Australian Wheat Board's ability to sell grain competitively on the international market. Undesirable varieties of grain have a deleterious effect on the homogeneity of the crop and so affect its marketability. The scheme which this Bill proposes operates by allowing the Australian Wheat Board to make deductions from the price paid to growers for undesirable varieties of grain. The guidelines for the operation of the scheme were drawn up by the Australian Wheat Board in close collaboration with the Commonwealth and States.

Following the Commonwealth amendment, this Bill makes it possible for the board to make deductions in respect of wheat delivered in Commonwealth Territories and the States. The scheme will involve the prescribing of

categories of wheat, fixed by reference to varieties, and the areas in which wheat is grown. The proposed amendments will empower the board to make deductions in respect of wheat varieties which do not comply with the varietal prescriptions for particular areas. In Commonwealth Territories the board will prescribe the categories; in the States, they will be determined by the appropriate Minister. It is not intended that deductions for varietal control will be actually imposed in respect of wheat of the 1978-79 season. However, the board will advise growers delivering unacceptable varieties that those varieties could be subject to deductions in future seasons.

As I have indicated, the Bill also alters the legal basis on which the board makes payments to the State bulk handling authorities in respect of storage and handling costs incurred by them. The proposed modifications are designed, essentially, to facilitate State accounting in this area. At the present time, the administrative practice is that payments are made pursuant to agreements between the Commonwealth Minister for Primary Industry and each of the State Ministers responsible for Agriculture. It is now proposed that the board and the bulk handling authorities be empowered to enter into agreements themselves. Hitherto, the costs of wheat handling and storage have been pooled on an Australia-wide basis. Under the proposed scheme this arrangement will no longer apply. Growers delivering wheat in each State will be charged a rate for storage and handling that reflects the costs of storage and handling to the Bulk Handling Authority of the relevant State.

Under the existing arrangements the board's payment scheme provides for a special deduction of up to 92 cents per tonne to be subtracted from the price paid for wheat shipped out of Western Australia, reflecting the advantage accruing to that State from its relative proximity to some overseas markets. There has been agreement for the removal of the 92 cents ceiling in keeping with the principle which has been adopted in moving towards State accounting for bulk handling and storage costs. The reference to the ceiling has been removed from the Commonwealth Act; this Bill also removes the corresponding reference in the South Australian legislation.

Finally, the proposed amendments modify the regulation making power to provide for the making of regulations which will be necessary upon the introduction of varietal control.

The Bill also contains a minor amendment which will enable licenced receivers of grain to carry on operations through an agent.

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act, which defines certain expressions occurring in the principal Act, by redefining "licensed receiver" to restrict that expression to State Corporations (which are, in fact, the only licensed receivers in existence), and by inserting a definition of the term "State Corporation" in which the names of the six State Corporations are set out.

Clause 4 provides for several amendments to section 9 of the principal Act, which relates to licensed receivers. The amendments to subsection (1) are purely consequential on the new definition of "licensed receiver"; the remainder provide that a licensed receiver may carry on operations by means of an agent, that it may enter into agreements with the Australian Wheat Board regarding reimbursement of storage and handling costs, and finally that licences held by State Corporations immediately before the coming into operation of the proposed amending Act shall continue in force and shall not be cancelled or suspended without the consent of the State Corporation.

Clause 5 amends section 13 of the principal Act, which sets out the procedure and system by which the Australian Wheat Board pays for wheat delivered to it. Among other things, the section sets out details of certain factors for which the board must make allowance when determining prices. These amendments contain the main substance of the proposals relating to varietal control, although other matters are also involved. The limitation on the special deduction applicable to Western Australian grain is removed from paragraph *(b)* of subsection (2) and paragraph *(c)* of that subsection is completely recast. Under the new paragraph *(c)* the Australian Wheat Board is required to make allowances *inter alia*, in relation to prescribed categories of wheat, and the places at which that wheat was delivered, when computing the price to be paid for wheat. In accordance with the Commonwealth legislation in this area, wheat delivered in Victoria or Western Australia is not subject to the new scheme, as it is understood that those States do not propose to implement varietal control for some time. The new paragraph also requires the Australian Wheat Board to make allowances in respect of payments made by the board to State Bulk Handling Authorities under the proposed scheme for reimbursement of storage and handling costs.

This clause also enacts new subsections numbered (2a), (2b) and (2c). The first of these provides for the determination of prescribed categories of wheat, and the second requires the South Australian Minister to make his determinations under the proposed subsection (2a) on the recommendation of the South Australian Advisory Committee on Wheat Quality. Subsection (2c) provides that the amended section 13 shall apply in relation to wheat of the season that commenced on the first day of October, 1978, and the wheat of every subsequent season.

Clause 6 recasts the regulation making power to provide for the making of regulations consequential on the introduction of varietal control. In particular, these regulations may provide for the furnishing of returns by growers stating the varieties of wheat which they have sown or intend to sow, and also for the declaration of wheat varieties by persons delivering to licensed receivers.

Mr. VENNING secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act, 1972-1978. Read a first time.

The Hon. J. D. WRIGHT: I move:

That this Bill be now read a second time.

Honourable members will recall that, on two occasions since the parent Act was enacted in 1972, the moratorium period contained in section 133 has been extended to ensure that no legal challenge to the rules, officers or members, of any registered association could be sustained during that period. The original provision was inserted into the Act to temporarily overcome problems arising from the decision of *Moore v Doyle* in the Commonwealth Industrial Court.

At the time of the last extension, it was intended that the necessary legislation, based upon a report made in 1974 by Mr. Justice Sweeney to the Australian Government, would be prepared to permanently overcome the many difficulties outlined in the decision. To ensure that every opportunity was given to interested

parties to participate in this matter, a preliminary draft Bill to effect these amendments was circulated for comment to secretaries of all State registered organisations of employers and employees and to certain lawyers practising in the industrial sphere.

The comments received have indicated that considerable revision is necessary to the draft Bill. However, in view of the complexity of these changes and the continuing discussions on the matter between State and Federal Industrial Registrars and at the Ministerial level, it has not been possible to finalise the provisions of a revised Bill, which it is proposed be again circulated to interested parties for comment. Members will appreciate that the issues highlighted in *Moore v Doyle* are of considerable significance to registered associations and careful consideration must be given to the implications flowing from any action which may be contemplated.

Accordingly, this Bill seeks to extend the moratorium period for a further three years until 4 January 1982.

It was originally intended that the amendment effected by this Bill would be included amongst general amendments proposed to the parent Act. However, the proposed legislation was not finalised in time for introduction before Parliament went into recess in November and the previous moratorium period has since expired. In order to ensure continuity of that period, it is proposed that the amendment made by this Bill have retrospective effect.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the retrospective operation of the Bill. This will ensure the continuity of operation of section 133 of the principal Act. Clause 3 extends the operation of section 133 to the expiration of the ninth year after the commencement of the principal Act.

Mr. DEAN BROWN secured the adjournment of the debate.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SELECT COMMITTEE OF INQUIRY INTO PROSTITUTION

The Hon. D. W. SIMMONS (Chief Secretary): I move:

That the time for bringing up the report of the Select Committee be extended until the first day of the next session and that the committee have leave to sit during the recess.

The committee has met on 17 occassions, has seen 26 witnesses, and has received 35 written submissions; at least 25 witnesses have yet to be heard. After hearing the evidence, considerable time will be required for deliberation and preparation of the report. Consequently, it will not be possible to report before the end of the current session. Leave to sit during the recess will assist the committee in completing its programme, with a view to reporting on the first day of the next session.

Motion carried.

PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 2238.)

Mr. ALLISON (Mt. Gambier): I support the Bill. The principle of land rights for Aborigines, and in particular, in this legislation, the Anangu Pitjantjatjaraku, is a principle which the Liberal Party has supported, and one concerning which the Federal Liberal Party has been exemplary in implementing legislation, for example, in the Northern Territory. The Bill before us is a swift implementation of the report of the Pitjantjatjara Land Rights Working Party of South Australia, which was dated June 1978, and which was made available to Opposition members towards the latter stage of last year.

We recognise that tribal Aborigines attach tremendous importance to the land. I will quote from the *Aborigines: A Statement of Concern, Social Justice Sunday 1978*, a statement prepared by the Catholic Commission for Justice and Peace for the Catholic Bishops of Australia. The section headed "Land Rights" contains a brief statement by Father Pat Dodson, M.S.C., in which he makes the following statement:

> The limitations of my land are clear to me. The area of my existence, where I derive my existence from, is clear to me and clear to those who belong in my group. Land provides for my physical needs and my spiritual needs. New stories are sung from contemplation of the land. Stories are handed down from spirit men of the past who have deposited the riches at various places, the sacred places. These places are not simply geographically beautiful: they are holy places, places that are even more holy than shrines. They are not commercialised, they are sacred. The greatest respect is shown to them. They are used for the regeneration of history. the regeneration of our people, the continuation of our life: because that's where we begin and that's where we return.

The article continues, although not in the words of Father Dodson:

> Because of the nature of the relationship between Aboriginal clans and the land they occupied, the taking of their land from them, both in itself, and because of the violence with which it was done, is the root cause of the destruction of Aboriginal society.

That damage has been done over the past 200 years. This Bill is one of a number introduced in Australian Parliaments over the past several years which are trying to arrest the destruction, I suggest, particularly of Aboriginal tribal society, and the arrest of that destruction must be one of our main concerns. Whether the granting of land rights, such as the rights proposed in the Bill, will achieve that, remains to be seen. However, it is a start, but we must also bear in mind that this legislation involves, I think, about 2 000 Pitjantjatjara in and around the borders of South Australia, as against the total Australian Aboriginal or part-Aboriginal population of about 100 000. So, we cannot say that this begins to be the ultimate solution for the vast majority of Aborigines. This legislation will be particularly important to the tribal Aborigines.

We had intended to debate at considerable length a number of issues contained in the Bill. However, yesterday, I was informed that the Premier intended to place this legislation, after all, before a Select Committee. We had raised this possibility many months ago, and

understood at that stage that the Bill would not be referred to a Select Committee, any more than the Aboriginal Lands Trust Bill in 1966-67 had been encouraged to go before a Select Committee. The Premier, in his role as the then Attorney-General, had opposed moves by the Legislative Council of the day to place the matter before a Select Committee. This represents, therefore, a considerable change of heart, and we applaud that.

The Bill is a hybrid Bill; it is a public Bill that affects a particular group's special rights, and I understand that, when the second reading debate is concluded, the Bill will be referred to a Select Committee. The Bill concerns, in particular, the granting of Crown or waste lands, to an individual person, company, corporation, or local body, and that definition of a hybrid Bill would certainly apply in this case, where the Anunga Pitjantjatjaraku are being given specific rights over a certain area of land in South Australia.

There are a number of points for examination, and I hope that these questions will arise; they already have, in the form of personal observations that I have made over 25 years, submissions that have been received over the past few months, opinions I have gleaned from a wide variety of sources and extensive reading. Those points for examination, I hope, will be brought before the Select Committee so that it can, in its wisdom, examine the Bill thoroughly and, I hope, suggest improvements, because no legislation is perfect. This legislation has especially far-reaching effects not only for the South Australian Pitjantjatjara people but also for the rest of South Australia's population—indeed, for people outside our State boundaries.

Among problems which we might be examining (and I hope will come before the Select Committee) would be the present Federal legislation, which has already been enacted and which has shown itself in the immediate future after its passing to be presenting problems. We might examine and learn from some of the problems that have arisen. I have no doubts that the granting of land rights to any body of Aboriginal people in Australia automatically presents massive new pressures on those tribal peoples. Among the new pressures are those arising from Government (the very people who pass the laws), from industry and commerce, and from within different groups and differing groups, even within the tribes themselves. There is obviously in many cases a generation gap, together with the difference of attitude towards tribal life between tribal elders with their traditional points of view and their up-and-coming generations with their anticipation of assimilation, coupled with autonomy within their regions, thus creating a number of special problems.

The question of access is something the committee will have to examine. There is a possibility of denial of access, of limiting or delaying access, to tribal lands. In this legislation, we know that even the elected member of Parliament (in this case, the member for Eyre) is not given specific open access to the people he represents. He could be excluded from the roadways leading through that area, and that is an immediate problem. The people are enfranchised, yet the member who represents them could be excluded from travelling through that territory. That aspect has to be looked at, obviously. A number of people are already automatically entitled, so that places the member of Parliament in an inferior position in relation to those people already named in the legislation.

There is the question of tourism and recreation and of scientific research, and a number of bodies have put it to me that their scientific research, which is on-going and important to the world's knowledge, not only to South Australia's knowledge, might be effectively stopped. Exploration and discovery could be halted. It appears that there is no right of appeal for these people. Their rights of access could be denied or terminated. There is also the question of whether other Aborigines might be excluded from this territory if they are not recognised as Anangu Pitjantjatjaraku. There is the problem of whether denial of access might have some impact on the strategic construction of roads and railways, and it takes into consideration none of the potential future transportation needs of Australia as a whole.

Another aspect is the law. Here, we have not just possible conflict but obvious conflict between tribal laws, the social mores of the Aborigines and the western laws, which have increasingly applied in their way of life. There is already the generation gap. The tribal elders might prefer to implement traditional tribal laws, whereas the younger people might prefer to implement western laws. Some would no doubt prefer to revert to tradition, whereas others are looking forward to assimilation and westernisation, and the import to them of civil, criminal, and company laws under western civilisation. Many of these laws would simply not be considered at the tribal level, yet would have relevance to any industrial or commercial ventures into which future generations of Aborigines might enter. We have to examine what provisions this Bill should make. I believe that at present the provisions are much too narrow, and many things are not provided for in the legislation.

There is the fact that the Pitjantjatjara people themselves have a right of appeal against any decisions made by the Pitjantjatjara council. Obviously, people other than the Anangu Pitjantjatjaraku might be affected by decisions made by the council, and there is no provision for peoples other than the Pitjantjatjara to have any right of appeal; this would seem to be a matter needing attention.

In health and education, I hope to ask whether this Bill will improve the present standards of health and education among the Pitjantjatjara. I was privileged, in March last year, to travel around the majority of Aboriginal reserves in South Australia accompanied by the member representing them (the member for Eyre), and we noticed that there were a considerable number of areas in health and education where, by western standards, we considered the people to be grossly underprivileged. One would hope that this imbalance in health and education would be redressed.

Again, there is also the question that must be put: are we standing in too high a light when we look at this problem? Do those tribal Aborigines actually seek westernisation? Are they looking for our standards of health and education, and has our missionary zeal to mould them in our own image been the greatest disservice we could possibly have paid them? Should they be permitted to live their alternative way of life, completely free from interference from the Education Department or the South Australian Health Department, etc. We may find that, as our society moves towards self destruction, the Aborigines will be the true survivors, and anything we do could make them share our fate. This opinion may be cynical.

We must also consider whether the claim of the Anangu Pitjantjatjaraku peoples to other than non-nucleus lands would hold water, especially in the light of possible counter interests which we have discovered from other Aboriginal tribes. One must bear in mind that the land immediately south of the North-West Reserve, the unnamed reserve, contains the land traditionally held by the Maralinga peoples who moved to Yalata and whose claims to their former tribal lands are possibly to be

established and possibly in some conflict with the claims of the Pitjantjatjara peoples. This, too, is an area that will have to be further investigated. It is possible that peoples outside South Australia may have opinions regarding claims to be lodged by the Pitjantjatjara. Regarding the future claims to be made by the Pitjantjatjara, possible compulsory acquisition is involved.

The non-nucleus lands outside the North-West Reserve are non-tribal lands and include pastoral lands. The process of acquisition would seem to be relatively simple for the Pitjantjatjara people. A claim is lodged, and must be justified before the Minister, who then passes it on to a tribunal, the constitution of which is not known at present. It is also not known what members will be on the tribunal. It could be that the tribunal is comprised of people who are entirely one-sided in their point of view, either towards the Pitjantjatjara or towards industry and commerce or something else. It could be unfairly loaded. The tribunal will recommend to the Government whether the Pitjantjatjara claims should stand, and whether the land should then be acquired and ceded to the Pitjantjatjara. There is no right of appeal for any parties who may consider themselves to be aggrieved should land be acquired by the Government and ceded to the Pitjantjatjara peoples. The question arises whether the tribunal will be appointed with a fair representation, a cross-section of the community. The question also arises why there are no appeal provisions and whether the Parliament or the Minister of the day might not be a responsible person to whom appeals could be addressed. The power has been taken completely out of the hands of the South Australian Parliament. That situation must be examined by the Select Committee.

Regarding mining and minerals, industry and commerce submissions will be involved and will be put to the Select Committee. On page 18 of the Pitjantjatjara working party report, the mineralisation of this area is deliberately understated. The report states that very little has been discovered in the area since exploration commenced there in 1921. The report does not state whether extensive exploration has been carried out. If it had not been carried out, I would not be surprised if very little has been discovered there. I do not know the background to the mining exploration of the area, so I ask whether mineral rights are capable of producing finance to help the Aboriginal people, bearing in mind that these people are, in my opinion, already grossly underprivileged. The mineral rights from such an under-mineralised area may not be capable of financing the people. In the long term, can it be predicted that discoveries will be made to give the Aborigines an income from royalties? Even if minerals were discovered in large quantities (for example, such as the uranium and copper mining project at Roxby Downs), it might take eight to 10 years before any income was derived. Therefore, in the short and long term, mineral royalties are not an assured source of income for the Aborigines.

Therefore, under this legislation we may be offering something that does not exist. The Aborigines might be offered land rights and told that they have something magnificent when the realisation may be much less. There may be better immediate alternative forms of compensating tribal Aborigines, benefiting not only tribal Aborigines but all Aborigines in South Australia, rather than quoting mineral rights and royalties as a means of aiding a select few people in the Pitjantjatjara region. The prevention of mining and the effects on South Australia's total population, employment, and royalties, should all be considered, should minerals be found in great quantities in that area. What would be the impact on the rest of South Australia should mining be completely forbidden by the Pitjantjatjara people? The Select Committee will have to examine that question in the light of evidence given by private enterprise and the South Australian Mines Department, which must have knowledge of the area and has put forward reports to the Minister of Mines and Energy regarding this matter, reports which the Opposition has been denied the opportunity of seeing so far.

Problems are also associated with the environmental impact of the transfer of land rights to the Anunga Pitjantjatjaraku. Investigations have been continuing for some time in botany, zoology, lands forms, conservation regarding the possibility of desertification (that is, converting into desert areas of luxurious flora in that far north-western region), whether farming methods are adequate to preserve the land forms, whether old traditional hunting methods of firing the land and hunting animals from them as a source of food might be detrimental to flora, fauna and land forms in the long run. None of these things is known, because it is not known what form of livelihood the Pitjantjatjara peoples will adopt once this land rights Bill is passed.

The question also arises as to who has the power, should some problem be detected, to stop any deterioration in flora, fauna, land forms or any accelerated erosion. Will the Minister of Agriculture, the Minister for the Environment, or another Minister yet to be named, be responsible? Will the Pitjantjatjara council accept advice given if compulsion is not already provided within the legislation? Who will be responsible for problems detrimental to the general welfare of the Pitjantjatjara peoples and the Australian people as a whole? Cattle diseases and plant problems associated with weeds may affect areas further south, and it cannot be predicted what will happen. These points are not adequately covered within the legislation and should be attended to. The Aborigines in this region might well be under similar controls already exercised over the owners of pastoral leases adjacent to the Aboriginal North-Western Reserve, who are subject to the additional threat of compulsory acquisiton, with no appeal.

I suggest that the very fact that that type of thing exists in the legislation is already creating an ill-feeling between pastoral leaseholders and Aborigines of the region, an unnecessary ill-feeling that could have been prevented had the legislation been drawn up a little tighter and made to appear fairer. I suggest that the right of appeal may be one obvious avenue of escape for the Government.

Among health problems that immediately spring to notice are undernourishment among children, glue sniffing by young people in Aboriginal communities, and the obvious problem of alcoholism. Whether this legislation will prevent or retard these diseases is open to question. Diseases such as alcoholism cause difficulties because of the mobility enjoyed by Aborigines. One only has to see the tremendous number of wrecked cars on tribal grounds to know this. One only has to see the mobility of tribal Aborigines to know they have the potential for alcoholism because of the ability to travel outside the reserve.

Will this legislation effectively bring those problems to a halt? If not, is there any improvement in the legislation that could be enacted in order to assist the tribal leaders, and the Pitjantjatjara Council, to tackle the problem head on, as I believe it intends to meet it? More strength to their arm if they do intend to do that.

Obviously, the passing of this legislation must create an immediate phychological feeling of well-being for the Pitjantjatjara people. We should bear in mind that the North-West Reserve is already dedicated to the tribal

Aborigines. I hope that the work of the Select Committee that the Premier has seen fit to appoint will help to improve the legislation and to iron out many of the questions I have raised, and possibly many raised by other members of the community at large that they will present to the committee. We hope that in the not too distant future recommendations will be brought forward by the Select Committee and that the Bill itself will be considerably improved as a result of that.

Mr. GUNN (Eyre): I rise to take part in this debate only briefly, as Standing Orders require that this legislation be referred to a Select Committee. The real debate, if there is to be any major area of contest, will take place when the Select Committee reports. However, I would like to canvass one or two matters at this stage. I think anyone who has had any dealings with the Aboriginal communities in the north-west of South Australia in the past few years could not help but come to the conclusion that the people in those areas are not only concerned but desire an adequate title over the land that they have occupied for generations. They are of the opinion that, if they receive what they believe to be their right (and that is something I support), which is the granting of a freehold title to the area commonly known as the North-West Reserve, they will have permanent security over their land.

There are other compelling reasons why they should be given control over that section of South Australia. I think it is fair to say that the legislation and the working party's report have caused much concern in many sections of the South Australian community. I think it is also fair to say that some of that concern can be put to rest. I believe that certain of the matters which no doubt will be brought before the Select Committee and which I will go over in a moment will need much consideration and discussion. It is absolutely essential that, when Parliament is discussing and about to enact forever and a day legislation of this nature, it should look at every possible matter which can cause concern and which may have a detrimental effect on other groups and organisations and, of course, on all sections of the South Australian community.

I appreciate that this matter is one on which many people in the community do not have much knowledge. A limited number of people have any knowledge of the North-West Reserve. The Minister has been there on a number of occasions and the Premier has been there, but only a limited number of people have knowledge of the reserve. Only a limited number of members of this House have visited that area of the State. It is a pretty area and has many interesting features. It has many areas suitable for cattle grazing. At Mount David, there is obviously great potential for the mining of jade. I believe that the Select Committee, when it is examining this matter, will have to look closely at the views of the Aboriginal community at Yalata, which has already made representations to the Premier about this proposal. Those people have been concerned for some time that they may be denied access to areas that are traditional to them. Certain of these areas are claimed by people who live in Western Australia, not only those at Yalata, so that is one area that the Select Committee will have to look at closely.

The people at Yalata originally came from Ooldea and were shifted to the Colona station and the Yalata area at the time that the Maralinga atomic testing grounds were developed. Even today, many of those people go back into that area and have associations with it. In recent years they have been going back and looking for some areas which have great significance to them. They have expressed great concern to me that areas which are not currently included in the nucleus lands may be at a future stage excluded and that they can be excluded from entering them. I know that the Minister is aware of the problem, and I hope he takes note of it.

The miners' representatives at Coober Pedy have been concerned for some time that they may be restricted in future from mining in the Mintabie area. I understand that investigations are currently taking place to find out whether it is possible to declare the Mintabie area a precious stones prospecting area. Great concern has been expressed, by the people at Indulkana particularly, that mining activities could interfere with areas of significance to them. On my previous visit to the area I suggested to them that, in relation to the areas which were of significance to them and which they were concerned about, they should immediately approach the Minister of Mines and have them designated on a map, to be excluded from all mining operations. I understand that this suggestion has been taken into consideration.

I believe that the committee will have to look closely at the mining situation on adjacent lands, in the area currently known as the North-West Reserve and the adjacent pastoral areas which will be included in the nucleus lands. There is no doubt in my mind that this land belongs to the Aboriginal people. However, I believe great consideration should be given before any group from anywhere in Australia is given the total right to reject completely any mining operation.

The Aborigines have a right that should not be denied to certain mineral royalties for any minerals found in that area, just as any landholder in South Australia receives mineral royalties. I agree that, because of the significant areas of Aboriginal cultural importance in that reserve, there should be some other protection afforded under the Mining Act. The Crown should have the ultimate right to determine whether mining will not proceed for all time. Not only will the Select Committee have to look closely at this matter, but it will also have to examine what minerals have been found in the area and determine the best way to overcome this problem. I hope the committee will not be a rushed affair and will take evidence from the large number of people who wish to give evidence.

When this legislation was originally discussed it was my first thought that it would be a hybrid Bill and that it would be necessary to refer it to a Select Committee. When I explained this to a group of Pitjantjatjara people in my electorate, I was loudly condemned by one or two of the advisers who did not understand what the hybrid Bill was and thought that we were engaged in some kind of deliberate delaying tactic. I now put it on record that was not the case. When I replied to these people I set out at some length to explain that this procedure was a normal part of the Parliamentary process, which may appear to be cumbersome. However, in my limited experience in this House, every piece of legislation that has been referred to a Select Committee has been greatly improved. A great deal more legislation should be referred to Select Committees, and we would then probably end up with much better legislation and fewer hassles, and far more members of Parliament would be involved. Groups of individuals in the community who would be affected by legislation would then have the opportunity to give evidence before the people who will finally make the decision. All legislation and the running of the affairs of State would be thus greatly improved.

The committee should consider the absolute powers in relation to entry which the Pitjantjatjara people will have. I hope that members representing the South Australian Parliament and Senators of the Federal Parliament will never be denied access to that area. On one occasion I had trouble getting into one section of that area. I do not

object to letting them know that people will be coming because I am aware of the problems with accommodation and the airfields being some distance away. Consideration should be given, perhaps during election periods, to endorsed candidates visiting these areas.

This is a very important debate because the legislation is far-reaching and will have an effect on the Pitjantjatjara people. It has caused a great deal of comment throughout the community, some of it ill-informed and some of it based on well-founded research and matters of concern. I sincerely hope that debates of this nature can take place, based on a genuine concern for the welfare of all sections of the community, particularly those people in the north-west of South Australia, because they will become the largest freehold land-owners in South Australia. Actually, it will not quite be freehold land, because a freehold title allows you absolute control over the land and if an individual so desires it can be sold, but in this situation these people will not be permitted to sell this land.

However, the legislation once and for all clearly gives these people permanent occupancy rights to the North-West Reserve and I have no objection to that. It is their land and they have lived there for generations. Some of the land in that area has never had European occupation, and some of the adjoining pastoral leases have been held for a long time by groups who have been assisting the Aboriginal communities. Other areas have recently been taken over by the Commonwealth on behalf of these communities.

The local communities responsible for administering these areas will need certain powers, because, as has been made very clear to me on my recent visits, the people are very concerned about the influence of alcohol. Many people in that area have a definite view that they should have the right and power to prohibit the bringing on or consumption of alcohol in these areas, and I entirely support that. Concern has been expressed to me that, with the construction of the new standard gauge railway line, which will proceed more rapidly that was reasonably expected, problems will arise with the establishment of new towns adjacent to that area where liquor licences may be granted. These are matters at which the Select Committee may have to look.

I look forward to taking part in the deliberations of the Select Committee. I support the people of the north-west of South Australia in their desire to be given control over the land they currently occupy. I recognise that there are problems at which we have to look very carefully. I believe that many people will want to give evidence, including the Stockowners Association, representatives of the Coober Pedy Miners Association (who have had discussions with the Minister and me), and the people of Yalata. Correspondence has also taken place with the Premier, of which I have copies.

Genuine concern has been expressed by the north-west people and their representatives that mining activities would interfere with the traditional culture of the people, could destroy the environment and could have a definite undesirable effect in certain areas. Therefore, we have to look very closely at this legislation and the working party report before we make a final decision. We should not be in any real hurry when considering this legislation, because it is quite obvious that the Minister of Mines and Energy will not permit any mining activity during the months while this legislation is being considered. I believe that possible future mining in this area will have to be very carefully considered by the Select Committee.

I am most concerned that no over-riding authority is given to the Minister, as is the case in the Northern Territory legislation where the Minister has power to issue mining permits in the national interest. I know certain people will react strongly to that, but I believe we may have to look carefully at providing that authority in certain conditions.

A recent article in the *Australian* suggested that, owing to the problems in the Northern Territory in relation to access roads and important mineral deposits, mainly oil fields, in the Alice Springs area, the Commonwealth may have to look at amending the legislation which operates in the Northern Territory. I believe it is far better to solve these problems before the legislation is placed on the Statute Book. I do not think we want to be placed in a similar situation to that of the Commonwealth, and I look forward to the committee's deliberations. The Liberal Party does not in any way want to deny the rights of Aboriginal people but we have to be careful that, in giving those people their just rights, we do not create anomalies and take courses of action which will make it difficult for the rest of the South Australian community and which in the long term could have detrimental effects on the Aborigines in that part of the State or could cause problems between one Aboriginal group and another Aboriginal group in another part of the State. I support the second reading of the Bill and the referral of it to a Select Committee, and reserve my other comments about the Bill until the House is debating the report of the Select Committee.

The Hon. R. G. PAYNE (Minister of Community Welfare): I thank the two members opposite who have spoken in support of this Bill for the reasoned and sensible way in which they have approached it, irrespective of the fact that the Bill is to be placed before a Select Committee. It is unfortunate that the Premier is not able to reply to this debate because he has had a long association with matters concerning the welfare of Aborigines throughout Australia.

I will refer briefly to one or two points made by members opposite. I stress to members that this proposed legislation is special in a way different from that which we would all recognise. It is important to the Aboriginal people and it is an important measure, but I remind members (and no doubt those members who might be appointed to the Select Committee ought to be aware of the fact) that this legislation has reached Parliament in a special way, as is apparent from reading the report of the working party. The working party examined the feasibility of and necessity for such legislation, and what form it should take. The members of the working party had consultations over a long period with the Aboriginal people concerned. This legislation emerged after a 14-month period during which the working party had consultation with elders and with communities within the area.

On one occasion the Premier and I, who were not directly concerned with the legislation, but were concerned with the principles involved, met people from the area to ensure that everyone in that community who was able to be contacted put forward his point of view. We found that what is embodied in this legislation, which I would call a confirmation of ownership which has always existed, is what was required, and it was required in these terms. It is all very well for us as members of Parliament to examine the meaning of every word and the way in which grammar can be construed in a certain clause, but the way in which this legislation appears is in a form which has had the full approval of the Pitjantjatjara people, of the community groups and of the elders.

If and when the Select Committee is approved by this Parliament I hope it will bear that fact in mind, because

the process of consultation and the production of legislation which might follow in western society and the processes involved in the understanding and the acceptance of legislation such as this by the Pitjantjatjara people are not similar. I am certain the member for Eyre will understand this, as will the member for Mount Gambier, and that is an important fact that needs to be understood. I am quite certain that that is the most significant thing that needs to be remembered about this legislation.

I think the member for Mount Gambier referred to the possibility of the tribunal being one-sided. That is not my view of the tribunal and I am sure it is not the intention of the legislation. My understanding of a tribunal, particularly one headed by a judge or a magistrate and, without being derogatory in any way, one chaired by a legal practitioner of long experience, is that it would approach any matter put before it impartially. It would look at evidence put before it, it would be concerned with the justice of the proposition put before it, it would act in accordance with the terms of reference contained in the legislation, and it would arrive at a decision that was not based on a one-sided approach.

I am not being critical in making this comment. I suspect that the member for Mount Gambier was being somewhat hypothetical, and I am prepared to accept that that was so. I think I should put forward my view and that of the Government of the tribunal which might be set up under this legislation, should it be done in the way now contemplated.

The member for Eyre referred to mining at Coober Pedy. Yesterday, Mr. Brian Coker came to see me, and we spent a couple of hours together, having a good discussion. He informed me that he was a representative of the Coober Pedy miners and that he had recently made approaches to the Mines Department and other people, as well as the Aboriginal organisations in the southern area. I commend him on that approach, because we are involved in a democratic process, and any group of persons who could be affected by the legislation should put forward their views.

Mr. Coker appears to have been quite active. When I told him about the Select Committee, he said that he thought they would be making representations to it. After some discussion about lawyers and representation, Mr. Coker agreed with me when I said that, after the time I had spent with him, I thought he was sufficently articulate to put forward any views on behalf of the members he represents. He is reasonable, sensible and logical.

In putting before the House my feelings on the principle contained in the legislation, I can do no better than to quote the words used in the second reading explanation, which were taken from comments of Mr. Justice Woodward on a similar matter, although in another locality. He said that this was a matter of simple justice, referring to the Northern Territory legislation. That is my view, too. When the matter goes to a Select Committee, I hope the members of that committee will ensure that this simple act of justice is made possible by the passage of the legislation through this House.

Bill read a second time and referred to a Select Committee, consisting of Messrs. Allison, Drury, Dunstan, Gunn, and Slater; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 27 February.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 9 November. Page 1879.)

Mr. ALLISON (Mount Gambier): This legislation is a continuation of the original Act which was passed nearly two years ago to equate the operation of the Eight Mile Creek settlement drainage maintenance area with that of the South-East drainage area. The legislation has been discussed with the settlers of the region. They recognise the importance of amending the Act to give the Minister additional powers to ensure that the drains, which have been considerably improved, levelled and cleaned, and which are performing their function much better than they have done for many years, should be kept in a good state of repair.

One of the main problems associated with the region has been that, over the years, the soft peat soil in a number of sections of the drainage area has been trodden down by cattle intruding through fences in disrepair, breaking down the sides of the drains, making the level of the drain-beds muddy and uneven, and stopping the water from draining as efficiently as it should. The importance of keeping the drain floors and walls extremely clean and tidy can be understood when one recognises that, from one end of the settlement area to the other, there is an extremely slight fall towards the sea, and that the presence in the drain-beds of any mud or extraneous matter serves to clog up the drain and to prevent it from functioning properly.

The Bill therefore empowers the Minister to do several things. He can enforce adequate fencing of the drains, which was formerly an acute problem. He can recover costs for any work done in repairing, renovating, or reconstructing drains, and, should any cattle stray into the main drainage area, they can be impounded. The Bill provides for fines to be paid by the offending land owners upon recovery of the cattle.

Also present in the South-East drainage area are a number of privately constructed drains, some of which have proved beneficial to farmers, but detrimental to others on adjacent properties. The amendment provides for regulating the construction of private drains where they affect the already established drains which come under the Minister's jurisdiction. The Minister is also given power to alter those drains, to demolish them where he thinks it necessary, or to clear them. When a landholder is reluctant to co-operate with the Minister, the Minister has the power to recover the cost of any work done under the terms of that provision.

There is also a provision for the Minister, in his wisdom, to exempt from the regulations any person or persons whom he sees fit to exempt, and there is a provision for the recovery of any fees necessary under the regulations.

The settlers in the area have considered the amendments; they have had many weeks to do so. From my conversation with a representative recently, I understand that they have no really strong objection to any of the clauses. We support the legislation.

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

DOG CONTROL BILL

Adjourned debate on second reading.
(Continued from 23 November. Page 2311.)

Mr. MATHWIN (Glenelg): I support the Bill. As a member of the Select Committee on the Bill, I followed it through every stage. The legislation has had a long path before the Bill has eventually arrived here. A Select Committee was appointed, to which many people in the community gave evidence. Out of that committee came the information that, in 22 metropolitan council areas, in

the first five months of 1977-78 there were 4 736 Alsatians and 68 237 other breeds. Statistics show that there is one unregistered dog for every two registered dogs and that there is about one dog to every three dwellings.

The main problem in the metropolitan area is caused by stray dogs, and dogs that are allowed to wander and become a nuisance to people in the community. Among the worst affected areas in this regard are the coastal areas and the beach communities. Dogs there foul the beaches and the foreshore, causing a great problem, especially in summer. They foul the towels and clothing of the bathers, including those of young children, causing considerable concern to users of the beach and to local council authorities. Caring dog owners rightly blame those who own dogs but who take little interest in them. I had a small dog, which I bought originally so that my children could become accustomed to dogs. I have been given a good dog, a Staffordshire bull terrier, by my daughter, and I think that it is one of the best breeds.

Mr. Wilson: Is it called Winston?

Mr. MATHWIN: No. It is called Charles the Fourth, because we already had a Charles the Third. Requests have been made that administration should stay with local government, as the Bill now provides. The Bill gives local government added responsibility; it allows local government to collect a registration fee of $10 and $5 thereafter, together with the responsibility for controlling offences and for the collecting of fines and expiation fees, which range up to $500 in some cases but, generally speaking, up to $200. The Bill contains special provisions for pensioners, working dogs, and seeing-eye dogs.

Mr. Rodda: And for farmers?

Mr. MATHWIN: Yes, for working dogs. Farmers are well taken care of in the Bill. One of the main aspects that came out of the mass of information that was collected by the Select Committee was the great need for the public to be educated. Education in the care and control of dogs has had most satisfactory results in the United Kingdom, where owners are given pamphlets on registering the dog at the local government office. School curricula include visual aids and lectures as a means of instilling into the younger generation the responsibilities of pet ownership. A great failing among dog owners is their lack of responsibility, not only to the dog, but also to members of the general public.

Many dog owners are responsible people, who care for their dogs. They believe that they have been penalised to a certain extent. Some responsible dog owners in the community have questioned why the legislation has not been extended to cover cats, mice, birds, and so on. Some people even have pet snakes, and one can imagine the problems that could be caused if snakes were let loose in the community. Responsible dog owners have cause to believe that they are being penalised.

Councils have been given greater powers of discretion under the Bill, and much will depend on the regulations that will be promulgated. Anyone who has been connected with local government will be well aware of the criticism by a number of people in the community that councils do not police the regulations, especially those pertaining to stray dogs on the streets and on the foreshores. Now, councils will have that added responsiblity, and they will have to provide facilities for catching stray dogs. In future, dog catchers will be called dog control wardens; this is all very nice, but the person is still a dog catcher. Nowadays, we change the name of many occupations: a plumber is now known as a sanitary engineer. Councils will be able to obtain finance with which to build proper pounds and, if they wish, they can share the expense with adjoining councils.

That, in general, is what the Bill is all about. Regarding identification, the Minister, in his second reading explanation (page 2309 of *Hansard* of 23 November 1978), said:

> It is proposed that a registered dog will be required to be identified by a registration disc attached to a collar or by tattooing of the ear of the dog. The latter requirement will apply only to dogs that are not fully grown and it is considered that it can be effected for little expense and without causing undue pain to such dogs.

I imagine that, if the owner of a mature dog wanted to have it tattooed, the best place for the owner to take it would be to a veterinary surgeon. The onus will be on the owner or breeder to have a dog tattooed at an early age. Some councils are concerned as to who should do the job, which can be done by the dog control warden after a short period of instruction.

Mr. McRae: How long does the instruction take?

Mr. MATHWIN: Between half an hour and an hour. The tattooing is done, of course, in the greyhound industry. Councils have asked about the situation regarding people wanting to have their dogs registered and tattooed. I imagine that it could be similar to the system that now prevails with immunisation: a certain time could be set down for registrations and tattooing. Of course, certain breeds of dog could not be tattooed, and details of the breeds will be set out in the regulations. I intend to move an amendment to clause 5 (2) *(a)*, which states:

> the dog is secured and restrained by means of a chain, cord or leash held by the person;

No length is stated. There have been occasions when a dog has been tied up with any length of rope or chain, and there should be some definition as to how long the restraining chain or cord can be.

Clause 5 (2) *(c)* states:

> the dog is in the close proximity of the person and is responsive to his commands.

How would the dog warden know whether the dog was responsive? It is suggested that this is covered by clause 41, and I hope that the Minister will comment on that matter. Clause 12 (2) *(b)*, states:

> the surplus, if any, in respect of any financial year of the receipts over the payments referred to in subsection (1) of this section.

That relates to registration fees taken in by the council. Does the Minister expect that dog registration fees in excess at the end of the financial year will be turned over to the Central Dog Committee? Does this include fines collected by a council? If it does, many councils might need to find some way of disposing of such money. A ridiculous situation arises in certain areas whereby a certain amount must be spent, and I should like the Minister to answer this query. Clause 23 *(b)* states:

> secondly, in payment of the prescribed percentage of its moneys to the Royal Society for Prevention of Cruelty to Animals (South Australia), Incorporated;

Why is the Animal Welfare League not involved here? That organisation deals only with dogs and cats, whereas the R.S.P.C.A. deals with all animals. Will the Minister reconsider that provision? Clause 28 indicates that a council will have a trained tattooist. Clause 34 (5) provides:

> In any proceedings for an offence against this Act or in any civil proceedings in relation to any injury, damage or nuisance caused by a dog, it shall be a defence for a person who was the owner, or is deemed to have been the owner, of the dog at the material time, if he proves that the dog was at that time in the possession or control of another person without his consent.

I wonder what would happen in the situation where a

young child, under 10, who cannot be charged, takes the family dog for a walk without the consent of the father, or where a wife takes her husband's dog for a walk without his consent. One would presume that nothing could be done about that, and this appears to be a flaw in the Bill. Clause 36 (6) provides:

> Where a dog seized and detained under this section is not claimed, or where a person in the name of whom that dog is registered declines to resume possession of a dog, or any moneys due in relation to that dog are not paid, an authorised person may cause the dog to be destroyed.

A dog could be disposed of by sale with proceeds going to the council. I wonder what would happen if the owner refused to pay the fee and later decided to buy the dog back? The Minister may say that the council should know who the owner is, but there are more ways of killing a cat than drowning it.

Clause 44 (1) provides:

> If a dog attacks, harasses or chases any person, or any animal or bird owned by or in charge of some other person, the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

If a dog attacks a bird or an animal, it can be shot; however, if it attacks a child, it cannot be. Therefore, if the dog chases your pet budgie around the kitchen you can kill it, but if it chases your son or daughter you are not allowed to shoot it. The Bill puts more importance on stock and animals than on people. As I have some amendments on file that I hope the Minister will deal with sympathetically, I support the Bill.

Mr. EVANS (Fisher): I support the Bill, although I would like to see some amendments made to it. Whether they are carried is a matter for the Minister and his colleagues to decide. There is a need to amend the laws relating to dogs in this State. I will read a letter I have received from a constituent that I think puts the case in a nutshell. It states:

> I am writing to ask you to support the proposed new dog legislation which is about to come before the South Australian Parliament. I am not a dog hater; in fact, I respect the rights of people to own dogs. What I do ask is that dog owners respect my rights and other non-dog owners' rights not to be bothered or inconvenienced in any way by their dogs.
>
> I would like to be able to walk down my street without being deterred by packs of barking dogs; I would like to go out each morning to collect my newspapers and be sure they won't have been removed by roaming dogs; I would like to put out the garbage for collection without the fear of having it scavenged by roaming dogs; I would like my children to be able to ride their bikes without the danger of dogs rushing out at them, and I too would like to be able to drive my car without the danger of harassment by dogs. I would like my grounds and premises free from fouling and destroying of gardens and my front door and porch not to be urinated on.
>
> Since the working party report came out, I have been staggered to find out just how many people do have problems with, and in some cases are caused severe hardship by, neighbouring dogs. In the course of conversation at social gatherings and at other meetings over the last few months I have not found anyone who has not had at least one hard luck story to relate about dogs.
>
> For the peace of mind of myself, my family and friends, and I am sure for the majority of South Australians, I earnestly ask that you support the Bill in its passage through Parliament.

I think that is how people harassed or annoyed by dogs in the community see the position. I, too, respect the rights of people to own dogs in a responsible way, and I am convinced beyond all doubt that the Bill gives them that opportunity.

Higher fees and penalties are provided in the Bill. I think the fees are not unreasonable, taking into consideration the benefits a dog can give a person if that person loves the dog and believes in the dog's being a part of his life, or if it is a show dog, a trial dog or is used for competition in some other way. I support the legislation in the hope that we can achieve the carrying of some amendments during the Committee stage.

Mr. GOLDSWORTHY (Kavel): I have received a large number of letters relating to the Bill. I will refer only to one, which states:

> Section 12 provides that the "prescribed percentage of moneys paid to council by way of registration fees" will be paid to the committee and that any surplus of income over expenditure for any one financial year will also be paid to the committee.

That letter refers to the central committee that the Bill proposes to set up. It was put to me that many ratepayers in a council area are not dog owners and that if the council, as a result of the committee's operations, loses money it will fall upon the ratepayers to foot the Bill. It is not good enough to say that it will put up the fees for registering dogs, because, if as a result of the council's operations there is a surplus, it cannot retain that surplus in a local fund; it has to be paid to the committee. That seems to this council and to me to be a logical point. It is a bit unreasonable to expect the general ratepayers, dog owners and non-dog owners, to bear any loss, yet any surplus is immediately paid out. Any surplus could be put into a local fund against the day when a loss is incurred. I particularly wanted to make that point, because no-one else has made it.

I support the legislation, which is necessary for the control of dogs. Complaints are made from time to time about dogs, and I think the Bill has come to us as a result of a fairly intensive investigation.

The Hon. G. T. VIRGO (Minister of Local Government): I move:

> That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr. ARNOLD (Chaffey): I indicate my general support for the Bill now before the House. One area of concern to which I ask members to give serious consideration is the part providing penalties for the abandonment of dogs, which has become a real problem, and probably the major one, for many people in my district. We have a closely populated area in the Riverland surrounded by grazing, pastoral and agricultural lands. Unfortunately, many of the dogs from the closely settled area, if they are not watched and properly looked after, tend to wander off into the pastoral country, where they become a real menace to pastoralists in the area.

I believe that many of the dogs concerned are abandoned by people leaving the district who do not have the courage to make provision for the dogs or have them destroyed. I believe that many of these dogs are abandoned in pastoral country. The *Murray Pioneer* of 11 January this year stated, in relation to the subject I am speaking about:

> Three dogs shot on Calperum Station north of Renmark during the past fortnight are believed to have killed 300 sheep, worth a total of about $9 000.

I believe that there need to be much higher penalties than those provided in this Bill, because it is extremely difficult

to apprehend persons abandoning dogs. The penalties need to be such that they will deter people from even considering taking such action. The example I have cited applies to many other instances involving pastoralists in this area.

While I have indicated my general support for the Bill, I would like members to give serious consideration to the provision in the Bill about the abandonment of dogs, because I believe penalties must be substantially increased if we are to create a real deterrent to dog owners who have entered into the practice of abandoning unwanted dogs.

The majority of people act extremely responsibly towards their dogs and pets. However, it only needs one or two irresponsible persons in a community to create havoc for pastoralists and other people endeavouring to carry on their form of primary production. I support the Bill and trust that the House will give serious consideration to the point I have raised.

Mr. RUSSACK (Goyder): This legislation is the result of first a working party and then a Select Committee, I believe. Therefore there has been considerable thought given to the control of dogs. I have received quite a number of letters from dog owners and from people who do not own dogs, and both sides claim that there should be some general control over the behaviour of dogs and the way dogs are allowed to behave by their owners. It would therefore seem that there has been quite a lot of consideration given to this matter, and this Bill is the outcome of the Select Committee's recommendations. I suppose every piece of legislation that is introduced does not suit every area or group of people, and there are some who are concerned about this legislation. Today I received the following letter from the District Council of Central Yorke Peninsula expressing its concern with this legislation:

> In reference to proposed legislation concerning control of dogs and the licensing of abattoirs, I submit the following for your consideration:
>
> Dog Control Act: Council is opposed to the following sections of the proposed legislation and seeks your support for the views expressed:
>
> Dog Control Warden—Council strongly opposes the proposal for the full-time appointment of a Dog Control Warden by a council or group of councils. Council has been able to adequately control dogs with a part-time officer working an average of two days per month and therefore the employment of an officer for a greater length of time would be an extravagant use of council funds.
>
> The suggestion that the Dog Control Warden could do other duties would be a difficult application. It requires a special type of person to carry out the duties of "dog catcher" and from experience employees handling other council duties will not accept this position because of the verbal abuse that a dog catcher received in the carrying out of his duties. It has taken this council approximately three years to find a person who was willing to take on this position.
>
> Central Dog Committee—Council can see no advantage to country councils in the proposal for a Central Dog Committee and is opposed to this and the requirement for council to pay a percentage of fees and surplus funds to the Central Dog Committee.
>
> Tatooing of dogs—This provision is totally unacceptable. The previous arrangement of issuing discs has proved to be very satisfactory over a long period of time and should not be altered.
>
> For your information council is of the opinion that it is performing its duties in a satisfactory manner under the present legislation and, although some minor problems are experienced, considers that the present legislation is adequate if councils take a responsible attitude toward the administration thereof.

In defence of this council, and from my own personal experience, I know that this council has accepted its responsibilities and has discharged them in a commendable way, not only in the control of dogs but in other ways. Unfortunately, not every council has assumed its responsiblities, and that is possibly why this legislation is now before us.

Dr. EASTICK (Light): This legislation is long overdue, and has taken a long lead time to prepare. I believe that the work of the working party and subsequently that of the Select Committee has led to the presentation of a piece of legislation which will be advantageous to this State. Invariably with legislation breaking new ground, there will be some difficult areas and some question of interpretation. I have no doubt that this Parliament will quickly take any necessary steps to correct anomolies which may occur as a result of the introduction of this legislation.

I congratulate the members of the Select Committee, the Government, and hopefully the Parliament for accepting the provision relating to the tattooing of dogs. I am aware that it is an area which has caused some concern to a number of people; indeed my colleague the member for Goyder indicated the opinion of one council. That is not an isolated opinion, because a number of councils and individuals have reacted in that way. The Non-Dog Owners Association Incorporated has submitted an excellent alternative method of identification. There is nothing to stop this method from being implemented voluntarily alongside the provisions contained in this Act. Their suggestion is that the collar of every dog has affixed to it a tag which identifies the name, address and hopefully the telephone number of the owner, so that there can be immediate contact. Unfortunately, this suggestion involves the same difficulties as does the present registration scheme of a collar and tag: it is only good as long as the collar and tag is attached to the dog, and its attachment does not necessarily identify the dog with its current owner. I believe, and it will take some years for implementation, that the new approach of tattooing will eventually be advantageous to this State and indeed to any other State or country which undertakes this method of identification.

In the recent publicity about the problems of human health associated with diseases transmitted from an animal source, it is necessary to be able to identify the animal and its origin. Whilst I am not trying to equate the dog population to the beef, sheep or pig population, there has been for a long time a means of identification in those other animals which is of excellent value in trace-back. In trace-back it is possible to determine where a disease may have been picked up and then, through a public health programme, to undertake a course of action to correct or eliminate the difficulties. I bring this back to the tattooing of dogs, where it will be possible to identify the origin of the dog and to determine where that dog may have had contact with a disease it is carrying that could be dangerous to other dogs, other animals or to human life. Whilst this effect was never intended by the Minister when this legislation was being considered, it will have a lasting public health benefit. As the issues which cause concern are best discussed in Committee, I will make no further comment at this juncture.

Mr. GUNN (Eyre): As I represent a large district I have received many comments in relation to the recommendations of the Select Committee. Many of my constituents in

the pastoral areas are concerned about the lack of adequate information being made available to tourists, particularly to those travelling in the Flinders Range. Many tourists who go into that part of the country do not know that dogs are not allowed in national parks and that Alsatian dogs are not allowed anywhere in those northern pastoral areas. People coming from Victoria with an Alsatian dog often discover that the dog could be destroyed. There is a need for adequate information about Alsatian dogs to be available in all tourist offices throughout Australia.

The Hon. G. T. Virgo: That problem is dealt with in the Alsatian Dogs Act Amendment Bill.

Mr. GUNN: I am pleased about that, but I have been asked to make these comments. Secondly, some of my constituents, particularly councils, have brought certain matters to my attention. The District Council of Murat Bay sent me the following letter:

> I hereby acknowledge and thank you for the report of The Select Committee of the House of Assembly on the report of the Working Party on the Containing, Control and Registration of Dogs, 1978. Council advises that it is not in favour of clause 9 of this report. Expiation fees or fines imposed by courts, for actions taken by local government, should remain with local government. It is felt that any such revenues received over and above actual expenditures would be an encouragement for local government to accept responsibility and enforce the legislation.
>
> If any surplus income has to be forwarded to a central body the new legislation will be a waste of time. There will be no incentive for local government as is the position now, and subsequently still a dog problem. Local government should be permitted to retain all expiation and fines imposed by courts for action taken by it. This would give some encouragement to enforce the provisions of the Act. In addition, at least half of the above-mentioned income, where police action has been taken, should also go to the local governing body in which the complaint was laid. This council firmly believes that the reimbursement of funds to a central body, with additional audited returns, is only creating unnecessary administrative expenses. I trust council's comments will be of assistance to you.

I support those views. The District Council of Peterborough sent me the following letter:

> Re: Bill No. 141-Registration of Dogs: Receipt is acknowledged of copy of the above Bill. My council representing pastoral properties and interests, feels impelled to record a protest at the discrimination shown in this Bill.
>
> The fact that a greyhound dog kept for entertainment and sporting interests is to be registered at a lower fee than a working dog required for purposes of earning an income was felt to be an injustice against the country people. To people in this area it appears that pressure from constituents closer to the metropolitan areas was considered more than the landowners' interests, often from areas remote from the capital.

I have some reservations about setting up a dog committee because the next thing we will be doing is setting up a budgerigar committee and then a galah committee.

The Hon. G. T. Virgo: They'd make you Chairman of the last one.

Mr. GUNN: You would qualify, the way you carried on last night. I believe we are just about reaching the stage of going over the fence with setting up Government committees, boards and administrative bodies. I am concerned about that aspect of our work because I do not believe it is warranted.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

Mr. MATHWIN: I move:

> Page 3, line 17—After "leash" insert "not more than two metres in length".

At present, the length of leash is not stated, and it could be any length of cord and/or chain. On a sidewalk, a leash many metres long could cause a great problem, as it could on the beach or the foreshore, where it could be even worse.

The Hon. G. T. VIRGO (Minister of Local Government): This proposition has been put to me. Following the presentation of the Bill into the House, I informed members that I was circularising it to local government over the period we were not sitting and asking them for their comments, and the point in the honourable member's amendment was made by only one council out of all the councils in South Australia. This does not suggest that it is wrong but suggests that not many councils were concerned about the problem. This council suggests that there ought to be a provision to determine the number of dogs that could be on any one leash, and so you can go on with all these sorts of things.

I do not feel inclined to start imposing restrictions of this nature where it appears they may not be necessary. I would like to see this Bill operate on the basis on which it has been drafted. I think the leash is what we all understand it to be and indeed that is what the honourable member is trying to provide. If we accepted the amendment, I am afraid some over-zealous inspector could ping someone because the leash they have for their dog is one or two centimetres too long. I think that we should let common sense prevail and, if it does not, I would be happy to amend it, at a later stage, in the way the honourable member is suggesting.

Amendment negatived.

Mr. MATHWIN: I move:

> Page 3, line 18—After "person" insert "by means of a chain, cord or leash not more than two metres in length".

I point out that in clause 5 (2) *(b)*, with which this amendment deals, no reference is now made to "leash".

Amendment negatived.

Mr. MATHWIN: I move:

> Page 3, lines 19 and 20—Leave out all words in these lines.

It would be difficult for a person to determine whether a dog is responsive to command, and it is suggested that this matter is covered already in clause 41, which provides for a fine of up to $150 in certain circumstances.

The Hon. G. T. VIRGO: I regret that I cannot accept this amendment. The matter was discussed in the Select Committee. The view has been expressed many times that, through attendance at obedience schools, dogs reach the stage of being able to react in a co-ordinated way to the commends of the handler, and that people should not be required to spoil that training by putting a collar and leash on the dog. The Town Clerks Association has expressed a view similar to that of the honourable member, as have also the Non-Dog Owners Association and one council. I think the situation as provided in the Bill should be given an opportunity to work. We have been led to believe that it will work, and I think it can. If not, we could revoke it later.

Mr. EVANS: I am disappointed that the Minister will not accept the amendment. Although several people expressed the view to the Select Committee that dogs can be controlled if they have been properly trained, I believe there is a wide grey area in deciding what exactly is "close proximity" and what is meant by "responsive to command". It is possible that a person might not give a command.

Dog owners have made the point that dogs can be controlled in this way. I know that members of the Non-Dog Owners Association are concerned about it. The Minister may have a point when he suggests that the position outlined in the Bill should be given a trial, but it is usually difficult to get Bills amended, once operative, on minor matters. I think this would be a minor matter to a Parliament, although a major one to a community. We could have tried the leash first, to see the response. If it proved too restrictive, we could have amended the legislation.

Amendment negatived; clause passed.

Clauses 6 to 11 passed.

Clause 12—"Payments by councils to the Committee."

Mr. GOLDSWORTHY: I move:

Page 5, lines 19 to 21—Leave out these lines.

I apologise that my amendment has not been circulated. I can best explain this amendment by referring to a letter that I received from a council, because it makes the position of the council and ratepayers clear. Referring to this clause, the letter states:

> It is considered that this is unacceptable in its present form—any surplus is paid to the committee—any deficit is made up by ratepayers. If this is to be as drafted, then from local government's point of view it will be necessary for the fees to be much higher than the proposed $5. Take the case of this council, with approximately 750 dogs registered—an estimated income of $3 750—and a percentage (at this stage unknown) to be paid to the central committee—the expense of administration—(a figure which would be nearing the present registration fee) plus the cost of a warden—even if this is shared between three councils, it would be approaching the $3 000 mark—make it appear that the council will be well out of pocket and the central committee financial.
>
> Should the fees remain as suggested, then there should not be any percentage paid to the central committee—if there is any surplus of income over expenditure then possibly this should be paid to a central fund for specified purposes. Council requests that this be looked at very carefully. Should the demands within the Bill have to be met, then the income must be such to permit it without further impositions on those who are not dog fanciers and who are, generally speaking, the sufferers because of the irresponsible dog owners.

There are two ways of doing it: first, the council can retain the surplus as against any year when there is a deficit; or, secondly, the fixed percentage might not be paid to the central committee. The point made in the letter is reasonable: if a loss is incurred as a result of the collection of the $5 renewal fee (and the sums referred to in the letter seem to be accurate), the loss is borne by general ratepayers. If a surplus accrues, it should be put aside by the council against the day when it is only just meeting costs or incurs a deficit. Now, it cuts only one way, which is against the local council and local ratepayers, including those who are not dog fanciers or who do not keep a dog. It is unreasonable to expect general ratepayers to incur losses because, if a profit is made in any year, that profit must be paid away.

My amendment deletes paragraph *(b)* so that councils will be able to put aside any surplus because, although inflation is abating, costs will increase each year and the $5 renewal fee will, in all likelihood, not cover council expenses.

If a council has accrued a small surplus, it will go towards offsetting that situation. The central committee has a ready source of funds from its prescribed percentage, but it is unreasonable to expect any surplus in any one year to be paid over.

The Hon. G. T. VIRGO: I am unable to accept the amendment. If I explained to the honourable member the history behind this proposition, he might better appreciate it. The Select Committee, and the working party prior to it, had before it information not of a conclusive nature (I would be wrong in calling it evidence) to suggest that some councils were using revenue from dog registrations for general revenue purposes; likewise, some councils were supporting the dog population in their areas from the payment of rates. The working party, the Select Committee, and the Government support the view that the question of dogs ought to be self-contained; in other words, the funds necessary to carry out the things required in the legislation ought to be paid for by the dog owners. There ought not be any profit made that could be used for other purposes, nor should a loss be made that would have to be supported by rate revenue.

Mr. Mathwin: What about the fines?

The Hon. G. T. VIRGO: They are also included; it is all money raised. In that regard, the Select Committee thought (and I think that we were unanimous on this matter) that, if councils were required to pay any surplus they had into a central fund, it would be a good way of ensuring that councils did not just carry out a minimal job and use the surplus funds as a result of dog registration for other general council activity.

Regarding the $5 fee, I think that every member of the Select Committee would readily acknowledge that we did not have sufficient evidence before us to say confidently what sum was necessary for a registration fee. I think that we were persuaded that the $10 fee, previously proposed, was too high, but we were unsure that the $5 fee was too high or too low; it has simply been set. With that fee, and with this machinery of the keeping of separate accounts, we will for the first time be able to monitor exactly what it costs to administer the dog legislation and, in future years, they will be able to adjust the fees accordingly.

Mr. MATHWIN: I register my disappointment that the Minister has not seen fit to support the amendment. However, in relation to the registration fees, I agree with him. Fines and expiation fees are a different matter. If the amendment is not carried, it will mean that the incentive has gone.

Amendment negatived; clause passed.

Clause 13 passed.

Clause 14—"Constitution of the Committee."

Mr. GUNN: As many dog owners in pastoral areas are represented by the Stock Owners Association, I am wondering why the Minister has not given the association representation on this committee. People in the Flinders Range and other places have had real difficulty with dogs. If it is not possible to give the association representation at this late stage, will he consider giving them representation later?

The Hon. G. T. VIRGO: I do not think any clause caused more difficulty for the committee than this one. We had suggestions or requests from all sorts of owners and organisations. The committee finally decided that the organisations now listed were the ones directly concerned. There is a strong case for having others represented, but one must draw the line somewhere. The Minister will have the invidious job of selecting people who will represent the several interests. He will not meet the desires of all, but I hope that something can be achieved in that way.

Clause passed.

Clause 15 passed.

Clause 16—"Expenses."

Mr. BLACKER: What does the Minister intend by providing that members shall be entitled to receive expenses determined by him? Earlier, it was indicated that

perhaps the fee for registration could be changed. Is it contemplated that members of this committee will receive only a payment or sitting fee? How far does the Minister intend to allow the committee to go?

The Hon. G. T. VIRGO: The Select Committee discussed this matter at some length and expressed the view that there should not be any payment for members of the Central Dog Committee, hence the different terminology in this Bill compared to other legislation. Under this Bill members will be reimbursed only for expenses.

Mr. EVANS: The Minister's Party suggested that sitting fees should be paid, but the Select Committee recommended that only expenses should be reimbursed, and I accept that.

Clause passed.

Clauses 17 to 23 passed.

Clause 24—"Provision of administrative services by Local Government Association."

Mr. GUNN: Why will the Local Government Association supply secretarial assistance? This seems to be a unique provision for an outside organisation to provide services of this kind. Is there some compelling reason for it?

The Hon. G. T. VIRGO: This subject concerns local government, excluding those areas outside local government control where the number of registered dogs is minimal. The arrangement is unique but it is an indication of the co-operation that now exists between the Local Government Association and the Government. I am sure this arrangement will work admirably.

Clause passed.

Clauses 25 to 27 passed.

Clause 28—"Registration disc or tattooing."

The ACTING CHAIRMAN: There is a clerical adjustment to be made on page 11, line 11. The words "South Australian" are to be deleted.

Mr. MATHWIN: Was it envisaged that councils would have a trained tattooist on the staff to attend to tattooing work at a certain time?

The Hon. G. T. VIRGO: Yes.

Clause as amended passed.

Clauses 29 to 32 passed.

Clause 33—"Dogs to have collars with name and address of owner and registration disc."

The ACTING CHAIRMAN: Another clerical adjustment is to be made, this time by deleting the words "South Australian" in line 17.

Clause as amended passed.

Clauses 34 to 41 passed.

Clause 42—"Abandonment of dogs."

Mr. EVANS: On behalf of the member for Chaffey, who has been called away from the Chamber, I now raise the matter that he raised during the second reading debate, namely, that in some areas dogs that are dumped can do a vast amount of damage. The member for Chaffey and many of his constituents thought that a penalty of $200 was not a sufficient deterrent for people dumping dogs in certain areas, because it is hard to apprehend them, and the chances of offenders being caught are remote. Would the Minister accept an amendment which was perhaps moved in another place and which was aimed at increasing the penalty, or does he believe that it is sufficiently high?

The Hon. G. T. VIRGO: I prefer not to accept a variation of the penalty, but obviously one cannot be too adamant. The honourable member will recall that the Select Committee considered for a considerable time the question of penalties. In many cases it increased them, but, most important, it tried to achieve a pattern in this respect so that the more serious offences (of which this is certainly one, as is that relating to a dog that sets upon and attacks a person or that where someone sets a dog on another person) involved similar penalties. If the penalty for a breach of this provision was increased, all the penalties would have to be examined, the fixation pattern having, I think, been sound.

Clause passed.

Clause 43 passed.

Clause 44—"Dogs attacking, etc., persons or animals."

Mr. MATHWIN: I move:

Page 17, line 6—After "was" insert "at the material time being".

This amendment does not alter the clause but merely makes it easier for the layman to understand. I hope that the Minister accepts it.

The Hon. G. T. VIRGO: I do.

Amendment carried; clause as amended passed.

Clauses 45 to 51 passed.

Clause 52—"Unnecessary to prove previous mischievous propensity."

The Hon. G. T. VIRGO: I move:

Page 21, line 7—Before the present contents of this clause insert subclause as follows:

(1) The person liable for the control of a dog shall be liable in damages for any injury caused by the dog.

This amendment is moved as a result of an observation made by one of our eminent judges, who has suggested that this sentence should be added to the clause so that the position is made clear.

Mr. EVANS: I support the amendment. In fact, I thought that this provision was originally included in the Bill. Persons should be liable for any damage that their dogs cause.

Amendment carried; clause as amended passed.

Clauses 53 to 57 passed.

Clause 58—"Licensing of kennels."

Mr. EVANS: I move:

Page 22, lines 36 to 39—Leave out, "which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given" and insert "supported by evidence that due notice of the proposed use of the land has been given to persons in the locality who may, in the opinion of the council, be affected, and"

The intention is to make sure that the council shall inform the people within close proximity that it believes will be affected by a kennel being established in the area. I hope the Minister will accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (59 to 66) and title passed.

The Hon. G. T. VIRGO (Minister of Local Government): I move:

That this Bill be now read a third time.

I thank the House and committee for the co-operation extended in dealing with this legislation. It has been difficult work but I am sure we will achieve something well worth while with it. I think it is a credit to all concerned.

Bill read a third time and passed.

ADJOURNMENT

At 5.42 p.m. the House adjourned until Tuesday 13 February at 2 p.m.